

UNION OF SOUTH AFRICA.

REPORT

OF THE

SELECT COMMITTEE

ON THE SUBJECT OF

**AREAS RESERVATION AND IMMIGRA-
TION AND REGISTRATION (FUR-
THER PROVISION) BILL.**

Printed by Order of the House of Assembly.

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[S.C. 9—'26.]—SUBJECT OF AREAS RESERVATION AND IMMIGRATION AND
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ORDERS OF THE HOUSE.

17th February, 1926.

ORDERED : That the subject of the *Areas Reservation and Immigration and Registration (Further Provision) Bill* be referred to a Select Committee for enquiry and report, the Committee to have power to take evidence and call for papers, and that it be an instruction to the Committee to bring up its report on or before Thursday, the 1st April.

19th February, 1926.

ORDERED : That the Minister of the Interior, Messrs. Alexander, Coulter, Duncan, Fordham, the Rev. Mr. Hattingh, Messrs. Lennox, M. L. Malan, Marwick, Sir Ernest Oppenheimer, Messrs. Pearce, Reyburn, Rood, van Hees and Vermooten be members of the Committee.

23rd March, 1926.

ORDERED : That Mr. Fordham be discharged from service on the Committee and that Mr. Waterston be appointed in his stead.

30th March, 1926.

ORDERED : That in terms of its Report, dated this day, the time for submission of the Committee's report be extended to Friday, the 23rd April.

13th April, 1926.

ORDERED : That Mr. Waterston be discharged from service on the Committee and that Mr. Fordham be appointed in his stead.

REPORT

OF THE

SELECT COMMITTEE on the subject of the *Areas Reservation and Immigration and Registration (Further Provision) Bill*, appointed by Orders of the House of Assembly dated the 17th and 19th February, 1926, the Committee to have power to take evidence and call for papers, and to consist of the MINISTER OF THE INTERIOR, MESSRS. ALEXANDER, COULTER, DUNCAN, FORDHAM, the Rev. Mr. HATTINGH, MESSRS. LENNOX, M. L. MALAN, MARWICK, SIR ERNEST OPPENHEIMER, MESSRS. PEARCE, REYBURN, ROOD, VAN HEES and VERMOOTEN.

Your Committee respectfully desires to report that it has examined a considerable number of witnesses representing among others the Government of India, various Indian Associations in South Africa, representative municipalities and European organizations specially interested in the Indian question.

After the completion of the evidence (which is submitted herewith) your Committee was informed by the Minister of the Interior that further negotiations had taken place between the Union Government and the Government of India, and that these have led to an agreement, subject to the approval of your Committee and of Parliament, to enter into a Conference for the purpose of co-operating in finding a real and effective solution of the Indian problem. This agreement is embodied in the following formula, which, if approved, is proposed to form the basis of and to be included in any public statement to be made by the respective Governments :—

“ The Government of the Union of South Africa and the Government of India have been further in communication with each other regarding the best method of arriving at an amicable solution of the Indian problem. The Government of the Union have impressed on the Government of India that public opinion in South Africa will not view

with favour any settlement which does not hold out a reasonable prospect of safeguarding the maintenance of western standards of life by just and legitimate means. The Government of India are prepared to assist in exploring all possible methods of settling the Asiatic question, and have offered to enter into a conference with the Union Government for the purpose. Any proposals that the conference might make would be subject to confirmation by the Governments of the two countries. The Union Government have accepted the offer of the Government of India and, in order to ensure that the conference should meet under the best auspices, have decided subject to the approval of the Select Committee and Parliament not to proceed further with the *Areas Reservation and Immigration and Registration (Further Provision) Bill*, until the results of the Conference are available."

After very careful and serious consideration your Committee has resolved to approve of this agreement and to recommend the holding of a Conference as agreed upon to the House. In order further to ensure that the Conference shall meet under the best auspices it accordingly recommends that the *Areas Reservation and Immigration and Registration (Further Provision) Bill* be not proceeded with until the results of the Conference are available.

Your Committee deems it advisable to ensure that no ground shall be lost by delaying the legislation which Parliament might consider necessary to deal with the Asiatic question and that no vested rights shall be created in the meantime and it therefore recommends that legislation, which might be enacted after the Conference, shall be made retrospective from the date when the Bill, if it had been passed, would have come into operation.

D. F. MALAN,
Chairman.

Committee Rooms,
House of Assembly,
21st April, 1926.

SPECIAL REPORT.

Your Committee begs to report that it finds it will be unable to complete its investigations on the subject of the *Areas Reservation and Immigration and Registration (Further Provision) Bill*, referred to it, within the time stipulated by the House and, therefore, requests that the date for the submission of the Committee's report be extended to Friday, the 23rd April.

D. F. MALAN,
Chairman.

Committee Rooms,
House of Assembly,
30th March, 1926.

PROCEEDINGS OF COMMITTEE.

PROCEEDINGS OF THE SELECT COMMITTEE, appointed by Orders of the House of Assembly, dated the 17th and 19th February, 1926, on the subject of the *Areas Reservation and Immigration and Registration (Further Provision) Bill*, the Committee to have power to take evidence and call for papers, and to consist of the MINISTER OF THE INTERIOR, MESSRS. ALEXANDER, COULTER, DUNCAN, FORDHAM, the Rev. Mr. HATTINGH, MESSRS. LENNOX, M. L. MALAN, MARWICK, Sir ERNEST OPPENHEIMER, MESSRS. PEARCE, REYBURN, ROOD, VAN HEES and VERMOOTEN.

Tuesday, 23rd February, 1926 (at 9.30 a.m.).

PRESENT :

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
Mr. Fordham.	Mr. Rood.
Mr. Lennox.	Mr. Vermooten.
Mr. M. L. Malan.	

Clerk read Orders of the House, dated the 17th and 19th February, 1926, appointing the Committee.

The Committee proceeded to the election of a Chairman.

On the motion of Mr. Vermooten,

Resolved : That the Minister of the Interior be Chairman.

In the absence of the Chairman,

On the motion of Mr. Vermooten,

Resolved : That Mr. Duncan take the Chair.

Clerk laid copies of the Bill upon the Table [A.B. 23—'26].

The Committee deliberated and adjourned at 9.45 a.m. until Wednesday, 3rd March, at 10 a.m.

Wednesday, 3rd March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
Mr. Fordham.	Mr. Rood.
Mr. Lennox.	Mr. Vermooten.

[S.C. 9—'26.]

The Secretary for the Interior was in attendance.

On the motion of the Chairman,

Resolved : That in terms of Standing Order No. 236, the evidence given before the Committee be recorded and transcribed in verbatim form.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, Kt., C.I.E., LL.D., and the Hon. Syed Raza Ali, Deputation representing the Government of India, and Mr. Girja Shankar Bajpai, C.B.E., Secretary to the Deputation, were examined.

The Committee deliberated and adjourned at 12.55 p.m., until to-morrow at 10 a.m.

Thursday, 4th March, 1926 (at 10 a.m.)

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Coulter. Mr. Duncan. Mr. Fordham. The Rev. Mr. Hattingh. Mr. Lennox. Mr. Marwick.		Sir Ernest Oppenheimer. Mr. Pearce. Mr. Reyburn. Mr. Rood. Mr. van Hees. Mr. Vermooten.
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The Secretary for the Interior was in attendance.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, Kt., C.I.E., LL.D., and the Hon. Syed Raza Ali, Deputation representing the Government of India, and Mr. Girja Shankar Bajpai, C.B.E., Secretary to the Deputation, were further examined.

The Committee deliberated and adjourned at 12.5 p.m. until to-morrow at 10 a.m.

Friday, 5th March, 1926 (at 10.30 a.m.)

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander. Mr. Duncan. Mr. Fordham. The Rev. Mr. Hattingh. Mr. Lennox.		Mr. Marwick. Sir Ernest Oppenheimer. Mr. Pearce. Mr. Reyburn. Mr. Rood.
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The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

The Rev. Charles Freer Andrews, of Santiniketan, India, was examined, and put in—

- (1) Memorandum on the Bill.
- (2) Documents relating to the Bill and the alleged Breach of Faith collected by himself [Printed].

The Committee deliberated and adjourned at 12.15 p.m. until Monday at 10 a.m.

Monday, 8th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr. Lennox.	Mr. Vermooten.

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

In the absence of the Chairman,

On the motion of Mr. Alexander,

Resolved: That Mr. Duncan take the Chair.

The Rev. Charles Freer Andrews, of Santiniketan, India, was further examined.

During the examination of the witness the Chairman entered the room and subsequently left again.

On the motion of Mr. Lennox,

Resolved: That Mr. Duncan take the Chair.

The Committee adjourned at 12.45 p.m. until to-morrow at 11 a.m.

Tuesday, 9th March, 1926 (at 11 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. L. Malan.	

In the absence of the Chairman,

On the motion of Mr. Alexander,

Resolved: That Mr. Duncan take the Chair.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, Kt., C.I.E., LL.D., and the Hon. Syed Raza Ali, representing the Deputation of the Government of India, and Mr. Girja Shankar Bajpai, C.B.E., Secretary to the Deputation, were further examined.

During the examination of the witnesses the Chairman entered the room, and Mr. Duncan vacated the Chair.

The Committee deliberated and adjourned at 12.45 p.m. until to-morrow, at 10 a.m.

[S.C. 9-'26.]

Wednesday, 10th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Pearce.
Mr. Lennox.	Mr. Reyburn.
Mr. M. L. Malan.	Mr. Rood.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, Kt., C.I.E., LL.D., and the Hon. Syed Raza Ali, Deputation representing the Government of India, and Mr. Girja Shankar Bajpai, C.B.E., Secretary to the Deputation, were further examined.

Mr. Andries Gustaf Erlank Pienaar, Secretary for the Interior, and Dr. John Edward Holloway, Director of Census and Statistics, were examined.

The Committee deliberated and adjourned at 12.45 p.m. until to-morrow, at 10 a.m.

Thursday, 11th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. L. Malan.	

Mr. Andries Gustaf Erlank Pienaar, Secretary for the Interior, and Dr. John Edward Holloway, Director of Census and Statistics, were further examined.

Mr. John Robertson Hartshorne, Registrar of Asiatics in the Transvaal and Principal Immigration Officer, Pretoria, and Mr. Everard Brande, Principal Immigration Officer, Cape Town, were examined.

The Committee deliberated and adjourned at 11.35 a.m. until Monday, at 10 a.m.

Monday, 15th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. M. L. Malan.
Mr. Coulter.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. van Hees.
Mr. Lennox.	Mr. Vermooten.

The Secretary for the Interior was in attendance.

In the absence of the Chairman,

On the motion of Mr. Reyburn,

Resolved: That Mr. Duncan take the Chair.

During the examination of the witnesses the Chairman entered the room and Mr. Duncan vacated the Chair.

Mr. Robert Geoffrey Maitland de Norman, Secretary of the Colonial Born Indians' Association, Cape Province, was examined.

The Committee deliberated and adjourned at 12.30 p.m. until to-morrow at 10 a.m.

Tuesday, 16th March, 1926 (at 10 a.m.).

PRESENT;

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. M. L. Malan.
Mr. Duncan.	Mr. Marwick.
Mr. Fordham	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Pearce.
Mr. Lennox.	Mr. Reyburn.

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

The Chairman laid upon the Table a letter from the United Cape Indian Association forwarding a statement upon the Bill.

Messrs. Robert Mullan Cooper, Mayor, and Wynand Gerhardus Delport, Town Councillor, of Krugersdorp, representing the interests of the Transvaal municipalities, were examined.

The Committee deliberated and adjourned at 12.15 p.m. until to-morrow at 10 a.m.

Wednesday, 17th March, 1926 (at 10. a.m.).

PRESENT:

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. M. L. Malan.
Mr. Coulter.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr. Lennox.	

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

The Chairman read and laid upon the Table a telegram, dated the 16th instant, from the Chairman of the Natal Colonial Born Indian Association, embodying a resolution taken at a mass meeting of Natal Colonial Born Indians that no evidence be given before the Committee by the Association.

Mr. Robert Mullan Cooper, Mayor of Krugersdorp, was further examined.

Messrs. Thomas Mansfield Wadley, Mayor of Durban, Alexander Eaton and Frank Horace Acutt, Councillors of the Durban Town Council, and Col. George Molyneux, D.S.O., V.D., Licensing Officer, Durban, representing the Durban Town Council, were examined, and Mr. Wadley put in a copy of a printed report of a sub-Committee appointed by the Durban Town Council to consider the Bill.

The Committee deliberated and adjourned at 12.40 p.m. until to-morrow at 10 a.m.

Thursday, 18th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Lennox.
Mr. Coulter.	Mr. M. L. Malan.
Mr. Duncan.	Mr. Marwick.
Mr. Fordham.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Reyburn.

The Deputation representing the Government of India was in attendance.

Messrs. Thomas Mansfield Wadley, Mayor of Durban, Alexander Eaton and Frank Horace Acutt, Councillors of the Durban Town Council, and Col. George Molyneux, D.S.O., V.D., Licensing Officer, Durban, representing the Durban Town Council, and Mr. Andries Gustaf Erlank Pienaar, Secretary for the Interior, were further examined.

The Committee deliberated and adjourned at 12.40 p.m. until to-morrow at 10 a.m.

Friday, 19th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Marwick.	Mr. Rood.
Mr. Lennox.	

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

Messrs. Alfred Townsend, representing the Victoria County Farmers' Association, Natal; John Stewart Young, Mayor of Port Elizabeth; and William Cox, Chairman, Young South Africa, were examined, and Mr. Cox put in a copy of *The Natal Witness*, dated 8th March, containing a report of a meeting held in Maritzburg, and addressed by Professor J. Thaele.

The Committee deliberated and adjourned at 12.35 p.m. until Monday, at 10 a.m.

Monday, 22nd March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Lennox.
Mr. Coulter.	Mr. M. L. Malan.
Mr. Duncan.	Mr. Marwick.
Mr. Fordham.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Reyburn.

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

Messrs. Alfred Townsend, representing the Victoria County Farmers' Association, Natal, and William Cox, Chairman, Young South Africa, were further examined.

The Committee adjourned at 1 p.m. until to-morrow, at 10 a.m.

Tuesday, 23rd March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Fordham.	Mr. Marwick.
The Rev. Mr. Hattingh.	Sir Ernest Oppenheimer.
Mr. Lennox.	Mr. Reyburn.
Mr. M. L. Malan.	Mr. van Hees.

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

The Chairman laid upon the Table—

- (1) Letter, dated the 10th instant, from the Secretary of the Krugersdorp Division of the Nationalist Party, embodying a resolution taken by that body in support of the Bill.
- (2) A memorandum on "Indian Reform," by Mr. Henry T. Barnett, representing commercial interests, Durban.
- (3) Documents relating to "The Indian Question" prepared by the Rev. Mr. C. F. Andrews [Printed].

Messrs. Hugh Munro Ross and Arthur Edward Kirkly, President and Secretary respectively of the Southern Suburbs European Association, Witwatersrand; and Daniel Saunders, J.P., President of the Natal Municipal Association, Henry Hosking, Mayor of Dundee; John Joscelin Belela Cooke, Deputy Mayor of Estcourt; William Heron Pitcher, Town Clerk of Estcourt, and Herbert Henry Kemp, a member of the Durban Town Council, representing the Natal Municipal Association, were examined.

The Committee deliberated and adjourned at 12.45 p.m. until to-morrow, at 10 a.m.

Wednesday, 24th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Waterston.
Mr. Lennox.	

The Secretary for the Interior and the Deputation representing the Government of India were in attendance.

Clerk read Order of the House, dated the 23rd instant, discharging Mr. Fordham from service on the Committee and appointing Mr. Waterston in his stead.

The Chairman laid upon the Table—

- (1) Copy of a special report on the Asiatic population of the Union by the office of Census and Statistics. (Special Report series No. 14.)
- (2) Statement by Professor James Thaele, President of the Cape African National Congress, on the Bill.
- (3) Letter, dated the 17th instant, from Hajee Sullaiman Shah Mahomed, forwarding a statement with annexures on the subject of the Bill.

Messrs. S. M. Rahim and B. Singh, representing the United Cape Indian Association, and B. Desai and E. Norodien, representing the Cape British Indian Union, were examined.

The Committee deliberated and adjourned at 12 noon, until tomorrow, at 10 a.m.

Thursday, 25th March, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. L. Malan.	Mr. Waterston.

The Secretary for the Interior was in attendance.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, Kt., C.I.E., LL.D., and the Hon. Syed Raza Ali, the Deputation representing the Government of India, and Mr. Girja Shankar Bajpai, C.B.E., Secretary to the Deputation, were further examined.

The Chairman laid upon the Table copy of resolutions passed by Urban Local Authorities in respect of the Bill, and a copy of a letter from Mr. H. Norman of Durban in support of the Bill.

The Committee deliberated and adjourned at 11.40 a.m. until to-morrow, at 10.30 a.m.

Friday, 26th March 1926 (at 10.30 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Coulter.	Mr. Pearce.
Mr. Duncan.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr. Lennox.	Mr. van Hees.
Mr. M. L. Malan.	Mr. Vermooten.
Mr. Marwick.	Mr. Waterston.

The Chairman laid upon the Table a letter, dated 3rd instant, from the Consul-General for China, on the subject of the Bill.

The Committee proceeded to the consideration of the subject of the Bill.

The Committee deliberated.

The Chairman moved : That the Committee recommends to the House that the principles embodied in the subject of the Bill be approved.

Mr. Alexander moved, as an amendment :

- (1) That in the opinion of this Committee the only just and effective method of meeting the alleged unfair competition of the Asiatic in trade and industry and to improve his alleged insanitary habits, is not to introduce legislation of the kind now before the Committee, but to pass legislation of a general kind affecting all sections of the community alike and insisting on a strict observance by all of civilised economic and living standards.
- (2) That in the opinion of this Committee it is desirable to explore every avenue leading to a solution of the Asiatic problem in South Africa on voluntary lines, which will remove the fear on the part of the European population in South Africa of Asiatic encroachment and which will prevent any feeling of humiliation on the part of Asiatics in South Africa or the people of India.
- (3) That to achieve this result the Bill should not be proceeded with further this session.
- (4) That the Government should consider the advisability of resuming negotiations for a Round Table Conference with the Government of India and the advisability of drawing up an agenda for such Conference, including, *inter alia*, the subjects of voluntary repatriation and future trade relations.
- (5) That the Government should consider the advisability of recommending to the Governor-General the desirability of convening a special session of Parliament for the purpose of considering the report of such Conference as soon as possible after the conclusion of the Conference.

Mr. Reyburn, moved, as a further amendment : The Committee having heard the evidence considers that a better method of solving [S.C. 9—26.]

the Asiatic question might possibly be achieved by a Conference between the Government of India and the South African Government, one of the main items on the agenda being the improvement of the facilities for repatriation of Asiatics from South Africa, and recommends that before proceeding with the passage of the Bill every avenue open for a non-contentious settlement of the Asiatic question should be explored.

The Chairman stated that the question of negotiations between the Government of India and the Government of the Union was a matter of Government policy, and that what had been referred to the Committee was not the question of whether there shall be a Round Table Conference and what the terms of reference of such a Conference should be. But what had been referred to the Committee was the subject of the Bill, and, in his opinion, any resolution on the part of the Committee recommending a Round Table Conference was outside the scope of the terms of reference of the Committee. For those reasons he ruled out of order paragraphs (4) and (5) of Mr. Alexander's amendment as well as the amendment proposed by Mr. Reyburn.

On the motion of Mr. Alexander,

Resolved: That Mr. Speaker's ruling be obtained.

The Committee deliberated and adjourned at 12 noon until Tuesday, at 9.15 a.m.

Tuesday, 30th March, 1926 (at 9.15 a.m.).

PRESENT:

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.		Sir Ernest Oppenheimer.
Mr. Coulter.		Mr. Pearce.
Mr. Duncan.		Mr. Reyburn.
The Rev. Mr. Hattingh.		Mr. Rood.
Mr. Lennox.		Mr. van Hees.
Mr. M. L. Malan.		Mr. Vermooten.
Mr. Marwick.		Mr. Waterston.

The Chairman laid upon the Table—

(1) Letter, dated 18th instant, from the President of the Malvern Indian Progressive Association, forwarding a statement on the subject of the Bill, in so far as the regulation of immigration portion thereof is concerned.

(2) The following ruling by Mr. Speaker, in compliance with the resolution of the Committee of the 26th instant:—

Mr. Speaker: With reference to the points raised at the meeting of the Select Committee on the subject of the *Areas Reservation and Immigration and Registration (Further Provision) Bill* held on the 26th instant and upon which my ruling has been asked, I desire to state that the Chairman of the Committee consulted me before the meeting on the possibility of points such as are contained in the proposed amendments being raised. The discussion was of

a general nature and very brief and I informed the Chairman that it seemed to me that the question of repatriation and a round-table conference would fall outside the scope of the Select Committee's inquiry.

I have now before me the proposed amendments and, having gone carefully into the matter, I have come to the conclusion that the amendments are admissible.

As the Bill was referred to the Select Committee before the Second Reading, the Committee is not confined to the terms of the Bill and the scope of its inquiry is very wide indeed.

When a Bill is referred to a Select Committee for inquiry and report before the Second Reading, with power to the Committee to take evidence and call for papers, it means that the whole subject dealt with in the Bill can be inquired into and recommendations can be made thereon irrespective of the terms of the Bill. It follows that the Committee may, if it thinks fit, recommend the adoption of other methods than those contemplated by the Bill for the purpose of achieving the desired results.

The Committee deliberated.

With leave of the Committee, paragraphs (4) and (5) of the amendment moved by Mr. Alexander, as well as the amendment moved by Mr. Reyburn, on the 26th instant, were withdrawn by the movers.

On the motion of Mr. Waterston,

Resolved: That the Chairman specially report to the House requesting that, in view of the fact that it finds that it will be unable to complete its investigations on the subject of the Bill within the time stipulated by the House, the date for the submission of the Committee's report thereon be extended to Friday, the 23rd April.

The Committee deliberated and adjourned at 10 a.m. until Wednesday, the 14th proximo, at 10 a.m.

Wednesday, April 14th, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Reyburn.
Mr. Duncan.	Mr. Rood.
The Rev. Mr. Hattingh.	Mr. Vermooten.
Mr. M. L. Malan.	

Clerk read Order of the House, dated the 30th ultimo, that in terms of its report of that date, the time for submission of the Committee's report be extended to Friday, the 23rd April.

Clerk read further Order of the House, dated the 13th instant, that Mr. Waterston be discharged from service on the Committee and that Mr. Fordham be appointed in his stead.

The Committee deliberated and adjourned at 10.5 a.m. until Friday, at 10 a.m.

[S.C. 9-'26.]

Friday, 16th April, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.		Mr. Reyburn.
Mr. Duncan.		Mr. Rood.
The Rev. Mr. Hattingh.		Mr. van Hees.
Mr. Marwick.		Mr. Vermooten.

The Committee deliberated and adjourned at 10.5 a.m. until Monday, at 9.30 a.m.

Monday, 19th April, 1926 (at 9.30 a.m.)

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.		Mr. Marwick.
Mr. Coulter.		Mr. Pearce.
Mr. Duncan.		Mr. Reyburn.
Mr. Fordham.		Mr. Rood.
The Rev. Mr. Hattingh.		Mr. van Hees.
Mr. M. L. Malan.		Mr. Vermooten.

The Committee deliberated and adjourned at 10.45 a.m. until to-morrow, at 11.30 a.m.

Tuesday, 20th April, 1926 (at 11.30 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.		Mr. Marwick.
Mr. Duncan.		Mr. Pearce.
Mr. Fordham.		Mr. Reyburn.
The Rev. Mr. Hattingh.		Mr. Rood.
Mr. Lennox.		Mr. Vermooten.
Mr. M. L. Malan.		

The Committee deliberated.

With leave of the Committee the Chairman withdrew the motion moved by him on the 26th ultimo, for the purpose of substituting the following, and moved :—

Having been informed that further negotiations between the Union Government and the Government of India have led to an agreement, subject to the approval of this Committee and of Parliament, to enter into a Conference for the purpose of co-operating in finding a real and effective solution of the Indian problem, this Committee resolves to approve of that agreement and to recommend its acceptance by the House.

In order to ensure that the Conference shall meet under the best auspices the Committee further resolves to recommend that the *Areas Reservation and Immigration and Registration (Further Provision) Bill* be not proceeded with until the results of the Conference are available, and in order to ensure that no ground shall be lost by delay and no vested rights be created in the meantime, to recommend that legislation which might be enacted after the Conference shall be made retrospective from the date when the Bill, if it had been passed, would have come into operation.

The Committee deliberated and adjourned at 12 noon, until tomorrow at 10 a.m.

Wednesday, 21st April, 1926 (at 10 a.m.).

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Duncan.	Mr. Pearce.
Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. L. Malan.	Mr. Vermooten.

The Committee proceeded to the consideration of the motion moved by the Chairman on the 20th instant.

On the motion of the Rev. Mr. Hattingh,
Resolved: In line 1, after "informed" to insert "by the Minister of the Interior".

The motion, as amended, was then put and agreed to.

The Chairman submitted a draft Report which was considered and adopted.

On the motion of Mr. Duncan,
Resolved: That the Chairman report accordingly.
The Committee rose at 10.15 a.m.

(MINUTES OF EVIDENCE.

SELECT COMMITTEE ON AREAS RESERVATION AND IMMIGRATION AND REGISTRATION (FURTHER PROVISION) BILL.

Wednesday, 3rd March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
Mr. Fordham.	Mr. Rood.
Rev. Mr. Hattingh.	Mr. van Hees.
Mr. Lennox.	Mr. Vermooten.

Mr. George Frederick Paddison, C.S.I., Sir Devaprasad Sarvadhikari, The Hon. Syed Raza Ali and Mr. Girja Shankar Bajpai, C.B.E., examined.

1. *Chairman.*] You are the Deputation appointed by the Government of India to give evidence before this Committee? —(*Mr. Bajpai.*) Yes. Mr. Paddison, who is Labour Commissioner in Madras, is the leader of the Deputation; Sir Devaprasad Sarvadhikari is an ex-member of the Indian Legislative and a quondam Vice-Chancellor of the Calcutta University; the Hon. Syed Raza Ali is a member of the Council of State, and I am Secretary to the Deputation. The following statement is presented by the Government of India Deputation to the Select Committee:—)

The circumstances in which we, the Deputation of the Government of India, have been authorized to give evidence before your Committee are set forth in the correspondence between the Government of India and the Union Government, which was laid on the Table of the House of Assembly by the Honourable the Minister of the Interior on the 17th February. We understand that the procedure of referring a Bill to a Select Committee of the House before second reading is unusual, and has been adopted in the case of the *Areas Reservation and Immigration and Registration (Further Provision) Bill* to “widen the scope [S.C. 9—26.]

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of evidence so as to include the principles of the measure." These principles, as we hope to show, have stirred Indian sentiment everywhere to its utmost depths, and vitally affect the contentment and well-being of the Indian community in South Africa. The exceptional procedure of which the Select Committee is the outcome was, we assume, approved by the Government and Parliament of the Union in appreciation of this aspect of the situation. We also feel sure that this step was taken in consequence of an earnest desire on the part of the Government and Parliament of this country to ensure that the proposed legislation should not be placed on the Statute Book without the fullest investigation of its necessity and its implications. We therefore appear before the Committee in the hope that they will give the most earnest and impartial consideration to our representations.

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

3. Our observations, however, are based not only on considerations of equity and imperial exigency, but also on our study in the Union of the "general position and economic condition" of the Indian community in South Africa. That study, though short, has been intensive. It included an inquiry into local conditions at Durban and its suburbs, Stanger, Verulam, Tongaat, Pietermaritzburg, Ladysmith, Dundee, Glencoe and Vryheid in Natal; at Johannesburg, Springs, Benoni, Boksburg, Vrededorp, Germiston, Potchefstroom and Pretoria in the Transvaal, and at Cape Town and its suburbs, Port Elizabeth, East London, and Kimberley, in the Province of the Cape of Good Hope. In the course of our investigations we ascertained the intensity of the Indian opposition to the Bill, and the

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reasons for that opposition. We also endeavoured to visualize the effect of the application to the Indian community of the principle of compulsory segregation for purposes of residence and trade; and to assess the extent and strength of the alleged prejudice against the Indian, and the reasons for that prejudice. Our conclusions, therefore, have been arrived at after careful consideration of the situation in the Union as it presented itself to us.

4. We shall first try to describe the historical and psychological background which is necessary for a correct understanding of the Indian attitude. (Addressing the Imperial Conference in 1923, Lord Peel, then His Majesty's Secretary of State for India, said that the position of Indians in other parts of the Empire was "a matter of sentiment and feeling.") The point requires some elucidation with reference to India's place in history and her present position in the Empire. For racial pride and racial aspirations are the product of tradition. It would be impossible to appreciate fully and correctly the strength of Indian feeling throughout the world on the position of Indians in South Africa, without a brief retrospect of India's past, or reference to her present-day achievements and her legitimate expectations as an integral portion of the British Commonwealth. Since the days of Alexander, the march of events in the great sub-continent has found faithful chroniclers. Its history stretches into a remoter antiquity; but their records bear ample testimony to India's civil splendour and military renown. Before the Christian era Indian colonists penetrated into Java and portions of the Far East: the temples of Borobudur and Nakhon Vat still bear testimony to the impress of their genius on these countries. India gave birth to two of the world's greatest religions, Hinduism and Buddhism. Among her earliest rulers was Asoka, whose temporal power was greater than that of Charlemagne, and whose spiritual fervour firmly established Buddhism in China and Tibet. Among her earliest poets was Kalidasa, whose beautiful lyrical drama, "Sakuntala," won the spontaneous homage of Goethe. Schopenhauer eulogized one of her best-known systems of philosophy in the following words: "In the whole world there is no study so elevating as that of the Upanishads. It has been the solace of my life—it will be the solace of my death." The confluence of philosophic subtlety and mysticism characteristic of early mediæval Hindu society, with the artistic energy and political genius of her Muhammadan rulers, further enriched Indian civilization. Numerous

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travellers and ambassadors from Europe have written of the magnificence and organization of the most illustrious Mussulman dynasty that governed India. The fabled peacock throne is a memory of that magnificence; the An-i-Akbari an impartial witness to that organization. We shall not enlarge on either at too great length. We shall only mention the two most abiding monuments of Moghul influence: the magic mausoleum of the Taj Mahal at Agra, and the system of land revenue organization, which the British power in India has adopted. When dominion in India passed to the British Crown, the civilization of her people received recognition in the gracious declaration of Her Majesty Queen Victoria that neither their colour nor their creed shall be a bar to their advancement. That promise, which was reaffirmed by His late Majesty King Edward VII and His Majesty King George V, has already been fulfilled in a generous measure, for Indians have been promoted to the British Peerage and His Majesty's Privy Council, have been elected to the British House of Commons, and, with the exception of the Vice-Royalty, have held every high office in India. In the world of literature and science they have vindicated their ready adaptability by the completeness with which they have assimilated western culture. In literature and art, Tagore; in science, Roy, Bose and Raman; in oriental scholarship, Bhandarkar and Shibli; in mathematics, Ramanujan; in educational statesmanship, Sir Syed Ahmad; in politics, Gokhale have worthily upheld India's claim to be included in the world's intellectual aristocracy. In sport, which occupies so important a place in the life of western nations, the pre-eminence of an Indian, Prince Ranjitsinghi, is universally acknowledged. Her industrial advance has been no less remarkable. (It is submitted, therefore, that by virtue of the antiquity and vitality of their civilization, Indians have established a strong claim to be treated as the equals of any race. Most civilized countries recognize this in their treatment of Indian nationals.)

5. (This claim is further strengthened by the position which India now occupies in the British Commonwealth as well as the comity of nations. In accordance with the declaration made on behalf of His Majesty's Government on the 20th August, 1917, a substantial measure of self-government was conferred on India in 1921. *Vis à vis* the other Dominions of the Empire, India has already acquired a status of equality. Since 1917 she has participated in every Imperial Conference on the same footing as the

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Dominions. Her representatives were admitted to the Imperial War Cabinet on terms of equality with those of the autonomous parts of the Empire. Her representatives, like those of the other Dominions, signed the treaties of peace concluded after the Great War. Like the other component States of the Empire, she is an original member of the League of Nations. At every international conference held since the conclusion of the Great War at which the British Empire has been represented by the spokesmen of Great Britain as well as the Dominions, a representative of India has been included in the Imperial delegation. We would refer to the conference on the Reduction of Armaments at Washington as the most notable example. And, in recognition of her position as one of the foremost industrial nations of the world, she occupies a seat on the governing body of the International Labour Office.

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

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

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surveyors that you explore all the hidden places of the earth."

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

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

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

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

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to tell the story of what Indian labour accomplished for Natal in the words of official commissions appointed at different periods by the Natal Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9. In the light of this short survey of Indian history and tradition, and of the part played by Indians in the development of South Africa, it will, perhaps, be admitted that the Indian's expectation of respect and of the same treatment as is accorded to other classes of his Majesty's subjects is rational and legitimate.) Nevertheless, his actual status in South Africa to-day is, in many respects, inferior to that of the European subjects of His Majesty, and he is denied privileges which are extended to those who owe no allegiance to the King-Emperor — in fact, even to ex-enemy subjects. Thus, except in the Cape Province, he is not in enjoyment of the political franchise. The municipal franchise for which, until recently, he was eligible in Natal was taken away from him by the Natal Boroughs Ordinance (No. 19 of 1924) and the Natal Township Franchise Ordinance (No. 3 of 1925). A series of resolutions and laws ending with the Asiatic (Land and Trading) Amendment Act (Act No. 37 of 1919) has completely prohibited the acquisition by him of immovable property in the Transvaal, except in such localities as Government may for sanitary reasons assign to him for purposes of residence. The Durban Borough Lands Alienation Ordinance (No. 14 of 1922) and the Natal Borough and Township Lands Ordinance (No. 5 of 1923) have had the effect of imposing a similar disability on the Indian in respect of purchasing or leasing land belonging to municipalities in Natal.

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

“ We do what we can to restrict further Indian licences. A European licence is granted as a matter of [S.C. 9—'26.]

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course, whereas the Indian licence is refused as a matter of course, if it is a new one."

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

Except on suburban lines in the Cape Province, Indians may not travel by rail in compartments other than those specially reserved for non-Europeans; in some places they may use only reserved seats on tramcars, and only reserved taxicabs and rickshaws. Except in the Cape Province, they may, also, not transact the normal business in post and telegraph offices at counters other than those specially set apart for non-Europeans. In the law courts in Durban we saw a notice prominently exhibited in the Registrar's Office requesting lawyers to send only Europeans to take out processes of the Court, as non-Europeans would not be attended to. Popular prejudice is responsible for their exclusion from hotels and places of amuse-

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ment like theatres and cinemas.) It is not suggested that the laws or administrative orders or the racial prejudice of which this differential treatment is the consequence are now in issue. The recital of these disabilities is intended solely to illustrate the contrast between legitimate Indian expectations and the actual status of the Indian community in South Africa.

11. It is sometimes contended that the Indian's services to one section of the community cannot be allowed to complicate the racial problems of South Africa. This cannot, however, be treated as an excuse for subjecting him to invidious treatment. (In the first place, the Indian labourer did not come to Natal of his own accord. In spite of the opposition to Indian immigration which emanated from certain quarters, the movement was, for a considerable period, actively encouraged by the authorities. Though the contract for hire on which the Indian came to the country was originally for a limited number of years, he was assured that he could engage in agricultural or commercial pursuits and move about with the same freedom as other sections of the community. Later, to achieve the same object, he was permitted to commute his right to a free passage to India for the equivalent value in land. In the second place, as the Clayton Commission pointed out in 1909, the employment of Indian labourers was widespread, and not confined to one or two particular industries. General farmers evidently found them as useful as the owners of sugar estates, and Government railways and coal mines employed them by the thousand.) And, as has already been indicated in para. 7 of this statement, their activity has been of great benefit to the province as a whole. (The trader who came in the wake of the labourer ministered first to the wants of his own fellow-countrymen and later to the needs of the whole community. As several Europeans, including bankers and large wholesale merchants, told us, their standard of commercial honesty is as high as that of any other race, their dealings with their customers are fair, and they are always considerate and courteous to their clients. In the third place, the bulk of the Indian population in South Africa was born in the country and knows no other home. According to the Census of 1921, the percentage of Indians born in the Union was 67.27 per cent.; many of them are complete strangers to India, her languages and customs. In the fourth place, to quote the words of Mr. W. H. Dawson, a recent writer on South Africa who is not unduly sympathetic to the Indian: "Fair-minded Europeans [S.C. 9-'26.]

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readily admit that the best of their Indian neighbours are quiet and unassuming in civic and business relationship, keeping themselves to themselves, rendering ready obedience to the laws of the country, so far as they are understood, and maintaining an orderly and exemplary domestic life."

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

12. (Their attitude of unrest and alarm at their position in the Union, which is scarcely in accord with any principle of equity, is influenced by three other factors. First, the Indian community in South Africa and Indian opinion throughout the world looks upon all fresh restrictions as a breach of the settlement of 1914, popularly known as the Smuts-Gandhi Agreement, which they regard as a guarantee that the status which Indians in South Africa had acquired in 1914 would at least be maintained. Second, they are unable to understand why, even though the white population of South Africa is no longer threatened with an Asiatic influx, the few rights that they still enjoy are being steadily curtailed. Speaking at the Imperial War Conference in 1917, General Smuts said: "Once the white community in South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, all the other questions would be considered subsidiary, and would become easily and perfectly soluble. That is the position in which we are now—that the fear which formerly obsessed the white settlers has been removed; the great principle of restricting immigration for which they have contended is on our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India; and that being so, I think that the way is now open for a peaceful and statesmanlike solution of all the minor administrative troubles which occurred and will occur from time to time. Of course, the main improvement has been the calling of

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India to the Council Chamber of the Empire. Here, if any question prove difficult of treatment, we can discuss it in a friendly way and try to find a solution in consultation, and I am sure we shall ever find it. I for one do not consider that among the multitudinous problems which confront us in our country, the question of India will trouble us much in the future." In 1918, on a similar occasion, Mr. Burton made the following statement: "As far as we are concerned it is only fair to say—and it is the truth—that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding quiet citizens, and it is our duty to see . . . that they are treated as human beings with feelings like our own and in a proper manner." Indians find it difficult to reconcile restrictive legislation such as has been enacted in Natal, or is now contemplated in the provisions of the *Colour Bar Bill* and the *Liquor Laws Consolidating Bill* specially affecting Asiatics, with the principles of policy embodied in the pronouncements of two responsible South African statesmen who, at the time the statements were made, spoke on behalf of the Government of the Union. They can still less understand so deep an affront to their self-respect and so drastic a diminution of their present rights as involved in the *Areas Reservation and Immigration and Registration (Further Provision) Bill*. Third, they feel that the Union Government which, when the Act of Union was passed, was made the sole guardian of their interests owes them special protection, since, except in the Cape Province, they are denied the political franchise which, wherever representative institutions prevail, is the surest safeguard of the rights and interests of any section of the community.)

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

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

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

(i) *Compulsory Commercial and Residential Segregation.*
—Commenting on the proposals for residential segregation [S.C. 9—26.]

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

Their sense of humiliation is aggravated by the knowledge that the Bill seeks to place them on a lower level than certain Coloured elements of the population of the Union. Where Indians have inter-married with the Malay community, it is feared that to racial humiliation will be added the bitterness which is born of a consciousness of inequality between husband and wife. From the commercial point of view segregation would spell ruin to many Indians and ultimate restriction of opportunity to all. Businesses which now rely

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on a European clientele will be extinguished within a generation; in the majority of cases, much sooner. Indian trade will be restricted, geographically, to a special area, practically to a section of the community which will probably be the poorest. The consequences, immediate as well as remote, of such a drastic curtailment of existing rights need no undue elaboration. We would merely ask the Committee to reflect on the results of the restriction now contemplated on the many Indians who carry on business at present in premises owned by themselves or hired from Europeans, in areas that may be set apart for the latter. (From our experience we can assure them that there are many such in Natal; that in the Transvaal, where the acquisition of fixed property by Indians has always been restricted, probably the majority of Indian traders hold land on lease from Europeans;) that in the Cape Province, where men of various races trade alongside each other—the dividing line is the class of business or financial capacity—segregation for the purpose of trade will impose very great hardship.

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

(ii) *Restriction in regard to Acquisition of Property.*—In the Orange Free State Indians cannot hold immovable property at all. In the Transvaal they were subject to stringent limitations until 1st May, 1919, and since then acquisition of property has been prohibited. In the other two provinces where they have been subject to no such disability, the restrictions now contemplated in the Bill constitute a drastic innovation. The effect of these restrictions in so far as they are designed to subserve the policy of racial and commercial segregation has already been indicated in the preceding paragraph. They will also reduce the value of property owned by Indians in European areas by restrict-

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ing the market for its sale. But grave consequences will ensue from the creation of the Coast Belt. It is in Natal that the Asiatic population is highest; at the last Census the numbers were 141,000 out of a total of 165,000 for the whole Union, of whom 161,000 were Indians. Nearly 48,000 were concentrated in Durban and its suburbs. If the total for the area likely to be included within the proposed 30-mile belt were taken the figure would be larger. A considerable proportion of these are agriculturalists whose sole ambition is to own their own plot of land and cultivate it. Some of them own the land on which they grow crops; but the majority are squatters on land which does not belong to them but mostly to Europeans. This is the class which will be hit hardest by the establishment of the coast belt with the attendant condition that members of one race shall not, within that belt, outside class areas, buy or lease land from members of another race. Its effect will be to drive Indian squatters on European land from their natural métier into the labour market. The squatter will lose a congenial employment if not his livelihood; the agricultural labourer will lose all prospect of investing his savings in land, for the area of agricultural land owned by Indians is strictly limited; the general consumer will suffer from a shrinkage of the supply of vegetables and fruit, and a consequential increase in the price of these articles; the labour market from a glut of cheap labour, and the urban community generally from congestion in towns, especially Durban, whither the squatter, deprived of his holding, will drift in quest of work. This particular phase of the restrictive policy will probably be a source of grave embarrassment to the entire community; for the indentured Indian and his descendants who have done so much for Natal it will be disastrous.

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

“ Clause 16 (b) of the Bill will have the effect of restricting further entry of Asiatics lawfully resident in other parts of the Union into Natal and the Cape of Good Hope. The reasons for proposing this provision are unknown to us, but we venture to point out that the restrictions of freedom of Inter-provincial movement must seriously affect vested interests. Again, imposition of the

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time limit in respect of the entry into the Union of wives and children of lawfully resident Indians prescribed in (ii) of the proviso to clause 17 is scarcely in consonance with terms of para. 3 of the reciprocity resolution of 1918, which did not contemplate any such limitation, and which representatives of South Africa accepted. In view of the disparity between the two sexes of the resident population, it will inflict great hardship on unmarried Indians.

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

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

14. We have avoided any discussion of the details of the Bill, for, as we have already pointed out, the objection of the Government of India to its underlying principles is fundamental. Our comments on the principles purport to show how they involve a drastic curtailment of his already attenuated rights—rights which fall far short of his legitimate claims as a subject of the Empire, a useful citizen of the Union and a civilized human being. In the course of our investigations we have had evidence of the existence in certain circles of a feeling hostile to him. The Bill presumably constitutes an attempt to placate this feeling. We would urge that, so far as we have been able to ascertain, the sentiment to which the Bill is a concession is not founded on fact. Since the Asiatic Inquiry Commission definitely rejected the idea of compulsory segregation, the Indian has made no encroachment on the sphere of the European. On the contrary, in the municipalities of Natal, the number of European trading licences has increased by 15 per cent. as against an increase of only 5 per cent. in Asiatic licences. In the Transvaal in the municipalities of Krugersdorp, Johannesburg, Zeerust, Middelburg, Pietersburg, Volksrust and Potchefstroom, where opposition to the trading activities of the Indian community was most

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vehemently voiced before the Asiatic Inquiry Commission, the number of Asiatic General Dealers' licences had fallen from 1,902 in 1921 to 1,671 in 1923. In the whole province the decrease in such licences between 1922 and 1923 was 296. Official comparative figures of European and Indian employment in the various industries are not available. Individuals who were most positive in stating that the Indian had ousted the European from certain trades could produce no consolidated statistics, but only isolated instances. Information for the magisterial districts of Durban and Pinetown, which was compiled by the Director of Census for the period 1916-1917 to 1922-1923, gives such figures in respect of Europeans and non-Europeans. Among the latter, Natives and Coloured persons are also included. These statistics reveal no change in the position since 1919 which can even remotely be described as a setback for the white worker. On the contrary, in several of them the percentage of non-Europeans has actually diminished. (In any case, an attempt to solve the problem of economic competition, whether in industry or trade, on racial lines is neither equitable nor sound. It is not equitable since on no principle can the Indian be assigned a position of racial inferiority. It is not sound since economic evils require economic remedies. It is suggested that the only way to secure a healthier relation between various elements of the population and safeguard the proper economic development of the country is to aim at raising the educational and economic standards of the Indian section of the community to those of the European. Co-operation between different elements of the population on a footing of equality, not conflict engendered by a sense of grievance, should be the aim of policy.) In India and other parts of the Empire such co-operation, notwithstanding differences of religion and customs, has been successfully tried. The experience gained in India provides the most convincing justification of the value of such co-operation. We are confident that were such co-operation attempted in South Africa there would be no Asiatic problem.

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

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

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and toleration as is required by any of the Treaties and by the regular action of the Council.”

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

16. In the preceding paragraphs we have tried to show how the disabilities to which Indians in South Africa are subject are incongruous with their civilization, their position in the British Commonwealth of Nations and their services to the Empire and to South Africa. We have endeavoured to indicate the nature of the feelings with which Indians of all classes in the Union regard the proposed Bill. We have also tried to explain that though there is a feeling of alarm among the white community regarding the competition of the Indian, it is not well-founded. We hope we shall not be misunderstood if, before we conclude, we also emphasize the strength and universality of feeling which the Bill has roused in India. Passionate regard for *Izzat*—a national phrase for which “honour” is but a feeble substitute—is the link which unites Indians throughout the world. Indians in India look upon the treatment of fellow-Indians who have settled in other parts of the Empire as the test of their own status in the Empire. Any humiliation inflicted on them they resent as an affront to their own honour. This sentiment is as genuine as it is widespread. It is not the product of artificial agitation, but the spontaneous reaction of a highly sensitive national temperament. It would be a mistake to infer that this sentiment is animated by any arrogant or aggressive desire to interfere in the internal affairs of another portion of the Empire. Nothing is further from the mind of the people of India. They are, on the contrary, anxious to live on terms of friendship with all their fellow-subjects. All they seek is reciprocity in honourable treatment. It is a grievous disappointment to them that although South Africa is no longer menaced with an influx of immigrants from India, the rights of the Indian community in the Union are being progressively diminished. They feel such treatment to be incompatible with the spirit of the assurances they received when the Government of India passed to the British Crown that there shall not be in the eye of the law any distinction [S.C. 9—'26.]

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against them by virtue of their colour or creed. They feel it to be inconsistent equally with the assurances given subsequently by responsible South African statesmen like General Smuts and Mr. Burton. They fail to understand why relations between India and South Africa, which are geographically near to each other, and whose friendship should be mutually advantageous in commerce and defence, should be subjected to a strain which with goodwill and sympathetic understanding could easily be allayed. The present Bill they regard as an unnecessary incentive to estrangement. They feel that the Indian problem in South Africa should be susceptible of a solution honourable and satisfactory to both parties if the two peoples and their Governments approach it with sympathy and vision. To achieve such a solution it is imperative to establish a calmer atmosphere for consultation and discussion. It was with this object that the Government of India suggested a conference, whether in South Africa or in India. Consideration of amity, justice and expediency still require that such an atmosphere should be established. The passage of the Bill will only aggravate the situation. We hope that the Parliament and people of South Africa will deal with the problem in a spirit of friendliness, wisdom and justice.

G. F. PADDISON.

RAZA ALI.

DEVAPRASAD SARVADHIKARI.

Cape Town,

3rd March, 1926.

2. How long has the Deputation been in South Africa?—We arrived in Durban on the 16th of December and have been here roughly two and a half months.

3. How long have you been in Cape Town?—Since the 10th of January.

4. Your enquiry in South Africa with regard to this Indian question was begun on the day you landed?—Yes.

5. And ended when you arrived in Cape Town?—No. After we had examined witnesses and inspected places here, two members of the deputation, the Hon. Syed Raza Ali and Sir Devaprasad Sarvadhikari, visited Port Elizabeth and East London. They were away for ten days and did not get back to Cape Town until the 27th of January. (*Mr. Paddison.*) We have also been making various enquiries in Cape Town and suburbs.

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6. Can you give us an idea of the way in which you set about making your enquiry in South Africa?—(Mr. Bajpai.) When we arrived in Durban we at once got into touch with the representatives of the South African Indian Congress and the Natal Indian Association and asked them to establish contact in South Africa between us and various Indian bodies and individuals in the Union who were anxious to put their views before us. Further, we took steps, with the help of the official the Government of South Africa placed at our disposal, to get into touch with Europeans as far as we could in regard to the subject matter of our enquiry. At every important town we visited we also took the opportunity of interviewing the Mayor and the Town Council. In brief, we had informal meetings with anything from 60 to 70 European gentlemen representing various schools of thought. We also had discussions with representatives of the British Indian Association in the Transvaal, the Natal Colonial Born Indian Association and other important Indian Associations. Apart from interviewing people and getting to know their views, we inspected the conditions prevailing in various localities. For instance, as is indicated in our statement, we enquired into the local conditions in Durban and suburbs and took a trip to Tongaat, Verulam and other places round about Durban, and along the south coast generally. In the Transvaal we visited Germiston, Boksburg, Vrededorp, Benoni, Springs, Potchefstroom, Pretoria, etc., and here in the Cape Province, we have been to Kimberley, Port Elizabeth and East London, besides Cape Town and its suburbs.

7. You think you have been successful in getting into touch with the European opinion in regard to this question?—I should undoubtedly say so.

8. You had no difficulty in getting interviews with representatives of Town Councils?—No. They were always agreeable to grant us an interview. Whenever we approached them they were quite willing to give us a hearing and to place at our disposal such information as we wanted. In regard to licence statistics, it was not always easy for us to get the information we required, but we received every courtesy from them.

9. We here are concerned with a South African problem. Objections have been raised against the way in which Indians generally are treated in this country as far as our laws are concerned. Objection is made against the discrimination between Europeans and Indians. Now, does this South African problem with regard to Indians stand alone in the world, or do you more or less find the same [S.C. 9—'26.]

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feeling, the same circumstances and the same legislation in other parts of the world?—I may claim a certain amount of knowledge in regard to the conditions relating to Indians in other parts of the world because three years ago I visited other parts of the British Empire, Australia, Canada and New Zealand, and I also studied conditions in the U.S.A. I will take the various parts of the British Empire first. In Australia the only disability to which British Indians were subjected until recently was in regard to the franchise. There are five states in Australia and in two of them, viz., Western Australia and Queensland, Indians do not possess the provincial franchise. In view of the constitutional position, Indians in those provinces are also not entitled to vote at elections of representatives to the Federal Parliament. As a result of the visit in 1922, legislation was passed towards the end of last year conferring on the Indians in those two states the right to vote at federal elections. That is the position as far as Australia is concerned. The State Governments told us in 1922, that their action in the matter of the State franchise depended upon the action of the Federal Parliament as the Federal Government had taken the responsibility to confer political rights on Indians where they didn't already enjoy it, and they would have to carry out that pledge first. Then the State Parliaments would follow suit.

10. *Mr. Reyburn.*] When?—In 1921, at the Imperial Conference. As far as I know the State Parliaments have not taken any action yet.

11. *Chairman.*] Will you proceed with your explanation of the conditions of Indians in the other parts of the British Empire?—In New Zealand there has been no disability on Indians at all. Of course there was the ordinary immigration difficulty which I may say was set at rest definitely in 1918 when it was recognized that each dominion, including India, had the right to regulate the composition of its own population by means of suitable immigration laws. Then in Canada the Indian has the franchise, both federal and provincial, in all the provinces except British Columbia. There is no restriction on Indians in Canada; an Indian can acquire property where he likes, live where he wishes to, visit theatres, etc.—there is no restriction. In British Columbia the difficulty is not the Indian population. There I was told they would be glad to confer any rights within reason on the Indians that were asked for, but that they had a large population of Chinese and Japanese whom they were not in a position to treat similarly. Canada, I believe, has an agreement very much on the lines of the agreement which the U.S.A.

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had with Japan in regard to immigration and a limited number of Japanese are getting into the country.

12. I think you will agree that for the purposes of comparison between other countries and ourselves it is important to know what the percentage more or less would be of Asiatics to Europeans in those countries. Have you any idea of the numbers of Indians or Asiatics generally in Australia? I think the European population of Australia would be about 5 million?—So far as that goes, it is admitted that the proportion of the Indian or Asiatic population to the European in this country is larger than it is in Australia, New Zealand and Canada. I would make an exception in the case of British Columbia where it is about equal.

13. We want to get actual figures. Have you any idea of the number of Indians in Australia?—About 2,000 Indians in Australia; 652 in New Zealand, and 1,300 in Canada. In California there might be as many as 6,000.

14. The population of Canada is 8 million?— $7\frac{1}{2}$ million Europeans, I think.

15. The position is that in Australia we have about 2,500 Indians against 5 million Europeans; in New Zealand 650 against $1\frac{1}{2}$ million Europeans, and in Canada, about 1,300 against $7\frac{1}{2}$ million. I think you will agree that the problem in South Africa, on account of the number of Indians in the country against the small number of Europeans, is a different one to what it is in the other countries mentioned. I think you will agree that Australia, New Zealand and Canada could hardly speak of an Asiatic menace?—The position is this. If you take the problem of South Africa as a whole, then the Asiatic population is 165,000 as against 1,500,000 Europeans. If, on the other hand you take it by provinces and consider Natal, you will find that the position there is similar to the position of British Columbia where the Asiatic population is about 100,000. Further, I think that the conditions in British Columbia and in Natal may be said to be on a basis of parity, but if you were to examine the respective privileges and disabilities, you would see that the disabilities of the Indian in Natal weigh down the balance.

16. We have been speaking so far of the treatment of the Asiatics in these different countries who are there at present. With regard to immigration to those countries that have been named, have you any idea of the restrictions of their immigration laws?—Yes.

17. Are Asiatics admitted under the immigration laws to any of these Dominions?—So far as Australia and New Zealand are concerned I should say, generally speaking, no. So far as Canada is concerned, a number of Japanese and Chinese are still admitted every year. The immigration laws of [S.C. 9—'26.]

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Canada which more or less conform to the immigration laws of this country, differ in one respect. In Canada they insist upon the immigrant having travelled all the way on one ship; and there is no through connection between India and Canada. Japan has through lines running and therefore they are eligible and they do get in.

18. Do you think that these restrictions laid on Asiatics as far as immigration is concerned into these countries which have been settled by Europeans are merely on account of racial antipathy?—It is very difficult to say because seemingly everybody says it is purely on economic grounds, but I should certainly say in the last resort there is an element of colour prejudice.

19. You would not say that that would be the chief motive?—It is an old saying of the Chief Justice of England “The thought of man is not knowable for the devil himself knoweth not the thought of man.” I am not in a position to say whether or not that is the determining factor. I merely expressed what I observed.

20. Anyway I think you will agree it is rather remarkable that these countries that have been named, including the United States, where the Asiatic population is very small think that they must protect themselves by practically prohibiting immigration of Asiatics into their countries. We will rule out Canada because there it is really a problem in one of the provinces and take Australia and New Zealand as the examples. It seems that there is practically a consensus of opinion with regard to this point in these different countries?—You have put Canada out of court, as it were. With regard to Australia and New Zealand I should like to say something. Their especial problem is very largely a question of defence. In Queensland (?) you do not find prejudice against the Asiatic on economic grounds; a basic wage has been adopted and the Indian gets that wage and there is not the same degree of prejudice as there is in Natal for instance. You have only to look at the map of the world with Australia as your focus and you will find that it is within 10 days' sail from Japan and you have this over-crowded country, Japan, casting longing eyes on Australia. Then, what is more, according to the constitutional law of Japan a Japanese person can never lose his Japanese allegiance no matter where he may be born. Bearing this in mind, it is natural that there is alarm at the back of the minds of the people of Australia, which is unpeopled and parts of which are tropical and suitable to a tropical people. It is also natural that they should put up these barriers against immigration. We cannot expect them

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to say that they will allow only Indians to come in because they are British subjects. Japan as a friendly power would also say that her nationals should be admitted. This might lead to international complications. I think that is a fact that has to be taken into calculation when you consider the immigration laws. But I think it will be as well to point out that we are not opening the question of Indian immigration into South Africa now.

21. Has it never struck you that Europe has successfully colonised several parts of the world—America, for instance. Also Australia, New Zealand, the southern part of Africa, but notwithstanding the closer contact between Europe and Asia over many centuries, there is not a single country in Asia which has been successfully colonised by Europeans?—In the first place I should mention a notable exception, Siberia. The whole of Siberia is suitable for the European and is practically open at the present moment for European colonisation. Russia has expanded there. . . . You will have observed that the European colonist in the matter of immigration took the line of least resistance, and wanted to go to areas where the resources of the soil had not been worked for any length of time. In India where we have an old established civilisation and a teeming population, it was obviously out of the question for the European to go there and colonise in the sense they colonised South Africa and other parts of the world. (*Mr. Paddison.*) Except in the plantation areas in the hilly tracts on the Nilgiris, etc., where you have very similar conditions to those you have in Natal. (*Mr. Bajpai.*) Of course I was speaking generally in regard to colonisation. When you come to our hilly tracts, in Kulu, and Kumaun, you will find that the whole of the fruit interests and orchards are run by Europeans, who have practically settled there.

22. Looking at the position generally, we may say that Europe has not been successful in establishing colonies in Asia. Of the position in Siberia I do not know very much, but my impression is that Siberia is not peopled by the ordinary Asiatics, and I think the population of Siberia is not very large?—That, I think, is perhaps the one reason why the European has not colonised it.

23. Generally, the European has not taken root as far as colonisation in Asia is concerned, and the fact that European countries as those we have named think that they have to protect themselves by restrictions on immigration of Asiatics, does not that show to your mind that the European finds it impossible to compete economically with the Asiatic?

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—That is not our experience in India. I can speak with a certain amount of knowledge of the conditions in my own country, and I may say that the European does compete, and competes successfully, with Indians. You have the English trading houses; fruit growing has been established as a business and the English have almost a monopoly of it. Tea growing in Assam is a monopoly held by the English. Coffee growing in Madras and Ceylon is a monopoly. I cannot admit that the European, given the opportunity, is not successful.

24. Is that not due merely to the fact that the European is able to supply the capital?—(*Mr. Paddison.*) They actually do compete with the Indian. The Indian has capital and does compete with the European in the matter of tea and coffee, but the European succeeds. (*Sir Devaprasad Sarvadhikari.*) The European with capital does succeed, but you are thinking of the poorer class of European. The Government and private services are open to them.

25. Can you give us any idea as to the different classes of Indians in South Africa. I think it is stated in the report of the Asiatic Inquiry Commission of 1921, the the trading class are mostly from Bombay, and that as far as their religion is concerned it is Mohammedan?—(*Mr. Bajpai.*) Yes.

26. And that the labouring class—those imported for the sugar plantations, came from Madras?—Yes.

27. And they are Hindus?—Yes.

28. I believe in India you still have the caste system. To what caste do these Indians of the labouring class from Madras generally belong?—(*Mr. Paddison.*) In India there is the fighting class, the merchant class and the artizan. The Indians to whom you refer would belong mostly to the labouring class as they are labouring people, and there are all sorts within that class; we have Sikhs and various other people. Speaking generally, as is to be expected, they do not belong to these three classes, the fighter, the trader or the priest.

29. I am not so well acquainted with the caste system. What would the social status of the Indians I have mentioned be in India?—Not very high. In that labouring class there are all sorts.

30. *Mr. Reyburn.*] Mostly pariahs?—I do not think the majority would be pariahs.

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31. *Chairman.*] The caste system as far as I understand it means that you have got social segregation and that the lines are drawn very sharp?—Yes, I should think it does. There is nothing in the law regarding this. The lower castes can travel in the same railway carriage, and on all our councils, provincial councils, municipal councils and local boards, the latter being equivalent to the Divisional Councils here, these people are represented. I do not mean they are represented by other classes, but by a representative of their own class. (*Sir Devaprasad Sarvadhikari.*) There is one important qualification to the social restriction, and that is confined to inter-marriage and sometimes to religious worship.

32. You would not say that the Indians that have come to South Africa and who belong generally to the labouring class, are unaccustomed to the idea of segregation?—(*Mr. Paddison.*) I should not say that. There is no legal provision against their living where they like. (*Mr. Raza Ali.*) I believe Mr. Paddison is speaking of his own part of India. So far as Madras is concerned it is the chief province where the social distinctions are at their height, but speaking of the other provinces—and there are many labourers who came from the Hindustan—we have no social prejudices and no social distinction. On the whole in those provinces social distinction is not recognised.

33. *Sir Ernest Oppenheimer.*] Social distinction by custom or law?—(*Mr. Bajpai.*) Custom. I am a Brahmin, a caste which according to tradition, is regarded as the highest in India, and when I was a nominated member of the Legislative Council in the United Provinces, the man who sat next to me was one of the lowest class. The law did not recognise any such distinction at all, and the fact that I was a Brahmin and he was of the lowest class made no difference. He represented the lowest class. I mention this to give you an illustration of the absolute equality of the classes in the eyes of the law.

34. *Mr. Rood.*] What is the attitude of the European? Does he make any distinction?—The European regards them all as one. (*Mr. Paddison.*) The European makes absolutely no distinction.

35. *Mr. Alexander.*] Is there any law in India restricting your residential or trading rights?—(*Mr. Bajpai.*) None whatever.

36. *Chairman.*] Have you any idea of the number of Indians still coming into South Africa under our immigration laws?—I do not quite follow. How do you mean “coming in”?

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37. Lawfully coming in?—I confess I have not any statistics on that subject, nor did the Immigration Department have any clear idea in regard to that. I can tell you about the machinery to regulate immigration as it works in India.

38. The point I wish to bring out is this. You will agree that according to our census figures a fairly large number of Indians are still coming to the country in spite of our immigration laws. According to the census about 13,000 Indians came as immigrants to the country lawfully between 1911 and 1921, and of those 13,000 about 12,000 are women. Under these circumstances do you not agree if women are continually coming in in comparatively large numbers to South Africa, the Indian problem here is not diminishing but increasing and it means that we are establishing in that way a permanent Indian population in South Africa?—My answer is this. I have not analysed the figures you mentioned and I should be surprised to find that as many as 13,000 came from India between 1911 and 1921. You say 13,000 Indians have come in between 1911 and 1921. Your Immigration Restriction Act came into operation in 1913. Before that the position as regards immigration from India was not so rigid as it is now. If you analyse these figures, not according to sex but according to age which is the fundamental consideration you will find that they are mostly minors. Your Immigration Acts concede the right of the Indian who has lawfully taken up residence in this country to bring in his minor children and wives, and even to-day the disparity in the sexes is in the neighbourhood of 30 per cent. My explanation as to why 12,000 out of those 13,000 are women is that the Indians who are domiciled in this country are bringing in their wives and children. I can assure you of this, that there is no possibility of leakage at our end for the reason that first we undertook in 1918 not to issue a passport to anybody to come to this country who could not convince us he had domicile, in other words, he was lawfully entitled to come to the country, and secondly, in 1922 we passed an Act that not one single individual was to leave the country for purposes of labour to travel to any other part of the world without the express consent of the Legislature, and South Africa is not a country to which assisted emigration is allowed.

39. Assuming that we have got in South Africa an Indian problem, and assuming that South Africa thinks that in its own interests immigration of Indians should be restricted as much as possible so as to keep the whole problem within dimensions in South Africa, does not this fact that Indian women are coming in lawfully in fairly large numbers not

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accentuate the problem, because, as you say, a good number of Indians are unmarried, if they come to South Africa for trade purposes they are practically, seeing their wives are in India, domiciled in India. If they bring their wives and children here and establish homes and rear children, is not thereby a problem accentuated as far as we are concerned?—My answer is that you cannot in the light of your experience of the last ten years, 1911 to 1921, generalise for the future. Because twelve thousand women came in between 1911 and 1921—and I doubt if the number is so large—it does not follow that another twelve thousand are coming in between 1921 and 1923. Secondly, after all, this is a question which was fully considered and I think we may say finally settled in the light of the Smuts-Ghandi Agreement that people lawfully settled in this country would be allowed to bring in their wives and children. Then at the Imperial Conference in 1917 and 1918 an undertaking was given that so far as this is concerned that would be the general position. Each component part of the British Empire is able to enact laws to prohibit further immigration. If you were to do otherwise I am quite sure you would appreciate that you would be penalising these people who are lawfully settled in this country and who have not their wives and children here; if they are not allowed to bring in their wives and children, what are they to do here? They would go and marry the native or coloured woman, or do worse things.

40. As the position is now there are about 58,000 unmarried Indian males in the country. That shows, if the laws remain unaltered, what the potentialities with regard to Indian immigration under our existing laws are for the future?—I may state, in the first place, that the 12,000 women are not adult women. I should be surprised if the statistics show that these 12,000 women were adult women. In fact, taking the normal proportion, one-half of these must be children under 16 years of age.

41. The increase in the Indian population was 13,000?—That is a different thing.

42. The increase was over 13,000, and of those about 12,000 represent women. The introduction from outside during the 10 years amounted to 7,400. The whole position shows that Indians coming into the country are mostly women—I do not think so. May I just read what your Director of Census has to say on this subject? “The total numerical increase of the Asiatic population of the Union between the census of 1911 and 1921 was 13,528. Of these 12,327 were females.” Our experience in regard to the Fiji Islands and British
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Guiana, where no immigration has been allowed since 1914, is that the preponderance in the birth rate is of females.

43. The proportion of males to females in 1911 was and in 1921 it was 124 to 100. That shows an increase in the female population of the country. It is impossible to get that increase by the ordinary births in South Africa; it is due to the introduction of families from outside?—It will surprise you that in Fiji there has been an increase of 28 per cent., very largely as the result of the birth rate. (*Sir Devaprasad Sarvadhikari*) The world statistics show a balance in favour of the woman all the world over. (*Mr. Bajpai.*) The same is the case in Malaya; you will find the proportion of women to men has been steadily increasing. The female birth rate is higher than that of the man. I understood the whole time we were discussing the increase by immigration. As I anticipated the total increase was 13,000 odd. The introduction from India of 13,000 women in 10 years would be incredible. (*Mr. Raza Ali.*) I believe that the point is, as far as lawful immigrants are concerned, something like 7,400 women have come in. The Indian problem has been dealt with as a whole, and I really do not see how the proposed stopping of the entry of women is going to solve the Indian problem. The unmarried Indian who is here will no doubt marry; if he does not marry an Indian woman he will marry either a coloured or a native woman, and his children will not cease to be Indian because he marries a native or coloured woman. I do not see how that helps the problem. Even if a single woman does not come the unmarried Indian will marry here and the Indian problem will remain as it is.

44. *Sir Ernest Oppenheimer.*] In the statement presented by your Government you have endeavoured to indicate the nature of the feelings with which Indians of all classes in the Union regard the proposed Bill. How do Europeans in India feel about the laws and conditions in South Africa regarding Indians? The whole evidence produced in your statement deals with the effects it has on the Indian population. It will be interesting to know how the Europeans—the small minority of 170,000 Europeans—feel?—(*Mr. Paddison.*) I think that is rather important, looking at this problem. There are all sorts and conditions of parties in India as there are here and there are many points in which we—the small minority of Europeans—might differ from the Indians. There are occasions we may differ—between different parties and other parties, but on this point in regard to the treatment of Indians, India is unanimous, including the European population. We have our special newspapers in nearly every Province which cater largely for European readers. We have

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“The Times of India,” “The Statesman,” Calcutta, and “The Madras Mail.” Then you have your extremist papers at the other end which represent the agitators and all sorts of different other parties in between. On this point in regard to the treatment of Indians in South Africa “The Pioneer” and the other newspapers absolutely agree. We Europeans—I speak now, not as a Government servant, but as expressing the opinion of the average European in India—we think that the Indians in South Africa are not getting a square deal. I am sorry to have to say this, but it is our opinion and we stand by that opinion in India. You are dealing with an alien population. Wherever you have different sections of the population we feel terribly about the Indian section of that population being treated unfairly. With us it is a matter of fair treatment. Whatever people may say about the various agreements settled by the Government it has been said many many times that if we send no more Indians to South Africa those you have here now would be treated well. That was the promise given to us. If this Bill goes through we cannot regard that this is fair, reasonable treatment. These people belong to the British Empire and have come over here under certain conditions and you felt that there were too many and you agreed in South Africa that if we sent no more you would treat those here decently, that is to say, treat them fairly. On visiting the various parts of South Africa we find that South Africa generally does not appreciate the position of the Indian in this matter, by which I mean the position of the Indian gentleman. I have very many friends among Indian gentlemen and they feel this apallingly, that they should be treated as though they are lower than the races here known as the Cape Malays or Mauritius Creole. My chief, at present in India, to whom I have to report, is a Madras man—Sir Mahomed Habibulla—and an old friend of mine; when I write to him and get orders you can imagine how a gentleman of that sort feels when he hears how his own people are regarded as outcasts. The European sympathizes with that feeling because of his Indian friends and it is that it is unfair that the promise that they should get a fair deal if no more Indians were sent over is being broken.

45. You have noticed for yourself in South Africa that the people feel that something should be done to solve this problem and that the majority are in favour of this measure. Are we to understand that the whole population of India feel as you have stated? Are there no divisions of opinion?—No divisions in any sense I know of. (*Mr. Raza Ali.*) A big English merchant, Sir Edgar Holberton, who held a good position in India, granted an interview to the “Star.” He

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put the case very strikingly and gave expression to the same view as has been expressed by Mr. Paddison. The European feeling in India in regard to this matter is unanimous.

46. You can have a colour bar or restrictions by law, or by custom. Personally, I feel the restrictions created by custom are more forcible than the others. Do you people in India create a colour bar by what you do. Take an office, for instance, is an Indian prevented by custom from filling a position as a clerk?—(Mr. Bajpai.) I do not think so. As has been indicated in our statement, Indians have been members of His Majesty's Privy Council; Indians have sat in the House of Commons; and the present Executive Council of the Governor-General which is equivalent to the Cabinet in India is composed of an equal number of Europeans and Indians; there are three Europeans and three Indians. There is no office, except that of Viceroy which has not been filled by an Indian at some time or other.

47. Say I started an office in India and appointed an European manager to run that office, would custom prevent me from advancing an Indian to any high position?—On the contrary you have Indians filling the highest positions in European firms. Take, for instance, Messrs. Martin & Company, a very big firm of architects. The present senior partner started as a junior clerk. I have quoted this to give you an instance of a private European firm advancing an Indian, because of his merits, to the highest position in that firm.

48. In your statement you say that the people of India feel that the Indian problem in South Africa should be susceptible of a solution honourable and satisfactory to both parties if the two peoples and their Governments approach it with sympathy and vision. Have you any suggestion to make? You say the move we have suggested is not acceptable to you. Would it be possible for you to put forward some other suggestion?—(Mr. Paddison.) What I feel about this and what the Government of India feel is that we rather differ as to what the Indian problem in South Africa actually is. You have to get down to bedrock as to what is the Indian problem in South Africa. We are rather afraid of seeming to dictate a solution. If the problem is an economic one we are willing to discuss the matter but if the problem is how to get the Indians out of South Africa then it is another thing altogether. What is the problem that wants solution? I think I am right in saying that whatever may happen as matters stand at the present, the Indians here are part of your popu-

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lation and you have agreed that if we send no more you will look after them, and if you now want to get them out of the country, if that is your object, the policy contained in this Bill will prevent that very solution more than anything else you could find. The Indian in South Africa is at present going back to India in certain numbers but if this Bill becomes law they will dig themselves in here and this will actually prevent people returning to India. (*Mr. Bajpai.*) If this Bill becomes law I would not be surprised if the Indian legislature passed a law to the effect that no Indian domiciled in South Africa would be allowed to enter India. (*Mr. Paddison.*) If you want to get these Indians out I say it would be very much better to do nothing than pass a Bill like this because this Bill will make them remain here. (*Mr. Raza Ali.*) I agree with what has been said as far as practical suggestions are concerned. I think that if the Government of India were asked to consider the question as a whole they would be prepared to do so. If you want us to say which parts of the Bill are acceptable and which parts are not acceptable to us we say that no portion of the Bill could possibly be acceptable, but if you are prepared to discuss the problem as a whole with the Government of India I am sure that they will be willing to do so. (*Mr. Paddison.*) If your object is to squeeze the Indian out of South Africa, not by force, but by indirect pressure, it is very difficult for the people in India and Indian opinion would be so strong that at the present we cannot do anything. I am only saying that this Bill will do harm.

49. There are two aspects to this question from your point of view. If the question is to force the Indian out of South Africa you say you cannot help, but that if the problem is an economic one you say that you are willing to discuss it and might put forward some suggestions?—My view of the problem is this. You have 160,000 Indians in the whole of South Africa, that is one Indian to every four square miles which is nothing. As I have gathered from the accounts given to me by the people with whom I have spoken about this matter the inter-provincial feeling is so strong on this matter that the provinces have to look after the Indians they have already got, and that there is no idea of spreading them over South Africa at present. You have to consider the provinces separately. Of the 160,000 Indians in South Africa, 140,000 are resident in Natal and the problem is, I may say, a Natal problem. The rest of the Indians are practically a negligible number except in the

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Transvaal where you have the economic problem. Out of that 140,000 Indians in Natal, 48,000 are in Durban and suburbs, and I must say that when I was in Durban I was surprised as I did not realize what a tremendous proportion of the problem lies in Durban. This suggested solution of taking the people off the land will increase that problem which is not a racial problem, but a problem of congestion. I may say that I am a Madras man and have lived with these Madras people all my life, and I know that the natural tendency for them when they get money is to get a bit of land and go in for market gardening, and my idea of a solution would be to encourage that tendency on their part. If I were resident in Natal I would encourage these people to live on the sugar estates and I understand a good many people are doing that. It is a good way to solve the problem of congestion. Give them a few acres of land on the estate and let them cultivate their sugar; their sons will be available for work on the estate. If you once realize that this problem is one confined to Natal and very largely confined to Durban, I think then your whole object should be to spread them out and not push them into Durban. (*Mr. Bajpai.*) Mr. Paddison, our leader, has expounded the two points of view from which the Indian problem is looked at; the first is whether you want to squeeze the Indian out by indirect pressure and the other is that he is here in the country and in certain spheres of life is alleged to be competing with the European under conditions not favourable to the European. With regard to the latter, I should say that the Government have made suggestions from time to time, *e.g.*, through Sir Benjamin Robertson in 1920-'21, and by means of despatches and telegrams. Their point of view has been that you have to merge them in the community by making them western; if you are not satisfied with their standard of living, by raising that standard; if your objections to them are on grounds of their ignorance, by educating them. These are the broad lines on which suggestions have been made in the past, and further, as the Minister has stated in the House, they say that if these statements of policy or methods of administration appear to be too general they are prepared to discuss in Conference with the Union Government lines of settlement. You have had the Indian population in your midst for the last 60 years and have propounded a solution of your Indian problem in this Bill. We have studied the Bill and consider that that solution is not satisfactory. You cannot expect us, sitting 6,000 miles away, without the possibility

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of having a direct and intimate exchange of views, to submit a solution. If you want us to crystallize something concrete then the offer for a discussion is still open.

50. *Mr. Duncan.*] I see that in paragraph 13 of your statement you state three basic principles. The first is compulsory commercial and residential segregation. Do you take strong exception to that principle?—(*Mr. Raza Ali.*) Yes, very strong exception.

51. On what grounds?—On the grounds that as the Chief Justice pointed out in Matan's case if the Indian has to trade under these conditions he might as well not trade at all—he would be a ruined man. I am either the owner of my premises or I am the lessee. If I am the lessee, which is very largely the case in those provinces where Indians are to be found, when my lease expires I must go and remove to some other place. I have built up a very flourishing—

52. I am not talking about the steps to be taken. I am talking about the principle of having separate areas for trade or residence or both. Do you object to that principle?—Yes.

53. On what grounds?—It is a principle which, the moment you talk of it, introduces a stigma of racial inferiority which is resented.

54. Does the principle of having separate areas for trade or residence or both impart racial inferiority. If you have a law that Indians are to live in separate quarters and Europeans in separate quarters that does not imply inferiority?—Looking to the conditions that obtain in this country and looking at the way to which the Indian activities are confined, he would be considerably restricted; it is so obvious.

55. You have travelled in different parts of South Africa with the Deputation?—Yes, I have been to every part we have visited throughout our enquiry.

56. Have you observed that there are objections—prejudices—on the part of the Europeans of South Africa to live in close contiguity with coloured races?—I believe the only place where the feeling was clearly expressed was at Durban where we made a considerable stay, and there, so far as I was able to observe the feeling is a vague one. It was the expression of the Europeans' opinion at Durban that to the Berea the European did not welcome the Indian. I have not noticed the same feeling elsewhere, at any rate not to the same extent.

57. In another case for example, there are people of the working class or what one might call the lower middle class who object to Indians buying plots mixed up with the plots [S.C. 9—26.]

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they, the Europeans, have bought?—(*Mr. Bajpai.*) May I point out that the Indians cannot buy plots now in the Transvaal.

58. They have in the past?—(*Mr. Raza Ali.*) So far as the general principle is concerned an Indian cannot buy property in the Transvaal or Free State. If you take the case of Natal, under recent provincial legislation, it is open to a Borough or Town Council to lay down any conditions it likes against the Indian acquiring property belonging to those bodies. Ordinances Nos. 14 of 1922 and 5 of 1923, have been passed providing for this, and the dates of these Ordinances show that it is a recent tendency. It seems that it has been in existence in a modified shape or form, but matters lately have come to a head. I think if the practical working of the principle has to be taken into consideration you have all you want already, namely, that these two Ordinances are there. We are very sorry that they are in force, but there they are in spite of the protest made by the Government of India. If you put on the statute book an Act embodying this principle it would go to show that the Indian is no better than the native of this country.

59. I want to know what grounds you have for drawing conclusions of that kind. Why do you interpret from a Bill which proposes to establish separate areas that that confers a stigma?—If the European has objections to my living with him and those objections are based on the fact that I am an Indian it is obvious that he does not consider me his equal, and I have a right to treat it as a stigma on me.

60. I think you must have recognized that there is in South Africa rightly or wrongly this prejudice—an inherent prejudice against the white and coloured population living together. It exists in other parts of the world?—I do not think there is any other part of the world where it exists in the same degree.

61. It exists here to an acute degree?—(*Mr. Bajpai.*) No—where in the world is there statutory segregation.

62. I do not say there is, but this prejudice does exist in South Africa to an acute extent?—(*Mr. Raza Ali.*) Where does it come in? Where are the points of friction? The Indian and the European do not meet; they do not travel in the same tramcars or cabs; they do not go to the same theatres and other places of entertainment. The only point of friction can be when you deal with the merchant when you pay him.

63. I am not suggesting what the reasons for this prejudice are. I am asking you to recognize as a fact that this pre-

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judice does exist?—My answer is that the points of friction are non-existent. The only intercourse is between wholesalers and wholesalers and between retailers and retailers of the two races.

64. Take a township laid out and largely occupied by small European holders who have bought their plots there, would you admit it would cause a great deal of friction amongst those people if they found a number of those plots had been acquired by Indians or coloured people?—(Mr. Raza Ali.) I do not think I can admit that. I know a number of places where the Europeans are living happily with the Indians.

65. Where?—(Mr. Raza Ali.) Here in Cape Town. Then take our host in Durban, Mr. Moosa. While in Durban we stayed in his house and we learnt the people who are actually his neighbours have no complaints. Here in Cape Town the conditions are different to what they are in Durban. In Cape Town a property where an Indian is a neighbour fetches the same price as a property where a European is the neighbour. In fact, there is a case where the property went up in value after an Indian had gone to the adjoining property. I do not say that was because of the presence of the Indian, but it shows that the fact that the Indian was a neighbour did not depreciate the value of that property.

66. You say it does not cause property to depreciate?—No; we have actual cases to prove that.

67. I will ask you to assume that it is so. I am talking of the Transvaal very largely. Owing to this prejudice, if it is found that a number of plots in a particular township have been bought by Indians or by members of other coloured races such as Japanese or Chinese, that the European, owing to this prejudice, would regard that township a less suitable place for him?—That cannot be the position in the Transvaal because an Indian cannot acquire land in the Transvaal.

68. Because of the restrictions we adopted?—I thought you were discussing the principles of the Bill. The point would be this, if I might anticipate your next question, that if the bundle of total rights of citizenship in South Africa may be assumed to consist of 20 shillings or a pound the Indian has not got more than 3s. 6d. and the passage of this Bill will reduce that 3s. 6d. to 6d.

69. Assuming that there is this prejudice and this social friction caused by the two races being able to acquire property side by side, why do you object to a law, which in order to avoid this friction, is going to set up separate areas for Indians?—If you want me to assume that friction is necessarily caused, that is a different thing. But if you keep it as an open question, there is nothing to show that the present

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position of Indians leads to friction—there are no points of friction.

70. You complain in this statement of the disabilities to which Indians are subject, about the difficulties of travelling on public conveyances such as tramcars, and the use of the Post Office facilities. If there is no friction between the two races, why are there these disabilities?—If you want to provide for all these cases the only way is to drive the Indian out of the country.

71. These restrictions are not the result of a decision taken by the Government; they are restrictions arising from the feelings of the nation?—And therefore we have not much to say on that. So far as society is concerned, it has its own rules. I have no right to place myself in your society. But why should the State subject any particular class of the community to these legal disabilities. I am not discussing social questions, but as regards legislative measures, why should there be a disability of that character which implies a stigma on the Indian.

72. You admit that apart from the Statute book there is this prejudice?—Yes, in social matters. But I do not know how far the European's prejudice against the Indian goes economically. So far as social matters are concerned, well, we will take them as they are.

73. Do you not think if the law steps in to prevent the clash or friction of these two peoples as far as possible that it might open the way to the abolition of this friction and trouble?—On the other hand I would say that so far as individual parties are concerned let them work out their own social relations, but why in the name of goodness should the Government be a party to imposing any disability.

74. The State steps in in order to prevent individuals from accentuating this trouble by putting itself in the way of the races one way or the other. Why should you regard the establishment of separate areas as a stigma? The State says "We have all these racial troubles; we have complaints that the two races are living together and competing with each other unfairly, and we are going to take away the cause by saying each of you will have separate areas?—The very fact that you segregate shows that the one race regards itself as so much superior to the other. I would like you to come up to Boksburg with me and see the conditions existing there where the position of the Indian is most humiliating. The very fact that you make people live in places like they do in Boksburg and that you think that they live happily under those conditions, is most humiliating to us."

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75. I am talking of the question of the principle?—If you go to Boksburg, or Vrededorp or one of the places in the Transvaal and see the condition of affairs there as regards the Indian population, I hope you can see what my feelings would be. (*Sir Devaprasad Sarvadhikari.*) In regard to the question of prejudices, as my friend has been trying to explain, the moment you attempt this differentiation by means of this Bill and take sections of the people bodily out of their surroundings and environment in which you have allowed them to grow as part of your people and attempt to dump them elsewhere under humiliating circumstances great mischief is bound to accrue. I am not considering for the moment the squalor of the locations to which my friend has alluded obtaining in Boksburg and other towns, I will assume that if this Bill becomes law you will make the areas veritable hygienes as far as the Indians are concerned—you attempt, without any reasons, except those of prejudice—if they do exist, to take these units out of their natural and proper surroundings and that would be an insult that they would seriously resent. It is only recently these prejudices came in existence and whenever they started you have taken the precautions. I assume that so far these precautions have not been considered unsatisfactory and because of some abuses you start drastic measures affecting the whole community. Look at the position from the point of view of Indian society. If the Indians are of the better class of society, what would you be doing to them? Making them worse and worse. They are your nationals. Times without number our Government has said what we repeat, namely, that your objective should be that they should raise themselves in order to take their place in society if they have not done so yet, with the assistance of healthy public opinion. The Indians here are now trying to live up to your standards, though their educational facilities are poor. I must say that coming here and seeing these Indians I see a different people, whom I could not recognize in India, striving their best towards western civilization; your proximity to them has been a help to them; it has not been such a help as we could desire, but it has been a help. Now firstly you propose to take them away from where they have been for the past 65 years or more; secondly to take them to regions where they are apprehensive that worse things will happen than when they are in your proximity; thirdly, taking away from them all incentive to be better, educationally and otherwise; and fourthly, creating a deep sense of indignation because of insult which will make them utterly undesirable citizens. That would be a source of danger to society. We

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have come across numerous white people who have no objection to the Indian. If things contemplated by the Bill come to a pass there will be a recoil. It has been common experience that where these drastic measures, involving a deep insult to the people whose position in the community has been established by their forebears and their services as is in the Union of South Africa, have been taken and segregation has been set up, the recoil has been on the people then segregated as well as upon those who have attempted that segregation. Nobody could object to your having your own areas at the start, but the settled fact of the Indians being there as a part of the body politic is one of those cases that you cannot get over. The question of business clash will naturally come in; you cannot get away from the fact that a man living three or four miles away from the place where he has established his business cannot do business. Unless you legislate that no Indian shall do business with a European and that no European shall do business with an Indian, you cannot stop business, but can handicap it; you cannot get away from that fact when you are considering what are questions of principles of the Bill, so far as one can gather them. I shall not be drawn into a discussion of the details of the Bill or as to what shall be done to provide for the prejudices of the people—prejudices about which the evidence is not clear. Boycotting the Indian in business had been attempted, but failed—Europeans and other people refusing to do business with him would, in half an hour any afternoon, finish all Indian trade, if there was real and widespread European objection to the Indian. The consideration which you cannot get away from is that if you segregate him the deep sense of insult, humiliation and degradation which will accompany it will never be got over. That will be a big mistake. The better class of Indians will be sent to the locations as they would not avail themselves of the exemptions that can be granted and, if they did, our Indian people would be drifting further and further away from what they are to-day, which would be far worse. The points against this segregation are, the insult cast on the whole nation and a sense of resentment all round, and the impossibility which would starve them of doing business. Pariahs thus to be created in South Africa may under the exemption be allowed to come into the towns and do hawking and other business and assist the white people in that way if they availed themselves of the exemption, but further than that they cannot do, and general degradation is bound to follow. The business point of view cannot be separated from the residence point of view, and residential

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segregation will not solve your problem. If they are segregated they will still be here—not as a source of help to you, but as a source of danger which will in time recoil on you.

76. I am not suggesting this as a solution. I wanted to know why, assuming the place set apart will be a place in which anybody who wants to live according to his own taste will be able to do so, and it will be a place that does not make business impossible, there should be this deep sense of insult in the State saying “Now, in order to remove this clash of peoples who do not want to live together, we are going to give facilities for setting up separate areas?”—(*Mr. Bajpai.*) May I retort with a question? Why should an Englishman or, rather, a European, feel a grievance at having to live alongside an Indian?

77. That is not based on a reason?—Exactly. We have tried to explain that we regard this as an insult. Evidently our explanation is not satisfactory. We should say that the reason for our feeling this insult is something deep and inherent like the European’s prejudice. I think there is deep sentiment behind it. We have experience which is sufficient to warrant all the horror we can possibly entertain towards segregation. We have a pride of race just the same as you have, and we feel that in India and elsewhere—provided our standard of civilization qualifies us—we can go about, holding our heads high, wherever we like. Why should we, on the soil of South Africa—a dominion of the British Empire—be made to assume that we are fit to live only away from the European, and that we would be allowed to go out of these proposed “paradises” only if the law allows us to, and that by way of exception. It is an insult to our national and racial pride. We think, rightly or wrongly, that we should be allowed to live alongside of Europeans if we choose to.

78. Have you noticed in going through different South African towns that in almost all these towns there is, as a matter of fact, an Indian quarter?—(*Sir Devaprasad Sarvadhikari.*) There is no objection to it; nobody has taken objection to it. It is natural that people of the same kind come together; they do that for the profit and pleasure of being together and they cannot afford to live in your Boreas and Park Towns. Racial segregation, by rules, has never been attempted in India. Nowhere in India has such a thing been attempted by the Europeans because things are naturally adjusting themselves. People whose status is high and who are fairly wealthy go to what are known as the wealthy quarters, where they have to pay a higher rent and higher prices. It
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is a matter of economic and social adjustment. I want to emphasize the cases of Bombay and Calcutta, where Europeans and Indians live and trade side by side. In London an Indian prince or magnate can go and take a house in the most fashionable quarters without the slightest objection. There may be here an inner sense of prejudice, based on the conviction that they can afford to do whatever they like. (*Mr. Raza Ali.*) I would like to say one word on the question of segregation. If the Indian and European had equal rights in South Africa, if Indians could be returned to the House of Assembly and to the Senate, or even had the right to elect members, and for some reason there arose a dispute, and for that reason it was thought to be advisable to put Europeans and Indians in separate quarters, the State could say: "You are both the same in the eye of the law; you have the same rights as regards trade and other things; but in the interest of peace you should live in separate quarters." But the Indians have been denied most of these rights, which shows that the European population looks upon them as inferior. When you bring this to a head and place the Indians in a position which will be intolerable, I hope you will agree with me, you cannot expect us to feel otherwise than we do.

79. Your objection to these residential areas and trading areas is based on something apart from their fitness as regards residence or as regards trade. That is to say, even if they were admirably suited for the purposes of residence or trade, you would still object?—(*Mr. Bajpai.*) I believe the reply has been given. Our first objection to setting up these separate areas is that we are fundamentally opposed to the principle of segregation. Secondly, we know from what we have seen that these areas would not be fit for human habitation. Your explanation for devising this legislation is that you are pressed by public opinion. That public opinion will also probably compel you to neglect these areas once they have been established.

80. This Bill proposes to set up machinery in order to secure that these areas should be fair, and I want to get from you whether your objection to these reserved areas is based on what you know of existing reservations, or whether it is a matter of principle. No matter what facilities the Government may offer, you still object?—My reply is, undoubtedly. (*Sir Devaprasad Sarvadhikari.*) That these areas have not been set up before is in itself an answer. Your Commission which have been appointed to enquire into this matter have objected to compulsory segregation and that by itself is an answer as well. (*Mr. Raza Ali.*) I would refer you to the

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report of the Lange Commission. (*Mr. Bajpai.*) Our objections to segregation arise from experience and sentiment, both. (*Sir Devaprasad Sarvadhikari.*) Durban would object against it on the congestion idea.

81. The second basic principle of the Bill in paragraph 13 of your statement is the restriction of rights of acquisition of immovable property. That restriction exists outside the Cape and Natal. Apart from your objection to any restrictions, have you any practical objection to that?—When people have their own property and you do not give them opportunities to be proud of those properties, you cannot expect any man to rise to the necessities of the situation and become model citizens so far as their household surroundings are concerned. (*Mr. Bajpai.*) In paragraph 13 of our statement, under heading (ii), Restriction in regard to acquisition of property, we have elaborated our views.

82. It will not ameliorate conditions in Natal—No, it will make it worse. (*Sir Devaprasad Sarvadhikari.*) Give the Indian an opportunity of being proud of his place.

83. The third basic principle of the Bill according to paragraph 13 of your statement is the further restriction of rights of immigration and inter-provincial migration. I am not clear in regard to inter-provincial migration?—(*Mr. Bajpai.*) I shall have to refer to the Bill. Clause 16 (b) of the Bill proposes the deletion from the Immigrants Regulation Act, 1922 of paragraph (a) of sub-section (2) of section four of that Act, under which an Asiatic who is lawfully born in the Union can enter Natal and the Cape Province, provided he is in a position to conform to the education test which is prescribed by Act No. 30 of 1906 of the Cape of Good Hope or by Act No. 30 of 1903 of Natal. Now it is proposed that an Indian born in Natal cannot enter the Cape by satisfying that test; and also if an Indian born in the Cape wanted to go to Natal he could not do so. Then further clause 16 (c) proposes to insert the following new sub-section (5) in section four of the Immigrants Regulation Act “For the purpose of this section the northern districts of Natal, as described in section three of the Northern Districts Annexation Act, 1902 (Act No. 1 of 1903, Natal) shall be deemed to be included in the Province of the Transvaal.” This will stand in the way of Indian’s entering these areas. Of late years they have been going there to work in the collieries. I should also like to draw attention to the pre-
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scription of a time limit within which an Indian may introduce his wife or child into the country.

84. Have you had any opportunity of seeing how the scheme whereby the Government has offered a bonus to Indians going back to India has worked?—Do you mean at this end?

85. Yes?—We saw the Protector of Indians in Natal and questioned several people about it. We did not think that the conditions of the depot at Durban were altogether satisfactory. I could give you a good deal of information as to how the scheme has worked in India because I have seen it at work. There have been a few cases brought to our notice of people having gone away from here without understanding what was meant by the acceptance of a bonus and signing a paper; they did not appreciate what it meant. When they have this money they run through it pretty quickly as Mr. Paddison will be able to tell you, and after that they are penniless. Moreover we have a large population in India and you will appreciate that men who have been away from India for such a long time are unable, on going back to India, to adjust themselves to the conditions there. The difficulty at our end is to find something suitable for them to do.

86. Is there opposition in India to this repatriation being carried out?—I should not say there is any active or organised opposition. Undoubtedly feeling has been against any large return of Indians to our country because they feel in India that these Indians have been here for generations and should carry on here. There has not been, as far as I am aware, any active opposition to these people coming back. At one stage there was considerable distress amongst those who had returned from Fiji and Mauritius and found that the conditions of life in India were unsatisfactory to them. There were one or two societies set up by voluntary effort in order to alleviate the distress amongst these people. (*Mr. Paddison.*) There was some difficulty some time ago. It was said that misleading statements were made out here to the Indians in regard to the conditions of life they would get on their return to India. (*Mr. Bajpai.*) That was after Sir Benjamin Robertson's last visit to this country. Statements were made here to these Indians about the wage rate applying in India being high and that living was cheaper than it was in South Africa, and at that time we asked the Government to contradict those statements as they gave too rosy a position of economic conditions in India. (*Mr. Paddison.*) In consequence of that the numbers who returned lessened.

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87. Have you heard of any organised opposition at this end to voluntary repatriation?—(Mr. Bajpai.) We did not see any evidence, but from sentiment a considerable portion may be against repatriation. (Mr. Raza Ali.) On the Government's part at present there is no extraordinary effort made to induce these people to leave the country; the Government have adopted a neutral attitude, namely, if any Indian wants to go back of his own will, he is given his passage money, but the Government do not go out of their way to get them to return. As a rule there is no organised opposition on the part of Indians to dissuade people from going. I believe that if there is some effort made to accelerate repatriation then it might lead to organised opposition by the people—at present there is neutrality on both sides. (Sir Devaprasad Sarvadhikari.) I have heard that there is organised effort, and I have heard that people do go about here trying to induce the Indians to return to India by putting before them ill-founded pictures as has been referred to by Mr. Bajpai.

88. If the present Bill went through it would stiffen the position?—Yes.

89. Conversely, if a better feeling was obtained they would be more open to consider the question of voluntary repatriation?—Things would take their natural course.

90. Mr. Lennox.] You admit that this is a problem in South Africa?—(Mr. Paddison.) I realize the prejudice that exists, and I would go further, I think there is very great alarm—almost panic—in the matter. It does seem that there is very great excitement about this, but whether it is based upon a feeling that the Asiatic is a menace or whether that feeling is based on real facts, is a point I am not at all sure of. We have read the report of the Asiatic Inquiry Commission and that Commission was against compulsory repatriation and they went on to say that there was no case for compulsorily ousting the Indian.

91. I think you said that when you arrived at Durban you were rather surprised to find the conditions that existed there?—I found that there were many more Indians there than I expected to find. A larger proportion of the Indian population of Natal are in Durban than I expected to find.

92. What was your knowledge before you came out to South Africa?—None of us had been to South Africa before and we were, therefore, fresh to the position.

93. You thought it was a hardship and unfair legislation?—Yes.

94. When you came to Durban, where the Indian problem is a great one, what was your impression when you saw the [S.C. 9—'26.]

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conditions that applied there in the outskirts of the Borough of Durban?—I do not quite follow.

95. Take the original foundation of this problem. Was it not a fact that Indians were imported as labourers into Natal originally?—Yes, that is how they came there.

96. Will you tell me what class of Indian was recruited in India for this special purpose?—(*Sir Devaprasad Sarvadhikari.*) Agricultural labourers from Madras and Bengal.

97. How do you regard these people socially in your own country?—(*Mr. Paddison.*) They are not very high in the social scale.

98. They are a low caste of Indian?—They vary; some are very low. Most agricultural labourers all over the world are not regarded as very high socially.

99. The Indian population of Natal sprung from the original Indians who were imported, and, therefore, they would be a low caste of Indian, and these are the people who are causing the menace to the country. How would you regard the position supposing you had the European centres in your own country surrounded by Indians? Would you segregate them?—I certainly should not because after all these large towns with millions of Indians exist in India and Europeans live there and there is no compulsory segregation whatever. There is no segregation in the big cities like Madras and Bombay. (*Mr. Bajpai.*) There is nothing in regard to segregation on our Statute books.

100. Would these Indians have had any political rights in India when they were recruited?—(*Sir Devaprasad Sarvadhikari.*) That would be as far back as 1860. (*Mr. Bajpai.*) We did not have the Imperial Legislative Council then. In India one has to pay roughly £6 10s. a year as land tax to be entitled to vote in the election of a representative to the Imperial Legislature.

101. *Mr. Reyburn.*] How many voters are there in India?—About two and a half million for the Legislative Assembly.

102. Out of a population of how many?— . . .

103. *Mr. Lennox.*] When you saw the conditions surrounding Durban at places like Congella, did you not feel that the Government of South Africa was justified in introducing some legislation to alleviate those conditions?—(*Sir Devaprasad Sarvadhikari.*) It is a question of congestion in Durban. Durban is a very badly planned town and it is extending. If you are going to say these people must remain

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where they are and never be able to acquire land further out, it seems you must make the position worse.

104. That is a good reason why there should be areas set apart from these people?—(Mr. Bajpai.) You are referring to areas outside Durban. Would it solve the problem putting them in that strip of land between Tongat and Durban?

105. I am talking about the immediate vicinity of Durban over which the Borough Council has no control. We seek to do something to minimize that menace. Are we not justified in doing that?—In what way do you regard the Indians as a menace?

106. They are insanitary. You must admit that those you found there were undoubtedly a menace to the town?—If it is a matter of being sanitary, it seems to me that the Borough Council is fully competent to deal with it.

107. I only want to know because I understand when Mr. Paddison arrived at Durban he was surprised to find how big the population was there?—(Mr. Paddison.) I understood there were only 160,000 Indians in South Africa and I was surprised to find such a large proportion of those in Durban.

108. As far as Durban is concerned it is a matter of life and death. Realizing the class of Indian that was originally recruited from which the Indians we have in Durban at the present time have sprung, would you like these to acquire property for residential purposes next to your house in India?—Taking my house in India as the centre I can say there were three European and ten Indian homes around it and we have no difficulty whatever.

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[Mr. G. F. Paddison, C.S.I.]

Thursday, 4th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Coulter.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Pearce.
Mr. Fordham.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr. Lennox.	Mr. van Hees.
Mr. Marwick.	Mr. Vermooten.

Mr. George Frederick Paddison, C.S.I., Sir Davaprasad Sarvadhikari, the Hon. Syed Raza Ali, members, and Mr. Girja Shankar Bajpai, C.B.E., Secretary, of the Deputation from the Government of India, further examined.

109. *Mr. Lennox.*] I understood you to say that there was absolutely no differentiation in respect of residential conditions in India ?—(*Mr. Paddison*). Absolutely not.

110. That Europeans and Indians of high caste and low caste live side by side in the towns and cities of India ?—As a matter of fact the high class and low class in Madras live separately, but there is no segregation. It is the lowest class of Indian that generally lives apart in Madras.

111. Apart from the European and the high class Indian ?—The European generally lives in compounds. Just outside my compound there are a number of houses belonging to Indians of low class.

112. The point I am trying to make is this. The Indian recruited originally for Natal labour is the low caste Indian ?—To a certain extent, but not absolutely.

113. These Indians here today very largely are the descendants of those originally recruited ?—Yes.

114. If they were of a different class there would not be this antipathy. Some have become developed and educated and so on. I am speaking more about the class originally recruited with which we have to deal ?—I would not be absolute on that. You may take the case of Mr. Bodha Singh near Stanger. That is the man who has succeeded so very well with his sugar estate. He has his sons and nephews there and he is a very high caste man.

115. That is an exception ?—Then they vary from that to the lowest class. Really they are agricultural labourers.

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S. E. Ali.*]

116. Can the Europeans purchase land in India without the slightest restriction or difficulty of any sort?—Absolutely.

117. You say there are no restrictions?—None whatever.

(*Mr. Bajpai.*) As a matter of fact with regard to that I had to deal the other day with the case of an enquiry relating to the right of Japanese to acquire immovable property in India. The matter was gone into and it was concluded that there was no legal restriction upon the member of any race whatever acquiring landed property in India.

118. Do you know the city of Allahabad?—(*The Hon. Raza Ali.*) I come from there.

119. In that city, which can be taken as a fair example practically of any inland Indian town, as apart from the exceptional conditions of Bombay, Calcutta and Madras these two people, the Europeans and Indians reside in entirely different parts of the city. The Europeans live in cantonments?—The Indian population has for thousands of years been settled in the cities and small towns. When the Europeans came they settled down in civil stations some distance from the cities, about a mile or half a mile. In the larger towns these are sometimes known as cantonments which are close to civil stations. The system now throughout India is that in these stations and cantonments there live the better class of Europeans who can afford to pay high rents, and the better class of Indians. Almost all the members of the legal profession live in what you call the cantonments at Allahabad. I myself live there and have three European neighbours, one of whom is Sir Charles Alston. There is absolutely no difference. It is a fact that most of the better class Europeans live in the cantonments, but that is the same with the Indians, the better class Indians who can afford to spend a lot of money also live in the civil stations or cantonments. There is absolutely no segregation in any towns in India. As a matter of fact on the point to which the President referred as far as the rest of India is concerned the lower strata of society do not live in the cantonments, but that is simply because they are poor. If a man acquired wealth there would be absolutely no objection to or restriction on his living in the cantonments or civil stations.

120. I should be pleased to have men of your caste, but if you take the Indian we have to deal with in this trouble facing South Africa to-day it is a different matter altogether. The Indian who originally came to this country was recruited, which I take it you will admit, from the lowest class. You have admitted they are of a low class, and that is not the sort

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of men we care to have here?—In fact so far as the personal aspect is concerned I belong to a community which do not recognise caste. I am a Mohammedan and with us one man is quite as good as another. Any man is entitled to go to any place of worship or amusement. Coming to the general aspect of the question it is true that a very large number of these people are from Bengal, Bihar and the United Provinces and a certain number from the Punjab, where most of our army is recruited. So far as they are concerned some of them no doubt, perhaps one half, belong to the low castes. But if these men rise in the scale and acquire wealth they can go and live anywhere in those provinces. I am excepting Madras, but am speaking for the rest of India. Any man who belongs to the lowest class and acquires wealth or becomes a big merchant and acquires property is in the position to go and live anywhere; there is no distinction anywhere in India. Let there be no doubt about it. On the 2nd April, 1924, some of these points were gone into by the Minister of the Interior who spoke of restrictions on Europeans to acquire property in India, but let me tell you that that is not based on fact. There are no restrictions upon Europeans acquiring property in any part of India.

121. All classes live together without restriction?—Absolutely.

122. Next to you?—Since you mention it I may say that my grandfather was an officer in the army and at the back of his house separated by a roadway lived one of the lowest classes in India. (Sir D. Sarvadhikari.) I would like to supplement that, that not the slightest difference is observed in Bengal which has a population of forty-seven millions. Madras has to be differentiated also. The classes who deal with the dead bodies of animals or who do sweepers' work, men looking after lavatories and removing night soil are the lowest classes. They originally started settlements of their own, and that is where the differentiation comes in, but if a sweeper were to acquire wealth he can go and live anywhere that he can afford.

123. Do you know the Bombay traders in the Union, principally those in Natal?—(Mr. Raza Ali.) I know a large number personally; they are Mohammedans.

124. How are they regarded as competitors with the Europeans in India?—I believe there is absolutely no objection on the part of the Europeans.

125. They trade side by side?—I know something about Bombay, but I know more about Cawnpore, which is one of the biggest commercial centres in Northern India and up till now

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I have not heard of any European complain of the Indian merchant competing with him. (*Mr. Paddison.*) That is so in Madras also. (*Sir D. Sarvadhikari.*) It is the same in Bengal. Some of the biggest European firms are in the thickest inhabited localities. Some of the assistants sleep on the premises.

126. We find in this country that the Bombay trader, owing to his living on the premises and living on very little, is a very active competitor with the European. This agitation, as far as I am concerned, is not so much a case of the competition with the Indian trader, but it is a case of the class of Indian we have to deal with in our towns and surrounding our towns?—(*Sir D. Sarvadhikari.*) A system of castes is, we see, being attempted to be set up in South Africa which is different from the Indian system. In India men who make progress in life are accepted by the other classes, status for status, according to their social and economic qualifications. (*Mr. Paddison.*) That is why we attach so much importance to the matter of education. In India people of this type you speak of may get scholarships, or the father will deny himself to send his son to school or college and he may go to any height and be accepted absolutely. In this country, as in India, these men you have here would conform to sanitary standards and other standards after a generation or two if they have the education. Some may not have the capacity to push on, but if once they have got on and have the chance of education they will take their place as members of society.

127. I notice you said yesterday that the numbers in Columbia are about equal?—(*Mr. Bajpai.*) I did not say that exactly. The European population to the best of my recollection is in the neighbourhood of 180,000 and the Asiatic population in the neighbourhood of 100,000.

128. What do you mean by the term Asiatic?—I include in that Japanese, Chinese and Indians. There are about 1,200 Indians.

129. How many do you think are lowclass Indians?—I told you, I believe, that the majority in British Columbia are Sikhs.

130. I understood you yesterday to use the argument that there was no trouble in British Columbia although the numbers were in very great proportion to the other. What I want to get at is this. When dealing with the Asiatic menace here 90 per cent. of them are lowclass Indians. In British Columbia they have not that menace. How many do they have in this 100,000?—I think there is some misapprehension on that [S.C. 9—'26.]

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point. What I want to be clear about is this—is the problem due to the existence side by side of people of different civilisations or is it a matter of caste? I used that argument on the assumption that although two people of different civilisations were living side by side there was no difficulty whatever.

131. There are only a few Indians?—Yes, but there are many Asiatics. I will cite another instance if it is of interest—that of Honolulu. There you have a European population somewhere in the neighbourhood of 20,000 or 25,000 and a non-European population of 150,000, and yet no legal segregation has been attempted. (*Mr. Paddison.*) On a point raised yesterday. I did not understand you when you asked me what my impression was when I reached Durban. After thinking it over I thought it was possible that you thought I should be very much impressed with the insanitary conditions round Durban. I also thought it might be in regard to the large number of Indians in Durban, but coming from a place with a population of 500,000 Indians I would not notice that. As regards the sanitary conditions I was not surprised because somebody told me on board ship that there was a ring round Durban where sanitation was not as it should be. That is a very difficult problem, but I do think also that it is a problem that need not have arisen if the authorities had taken it up. They are now having public health committees. I should have thought it was a much larger thing than for local public health committees, it wants to be taken up as one big problem. I do think that is a thing that wants definite going into there. If this bill is passed those people will remain there for ever if the principle is passed that they cannot acquire land anywhere else then they must remain there.

132. We read here that there was very great alarm in India and were wondering how the matter impressed you when you saw the conditions surrounding Durban. You saw that some legislation had to be put through?—I do not know if any legislation is wanted. I say you want a competent town planner. It is a very difficult problem but it is not necessarily a racial problem, it is a sanitary problem. (*Mr. Bajpai.*) The Government of India have never for a moment objected to the enforcement of sanitary laws which the Union Government think desirable for the uplift of the standard of the Indian or Asiatic. (*Mr. Paddison.*) But they must be general sanitary laws.

133. *Mr. Marwick.*) Do I understand that you put forward the case here in this statement that there is no ground for inequality of treatment?—(*Mr. Bajpai.*) Yes—that is so.

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134. I take it you will be in agreement with Sir Valentine Chirol who took Gen. Smuts to task for being unable to assent to a document of equality outlined in the Imperial Conference Resolution in 1921?—I had something to do with that resolution.

135. You remember Sir Valentine Chirol took Gen. Smuts to task over it?—I think the Government of India have made it clear in their correspondence with the Government of the Union that at this stage we are not considering political equality at all. We are considering the situation created by the Bill.

136. I am testing the implication of your argument that there is no ground for inequality of any kind. This is the basis upon which you have built up your case?—I think there is an apprehension in your mind that we are discussing the problem of equality. We are not discussing it at all.

137. You have discussed a great deal of matters that are not relevant here, but they are all with that object. First you say in paragraph 4 of your statement there is no doubt that Indians have established a strong claim to be treated as the equals of any race?—Yes, but as we have pointed out in the opening paragraph of the memorandum, that is intended to provide a background for consideration of the present situation in South Africa and India. We say that owing to the restrictions and disabilities which are put on the Indian in South Africa to-day his position is far removed from a position of equality to which he may aspire. We have merely tried to bring out the difference between aspirations and actualities.

138. Setting out from that basis of no ground for differentiation I want to bring you to the type of person that we have to deal with in South Africa. Have you any ground for disagreeing with the finding of Sir Michael Gallwey, who was Chairman of the Commission appointed to enquire into the condition of Indian immigrants. He said that it is essential to bear in mind that for the most part the immigrants to Natal are drawn from the very lowest class of the population of India and that consequently loose and thriftless characters might be expected to form the majority among them?—As regards the first point, I think that has been raised by Mr. Lennox and has been sufficiently answered.

139. I may put you the direct question, have you any ground for disagreeing with this finding of the chief justice?—I cannot swallow the whole finding; I will divide it into parts. So far as the first part is concerned, namely, that the majority [S.C. 9—'26.]

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of the people are drawn from the lowest class, we have already answered that in the affirmative, and with regard to the second part, that they are thriftless, it seems to me that the whole complaint is that these people are too thrifty.

140. He says they are loose and thriftless characters?—I may remind you of the phrase of Burke that it is very dangerous to frame an indictment against a nation. (*Mr. Paddison.*) As regards loose characters I do not understand whether that means loose in morals. I may say that since I have been here in Cape Town my wife has been warned three times that she should not walk out alone because it was dangerous to do so. I am living in the middle of 500,000 Indians of the very class that you are complaining of, and my wife can walk anywhere at any time day or night without the slightest danger. The only time she was really lost in India an Indian gentleman came and lent her his ricksha to take her home. I can absolutely deny the charge of loose character.

141. I am not making an indictment, I am simply giving you the origin of these people. That was the finding in 1872?—I have lived 30 years with this very type and can say that that statement is not correct. (*Sir D. Sarvadhikari.*) It is one of the unrealised expectations of the chief justice. Moreover many years have rolled by since then and no one during an investigation has suggested that the Indian here is loose in morals or thriftless.

142. My point is that they are drawn from the lowest class of the population in India?—(*Sir D. Sarvadhikari.*) I do not know whether the Indian people are now wanted to set up a caste system which may have had its abuses in the past as all such systems had in the history of the world. The people who came here sixty years ago left all that back.

143. Do I understand from the Secretary, who is a Brahmin, that there are three distinct upper classes—the Brahmin caste, the Warrior caste and the traders or tillers of the soil,—and below that another caste of Sudras who live to serve the three upper castes, and far below these and at the very foot of the social scheme are the untouchables, whose shadow is defilement and requires purification on the part of the man defiled?—(*Mr. Bajpai.*) I am not an authority on the caste system; Sir Davaprasad Sarvadhikari will be able to deal with the subject. So far as I am aware there are four principal divisions—the Brahmin, the Kshakriya, the Vaishya and the Sudra. What you describe as the untouchables is not in the caste system at all. It is a product of custom and affects one part of India mainly—I mean Madras.

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144. Would you agree that Sir Valentine Chirol may be accepted as a good authority on India?—(Sir D. Sarvadhikari.) No, distinctly not. (Mr. Bajpai.) Seeing that a visit of six weeks to India is deemed sufficient to give a solid foundation and make one an authority on India I suppose you may describe him as an authority. I know him personally and the measure of his acquaintance with India is two visits, one of six months and one of three months. Mr Paddison will tell you after his residence among the people for 27 years he knows less about the country than when he came there. (The Hon. Raza Ali.) I had a talk with him about 3 years ago and he told me that one was never too old to learn. He said “I am not making a confession, but I am not ashamed of saying that I have changed my views about India.” That was in 1922, I believe.

145. In regard to the caste system in India would it not be correct to say that the untouchables live under a system of social ostracism and social segregation which is absolutely cruel?—(Mr. Bajpai.) As I say, I cannot speak from personal experience because they do not belong to my part of India. (Mr. Paddison.) There has been a very great improvement in the last 10 years. No doubt he has had a bad time, and as we tried to explain yesterday he has come on tremendously now. For instance, first of all there is no legislation or restriction of any sort, it is a question of ordinary ostracism which is breaking down gradually.

146. The strength of that feeling was in evidence as recently as 1917, when the Brahmin authorities in Calcutta—the ancient councils deriving their authority from the Brahmin hierarchy—fined traders and dealt with them severely for adulterating ghee?—That is a municipal law.

147. They were fined by the Brahmin authorities themselves irrespective of the municipal law?—(Sir D. Sarvadhikari.) They could not, it would be an offence to fine anyone like that.

148. Would you be surprised to learn that this is stated in the latest book of Sir Valentine Chirol?—(The Hon. Raza Ali.) This happened in the case of a Marwari. They come from central India. They have an association, called the Marwari Association. There was a case of adulteration of ghee and one merchant is supposed to have made 500,000 rupees that way, and the association imposed a fine upon him of 100,000 rupees. That was done by the Trade Union, if I may call it so, and not by the Brahmins. (Mr. Bajpai.)

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That is a different thing; the untouchables had nothing to do with that case at all.

149. In regard to the suggestion that the caste system is breaking up, is it not correct to say that Gandhi himself was threatened with excommunication for his attack on the untouchables in a speech he made before the Indian National Congress?—He has not been excommunicated. There is a certain element among the orthodox Brahmin who view all progress as anathema and hurl the bolts of excommunication at the heads of people of more modern ways. I had them hurled at my head because I went to study at Oxford.

150. Was not Gandhi threatened with excommunication?—(*The Hon. Raza Ali.*) There are two orthodox bodies in India. I was present at the National Congress when Mr. Gandhi's speech was made. There was considerable flutter in these circles, and the question was not whether he should be excommunicated but the question as whether the orthodox Hindu should aim at breaking up the caste system. He carried one section of orthodox Hindus with him, and the high caste Brahmins belonging that section are now openly preaching against the caste system. So far from excommunicating him they invited him to deliver a lecture. He has not been able to carry with him the other section which is led by the Maharaja of Darbhanga.

151. There is an essential difference between the view of the Islamic faith and the Brahmin?—(*Sir D. Sarvadhikari.*) I claim descent from one of the Warrior cast. Mahatma Gandhi is a man who is almost deified now by certain sections in India and naturally when a man rises to that position he makes enemies chiefly for his political creed. The points of view he puts forward may not be in consonance with certain sections of society for political or religious reasons. There is a general movement for doing away with abuses; they have certainly been a matter of complaint for a considerable time I do not know whether you are at this stage basing justification of your action on the old question of the ancient caste system and the abuses thereof. If you are doing so I would like to remind you that the system was far stronger 65 years ago when these men came from India to South Africa and has no application or relevancy to-day. Moreover it is absolutely impossible that that class of untouchables you refer to could have come over with the others, who are called the lower class. The class system in general is different now from what it was 65 years ago, there is coming about an adjustment in the conditions of life suited to modern requirements. People

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go to India and publish books on the basis of their short and strange experiences and give absolutely wrong ideas. The class of people we are dealing with here have nothing to do with the untouchables to whom you refer.

152. Was there any suggestion that Gandhi should be excommunicated?—I am not aware of it. Moreover he is so low down in the social scale himself that to pass excommunication would be nothing to him. He is a dealer in scents and spices, which is fairly low down in the scale, and yet the tremendous hold he has established on Hindu and Islamic India is phenomenal.

153. What is the meaning of Varna?—(*Mr. Bajpai*) Literally it means colour.

154. Is not that a synonym for caste?—No, not in common parlance.

155. It is Sanskrit?—That is the language of the priests. (*Sir D. Sarvadhikari*). According to the ancient idea Varna synchronises with caste, connoting stages of human activity.

156. The Secretary has said it denotes colour. You have given its relation to caste. That would be what I am connecting it with originally. The idea of caste was associated with colour?—It originated with occupation—duties—quality.

157. Why should it be linked with the man's colour?—It is not colour in that sense, it is the colouration of life.

157A. You disagree with the suggestion that it has any relation to differentiation in colour?—If you mean complexion, absolutely; it has no reference to the complexion of the human skin.

158. In regard to the attitude of the Brahmins towards the untouchables, is it not a fact that one of the members of your Assembly condemned your making too much of equality outside India because there was not equality within India; that was Sir B. N. Sarona?—He is a member of the Government.

159. He said that having regard to the peculiar nature of Indian customs it was unwise to make too much of equality outside India?—(*Sir D. Sarvadhikari*.) He may have said so, I was not present at the meeting.

160. Would there be anything incongruous with his holding that?—Within limitations it is right. I may add that in Government offices and in some of the bigger private offices the lowest class of men have come to the highest positions.

161. Yet I presume it is correct to say that these low class men will have to salute the superior class man?—(*Mr. Bajpai*.) There is no such obligation at all. It is customary amongst
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us Hindus when we meet a Brahmin to fold our hands, but there is no obligation to salute a Brahmin.

162. Would not the folding of hands mean a salute?—It is customary. You were referring to an obligation. That is a custom which is falling into disuetude now. In the old days if you went into a village practically everybody folded their hands if they knew that you were a Brahmin, but now if you pass through the streets, it often happens that nobody cares.

163. Has your attention been called to a letter by P. N. Ramaswami. He is described as well known and much liked in Cambridge and lawn tennis circles. He writes on this question to the *Times* in which he says :

“The tirades against inequalities become absolutely grotesque when they proceed from the Right Honourable V. S. Srinivasa Sastri, who is like myself a member of the South Indian Brahmin Hierarchy, which has done everything in the past to degrade the lower classes, and is at present doing nothing to elevate them. In parts of South India millions of Indians are regarded as untouchable and unapproachable. They are not allowed to enter the village temples or use the village wells. Similar conditions embracing a population of nearly fifty million Hindus exist all over India. We who live in glass houses ought not to throw stones at others.”

Would you disagree with that?—I cannot speak with experience of Madras. (*Mr. Paddison.*) As far as that goes there are differences between the Brahmin and non-Brahmin quite apart from the question of the untouchables. The Brahmin is supposed to have monopolised Government offices. I did know a man Ramaswami in Madras who was a brilliant tennis player and a Cambridge blue.

164. I understand your case in regard to these people is that there is no legal compulsion of any sort against them?—(*Mr. Bajpai.*) Yes.

165. In the Central Provinces I believe a resolution was brought forward to relieve them. In the Central Province Council in 1921 a resolution was moved that the depressed class should enjoy the same rights in regard to wells, tanks and reservoirs built out of public funds for the communities. It was acknowledged by members taking part in the debate that a general enforcement of the principle might lead to great social commotion. Certain members refrained from voting. The question related to the Hindu community. The resolution was defeated?—There is no legal compulsion and nowhere is

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there segregation of these people. That we have proved here. When the relief was sought opinion was heading against it. (*Mr. Paddison.*) A similar motion was brought in the Madras Legislative Council and was carried unanimously.

166. Let us deal with this question of the effectiveness of segregation. Was it not an alteration of the law?—I do not know that any alteration of the law was involved in it at all. It was a motion. At present there is nothing in law to prevent it.

167. This was a suggestion that the legislative power of the Council should be invoked to grant relief?—It was not an attempt to invoke the legislative power of the Council. It was merely a recommendation to the executive to take certain action.

168. I am not certain whether this will mean the passing of an Act or an instruction to the Government, but whatever it might mean representative opinion in India in the particular province was against it?—The Mohammedans refrained from voting. It was only the Hindu members. I do not know how many said they were not prepared to make an additional recommendation because they were afraid of repercussions in the district.

169. Is not that rather evidence of the fact that the people who refrained from voting thought it should be left entirely to Hindu feeling, and Hindu feeling was against it?—If you take that one instance of the Central Province where they were unable to carry the resolution you have to put on the other side the instance of Madras where the problem is said to be more acute and where three years after this date, a resolution in favour of removing similar disabilities was carried unanimously. The Central Provinces are not representative of India. (*The Hon. Raza Ali.*) To the best of my recollection the Council of the Central Provinces has since passed a resolution to the contrary. If you are interested I will give you the reference. (*Sir D. Sarvadhikari.*) It must be remembered that this is a matter referring to a particular class and the conveniences referred to are for exclusive use by a particular section of the people for a long time in particular neighbourhoods.

170. They were built from public funds?—There is a difference between local funds and funds of a village. They are all public funds. The question about the use of the wells also depends upon the cleanly habits of the people and various other considerations.

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171. In regard to caste?—It is not so much a question of caste. There are still certain tanks devoted to drinking purposes in which vessels of all kinds shall not go. Even if a Brahmin comes, according to Government or municipal regulations, the attendant would use his own vessel so that the purity of the water would be maintained. Because he is a Brahmin it does not follow that he is allowed to use a vessel that is not clean. There are village tanks set apart for the purpose of drinking water, and there are various considerations of which we do not know. Therefore, reference to these things will not help us. Supposing one of you were to introduce a motion in the Union House that certain hotels, theatres and other places of entertainment should allow Indians, and if he was defeated it would not be on the basis that the Government did not favour such a motion.

172. The basis of the custom is to preserve purity?—Purity of the drink water and not to keep defiled people away but only defiled vessels.

173. In regard to the principle of segregation, I understood in reply to Mr. Duncan the deputation said they were opposed to the principle of segregation. I take it in matters of this sort like questions of segregation, the opinion of a scientist is less likely to be affected by race considerations than the opinion of the ordinary student. As a rule the scientist's object is to found his opinion upon knowledge. In regard to this question of segregation have you had before you the opinion of Professor Sir William Simpson?—(Mr. Bajpai.) Yes; it related to Kenya, and what have the British Government done; they have rejected the principle of segregation.

174. He was sent out to examine this question?—(Mr. Paddison.) What branch of science is his line. I believe he is a public health officer.

175. Have you any reason to disagree with this he says there: "Lack of control over buildings, streets and lanes, and over the general growth and development of towns and trade centres in East Africa and Uganda, combined with the intermingling in the same quarters of town and trade centres, of races with different customs and habits, accounts for many of the insanitary conditions in them and for the extension of disease from one race to another."?—(Mr. Bajpai.) I can dissect that to pieces although I am not a scientist. If there has been bad town planning it is not because there have been persons of different races in a particular area; it is due to a lack of foresight on the part of the administration. When

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he speaks about the propagation of disease you must bear in mind that diseases are divided into contagious and infectious, and an Asiatic is not the focus of disease merely because he is an Asiatic.

176. He says combined with the intermingling in some quarters of races of different customs and habits accounts for many insanitary conditions and the extension of disease from one race to another?—The intermingling of races by itself is not going to give rise to insanitary conditions. In Bombay and Calcutta we have intermingling of races and because of that insanitation does not necessarily follow.

177. Take the outbreak of Bubonic plague in Johannesburg in conditions similar to those described here?—As far as I understand the plague broke out in Johannesburg on account of insanitary conditions in an area where no Indians reside at all.

178. He says it must be recognised that the standard mode of life of the Asiatic does not ordinarily consort to the European mode and that the Asiatics do not readily adopt new conditions?—If he means that there are differences in the mode of living I do not dispute it; but if he implies that there is no possibility by the process of education and uplifting the people generally to bring both races into line to conform to certain standards of civilization and improved living then I repudiate the suggestion entirely.

179. Is not it against you when you realise that the South African native is already segregated inland for reasons precisely similar to these?—The isolated instances you mention are no justification for generalisations at all.

180. Without knowing his reasons the Union Government found it imperative to segregate the natives for precisely the same reasons?—(*The Hon. Raza Ali.*) So far as the native question is concerned we may as well draw a differentiation. We do not want to be drawn into that question. There is no similarity whether on sanitary, educational or intellectual grounds.

181. I am speaking of the class of Indian we have in Natal. I again refer to the opinion of scientific people. You find that the Entomologist who investigated typhus conditions found that Indians were the most dangerous carriers of typhus on account of their being verminous?—If that is so the Indian alone is not to blame. If the conditions at Durban are insanitary it is the duty of the Durban city council to remove the conditions, not on the basis of discrimination between class and class but on a sanitary basis. (*Sir D. Sarvadhikari.*)

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The Indian is not a dangerous carrier as a rule. If the Sir William Simpson you referred to is the gentleman I know at Calcutta, he is a man of extreme views which were not given effect to in Calcutta. And they were not given effect to in Kenya. He comes from Scotland and one wonders whether he remembers the slums in Glasgow and London where you have some of the worst conditions in the world. (Mr. Bajpai.) The British Government considered his views most carefully and rejected them categorically.

182. You will accept the assurance of Lord Milner, he was not actuated by race prejudice?—There are differences of opinion about that.

183. Your suggestion is that you do not accept his assurance?—I do not say I doubt his *bona fides*; I am quite prepared to accept his assurance that he approached the question in a spirit of impartiality.

184. Speaking to the House of Lords on the 14th July, 1920, he said that he was convinced that in the populous city areas it was desirable to have the different races in different areas and that so far from stimulating it was calculated to mitigate hostility and ill-feeling?—We have dissented from that all along. We had a discussion on it yesterday.

185. He says so far from stimulating it is calculated to mitigate hostility and ill feeling?—Our experience is the opposite. We find all the people living together, not only in the course of the last 150 years since the British came, but for the last 2,000 years and we have never found it necessary to impose segregation by law. We have found it possible for people to live in amity side by side. (Mr. Paddison.) I hope you understand that this will be both by the Indians in South Africa and the Indians in India resented as an insult. If these people are compelled to live in these places they will do so in sullen resentment. I think it must be clear to you from what my colleague said yesterday that this must be the effect. (The Hon. Raza Ali.) Lord Milner was here and knew a lot about this country, but I believe the Asiatic Enquiry Commission devoted a lot of time and energy to their work and visited a number of places and examined witnesses. They perhaps had a better opportunity of forming an opinion than he had. This is what they say towards the end of paragraph 224 of their report: "We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures,

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apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European," (Sir D. Sarvadhikari.) On the practical side, we ought to have this point clear before us. Conceding for a moment that some Indian may not be quite desirable from a sanitary point of view, the Union will be sending them all into compulsory segregation. What will you be doing? The check of European and other public opinion on them regarding the sanitary conditions and other matters will be removed, and there will be a silent discontented people determined to defeat all your objectives and they will be a danger to society. Moreover you are excluding the coloured people and other people about whom we have not heard any scientific opinions and who are not far removed from the lower class of Indians. That element of danger will continue. These considerations cannot be removed from the practical aspect of the question.

186. On the question of equality do you disagree with the opinion of Mr. Sastri that where the Indian population exceed the white population equality could not be guaranteed?—He was speaking about political equality. We are not asking for that. (Mr. Paddison.) All we say is you have political power, use it with justice and fairness.

187. Is not the logical conclusion of your statement political equality?—(Mr. Bajpai.) We made it perfectly clear that we are concerned merely with the principle of the Bill. Our case was not stated for eternity; it is for the present moment. (Sir D. Sarvadhikari.) We have scrupulously avoided that question, and it is on that basis that we present this case on behalf of the Indians. It is on the question of segregation that we have grave objection. (The Hon. Raza Ali.) I agree with the speaker in the Union Assembly who said that the municipal franchise would probably be extended to the educated class of Indians, and the large majority of Indians in Natal to-day are educated.

188. Would you claim for them that they should be enfranchised?—Yes, but the time has not yet come for us to raise the question. This Bill does not deal with that question. The speaker I have quoted was yourself. The thing you had in mind has not happened. Not only has the franchise not been extended to the Indian but what he had has been taken away from him. You know the ordinances that were passed in 1924 and 1925. But we are not claiming political franchise.

189. Would you agree with the opinion of the Agha Khan. (Mr. Bajpai.) We are not concerned with the dreams of H.H. the Agha Khan. We are concerned about safeguarding [S.C. 9—'26.]

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such rights as the Indian in South Africa enjoys to-day. (*Sir D. Sarvadhikari.*) His Highness was president and chief speaker in India last month against the principles of this Bill.

190. *Mr. Coulter.*] I gather from the deputation that they make the suggestion that it would be wise to have a round table conference?—Yes.

191. Is that following the suggestion made at the Imperial Conference in 1923?—At the conference of 1923, it was suggested that the Union Government should receive a committee from India and go into the Indian question generally. The idea of a round table conference is somewhat broader; it contemplated not merely a committee coming over here to make representations but a general survey of the Asiatic position in this country by the representatives of the two Governments in collaboration, with a view to evolving a solution of this problem which would be satisfactory to the Union of South Africa and honourable to the Indians.

192. At the time that was made it was suggested that a similar committee go to Canada and Australia?—That is true. Mr. Bruce in replying on behalf of Australia thought it was not necessary to receive a committee because he anticipated no difficulty in getting the consent of Parliament to confer the franchise on Indians. This franchise has since been conferred. In regard to Canada Mr. King said he would be quite willing to let us send a committee to Canada to plead for the federal franchise before the Parliamentary Committee they propose to appoint to consider the electoral law. We ourselves felt it was not necessary to send over a committee at that stage because only a year before Mr. Sastri had put the case before the Canadian Government and these representations were there for the authorities concerned to consider.

193. Has the Government of India done anything in connection with the Fiji Islands?—Places like Fiji and British Guiana come under control of the Colonial Office. We sent over a committee to make representations to the Colonial Secretary and the matter rests there. As a result of these representations definite action was taken in regard to Kenya; namely there were to be no immigration restrictions placed upon Indians, and the principle of segregation was discarded.

194. What are the precise limits of the authority of this deputation?—Our terms of reference originally stated that we were here to enquire into and report on the general position and economic condition of the Indian community with a view to enable the Government of India to make representations

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to the Government of the Union for an alternative solution of the Indian question. Of course the Government of India proposed a round table conference in order that the material we collected might be utilised in consultation with representatives of the Union Government for finding a solution. That did not prove acceptable to the Government; so, when this Bill came before the Committee we were instructed to present the Indian case against the principles underlying the legislation now contemplated. Those are the limitations under which we appear before you.

195. Do I understand from your statement that you propose complete rejection of the Bill without modification?—Yes.

196. Are you prepared to discuss modifications?—No, we have no instructions. (*Mr. Paddison.*) We have discussed this matter among ourselves and we realize from what the gentlemen here have said that there is a feeling of alarm about this, especially in Natal, and I hope that we have made you realize that there is a tremendous feeling in India on this question which is absolutely impossible to exaggerate here. The two nations live close together and India would be a natural market for South Africa, and it looks as if these countries are now going to be torn apart. If we got a round table conference there is no reason why we should not arrive at a friendly, amicable solution. We want to get this feeling allayed for the moment. (*Sir D. Sarvadhikari.*) We have notice of the existence of alarm but have been furnished with no reason or evidence for the alarm being well founded or widespread. that is why we asked for appointment of an independent commission of enquiry which would go into the facts and conclusions we have been able to arrive at. We have gathered that it is not well founded and is best proved by the fact that the people who are objected to are best patronized by the European, both British and Dutch.

197. You admit that Australia, Canada, and New Zealand have objected to Asiatic immigration on the ground that it might tend to lower their standards of living?—The standard is not different. I come from India and cannot recognise my people here: they are a different people, and they claim to be South African people as they are. (*The Hon. Raza Ali.*) This is a big question and has so many aspects that I think it would be rather difficult for a Committee of this kind to go into it. But on the other hand you realize that Indians are not admitted to trade unions and other organizations of that character.

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Unless we knew the position which would be assigned to us economically we cannot express a definite opinion.

198. The representatives of the Government of India at the Imperial Conference in 1923 accepted that view point of Australia, Canada and New Zealand?—We have all along, since 1918, done so.

199. In South Africa we have a resident British Indian population. I take it you realize that there is a strong feeling on the part of the European population that we should maintain our standard of living?—We are not saying No.

200. You also realize the strength of that feeling?—The feeling is there.

201. You appreciate the practical position of the Government of the Union in that respect?—(*Mr. Paddison.*) Although we have heard a great deal of this strong feeling we have met a very large number of people with whom we discussed it and the possibility of an amicable solution, and they are not so alarmed. They form a much larger number than one would have thought. My personal opinion is that the feeling is much more local. But whatever solution there may be, justice should have first place in the matter.

202. There may be a difference of opinion on that point. Supposing that the majority of people in this country hold the view I have spoken of and supposing the Government feel that they have to give effect to it as representing the majority of the people, and looking at it from that point of view do you think residential segregation reasonable?—(*The Hon. Raza Ali.*) The panic among the Europeans is there, but I am quite clear that that feeling has no foundation and therefore it ought to be the duty of the Government to see whether that feeling is well founded or not. You cannot go into the remedies unless you find the nature of the disease, and that has not been done yet.

203. Let us assume for a moment upon that question that a definite decision has been come to that the feeling of the majority of the population must be respected. Have you considered this Bill in that light?—In that case I ask you to consider the strength of feeling on our side. We on the other hand stand absolutely united and ask you to consider the strength of feeling on our side. (*Sir D. Sarvadhikari.*) The solution ought to be as the result of friendly conversation, whether it is a round table conference or not it does not matter, but it must be from a friendly exchange of views on the facts of the case, with due regard to the resolution passed in 1918 by the Imperial Conference to which you refer.

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204. Assuming the finding of the Committee was against the view you hold and we are forced to consider the question of segregation on its merits. Have you any suggestion to make to alleviate any hardships of that proposal?—We are not authorised to go into these details. (*The Hon. Raza Ali.*) I am not in a position to offer any suggestion. You ask us to assume so much more than the evidence at our disposal discloses.

205. I ask you to realize what was realized by the Government in India through its representatives at the Imperial Conference of 1923?—(*Mr. Bajpai.*) All that the Government of India accepted at the Conference of 1923 was what they had accepted in 1918, namely the right of each of these communities to control and regulate the composition of their population by means of suitable immigration descriptions. You cannot take the 1923 Conference alone; you have to go back to 1921, when these three communities you have referred to accepted the obligation not merely of conceding full economic equality but political equality also.

206. On what ground did they justify refusal on their part to allow unrestricted immigration?—As regards Australia and New Zealand I have already tried to give an explanation. The reasons are not merely economic; they are also coloured by the political geography as it were, of these areas.

207. I understand you to say that the exclusion of British Indians in these three Dominions is justified, and accepted by the Indian Government as justifiable?—We have accepted that since 1918.

208. That restriction on immigrants is justified solely by these communities on the ground that they wish to maintain their standards of living?—Yes.

209. We in South Africa have the problem in a different form?—Yes.

210. We have British Indians already residing in large numbers within our borders?—They have Indians residing also.

211. Not in the same number. We have 160,000 in South Africa, and a large number of people, perhaps the majority of people believe that they tend to lower the European standard of living. Are you not prepared to recognise that circumstances may justify a differentiation in order to maintain that standard of living?—The Government of India and I think the people of India have all along conceded the right of the Union of South Africa to make these people conform to their economic standards, but not by racial differentiation.

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212. Differentiation based upon difference in civilization is not necessarily differentiation based on colour or race?—The solution of this problem is not in differentiation of classes, but in attempting to raise the standard of their living morally and educationally. The Government of India accepted the right of these dominions to keep out Indians on the understanding that these Indians who are already settled in the different parts will be treated on a footing of equality. That was the position. I am not talking of political equality. At the Imperial Conference of 1917 General Smuts said as much and Mr. Burton repeated the assurance in 1918.

213. Do you think that binding on successive Union Parliaments?—I regard it as a moral undertaking. I do not say it is binding on the Union Parliament, but seeing that you are referring to what the Government of India accepted at the Imperial Conference, thereby implying that that was an undertaking on their part, we are quite justified in suggesting that we ourselves accepted that assurance given by the Prime Minister of South Africa at the time as an undertaking.

214. You are confusing 1917 with 1923. I have been speaking of what occurred in 1923, when the three other dominions laid that down as the basis of their policy and General Smuts dissented?—Immigration was not discussed in 1923.

215. You will find they justified their laws on certain grounds. I wanted to see whether you realized the fundamental difference between the case of South Africa and the case of those three dominions?—I admit that.

216. You do not admit that we can by legislation endeavour to protect what we may believe to be our living or wage standard?—Yes; but legislation in so far as it involves repression of the Indian community we do not accept.

217. I wish to ask a few questions on behalf of Mr. Alexander who is not able to attend. How does India regard the question of existing rights being interfered with by this legislation?—I think we have attempted to make that clear. There is a very strong feeling in India in regard to further restrictions of rights contemplated by this legislation.

218. You feel that you have dealt with that adequately?—Unless there is any point we left in doubt.

219. He also asks whether you feel that the restriction imposed on the right of Indians to bring out their wives within a limited time is unreasonable?—It is not only unreasonable; it seems to be a direct violation of the agreement of 1918.

220. Do you think if a deputation went to India a satisfactory scheme of voluntary repatriation could be evolved

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which would involve an increased number of Indians leaving South Africa?—I am afraid that is a question which is difficult to answer. (*The Hon. Raza Ali.*) The position is so difficult, it will be difficult to say what will be the attitude of the Government of India and the Indian people in regard to accelerating repatriation. One cannot say anything at this stage because that friendly atmosphere which is necessary for consideration of a question of this character is at present wholly non-existent. If a better atmosphere is introduced, an atmosphere of goodwill both on this side and on our side, I believe the Government of India will be prepared to consider that. I am making no definite statement because I am not in the position to do so. If this question is to be considered in a friendly spirit by both sides then this Bill which is hanging like the sword of Damocles over our heads must be taken away. (*Sir D. Sarvadhikari.*) I think the correspondence which has been published makes the position clear on behalf of the Government of India. They did not agree this was to be a *sine qua non* that the proposals for repatriation were to be formulated as a concrete measure before a round table conference. They agreed that the matter should be included in the agenda as one of the subjects but the proposal was turned down by you.

221. If this Bill becomes law will the position of voluntary repatriation be baffled?—(*Mr. Bajpai.*) Undoubtedly.

222. You think it will be so as to make it entirely cease?—I should not be at all surprised. I threw out the hint yesterday in reply to a similar question from Mr. Duncan that we may find ourselves faced by almost irresistible pressure in India to prevent the entry into India of Indians returning from South Africa.

223. *Mr. van Hees.*] I first like to have the exact constitution of the deputation. Can you tell me the particular capacity of the representatives we have before us?—*Mr. Paddison* is the leader of the deputation and is Labour Commissioner for Madras. *Mr. Raza Ali* is a member of the Council of State and *Sir Davaprased Sarvadhikari* a former member of the legislature and an eminent educationist.

224. Representing the Indian Government?—Yes, the deputation as such represents the Government of India. (*Mr. Paddison.*) *Sir Davaprased Sarvadhikari* was a member of our Council of State which was dissolved at the end of last year. He was Vice-Chancellor of the University of Calcutta. He has been appointed because of his prominence generally in public life, and also because he comes from Bengal which
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was one of the sources from which the Indian immigrants came from to this country ; and also of his peculiar knowledge of education to which the Government of India attach so much importance. The Hon. Syed Raza Ali comes from the United Provinces. He is a member of the Council of State, and he is really here as representing the Upper House of the Indian Legislature.

225. It is more representative of the Government than of the people themselves ?—I do not know how you can say that. Sir D. Sarvadhikari holds no office under the Government. He is here representing the popular point of view. The Hon. Syed Raza Ali represents the popular point of view and also the great Mohammedan community. He holds no office under the Government.

226. In paragraph (3) you develop the principle of Imperial solidarity more than anything else. That seems to be the prominent object of your deputation ?—No.

227. In the next paragraph also you say “ We have endeavoured to set forth the objections to the measure in the light of broad considerations of Imperial solidarity and obligations and of elementary justice ” ?—Yes, we say “ elementary justice.”

228. You made the remark that pressure may be brought to bear upon the legislature to bring in legislation to exclude South African Asiatics from returning to India ?—Yes.

229. For the fear of endangering Imperial solidarity. What is the view of the public generally, is not there a very large community which would welcome a quarrel with the Imperial link ?—No. (*The Hon. Raza Ali.*) I am surprised that that idea should come from a prominent gentleman here in South Africa. Even Mr. Gandhi, who has strongly differed from the Government in the past, is for Imperial solidarity. We do not want to go out of the British Empire unless our position is rendered hopeless.

230. Why then suggest that you will introduce legislation on the lines indicated ?—(*Mr. Bajpai.*) We were merely trying to illustrate to you the strength of feeling on the subject. Further nearly 70 per cent. of these people are born in South Africa. They are of the Indian race but South African in origin. They are born on South African soil, and we were putting the popular point of view.

231. When you feel that they are oppressed you will give them more sympathetic treatment and receive them with open arms, unless you want to threaten the Union Govern-

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ment?—Nothing is further from our minds. (*The Hon. Raza Ali.*) Threaten them with what, with nothing?

232. With defeating the object of the legislation we want to introduce?—(*Sir D. Sarvadhikari.*) No, where have the Indian Government done that? You ask us what the consequential results would be and we are giving you our impression. The Government has told you nothing. (*Mr. Bajpai.*) I think I had better make the point clear. The question was asked as to whether the passage of this Bill would make voluntary repatriation difficult or impossible, and I said this Bill has raised a good deal of feeling and was regarded in India as unjust and an insult. We have tried to show that it is unjust and also how aggravated the situation is. If in spite of all our appeals to the Union Government for justice and fairness, this Bill goes through we may be faced with strong pressure to prevent the entry into India of Indians repatriated from South Africa.

233. You were going to enquire into the general position and economic position of the Indian community to South Africa. Have you gone to the small villages in the Transvaal?—We have been to Potchefstroom, Pretoria, Johannesburg and all the neighbouring towns, Springs, Benoni, Boksburg, Vrededorp and Germiston.

234. Did you simply consider the economic condition of the Asiatic as such or the general economic condition of the population?—We enquired into the economic condition of the Indian community. The places we visited had a very large element of Indians and that is the reason why we visited them.

235. Have you enquired into any reasons that actuated us in differentiating between us and the natives in so many ways?—(*Mr. Paddison.*) We have left out the native question altogether.

236. Or into the reasons why we have a very large number of unemployed people in this country. All these things bear on the economic reasons that have actuated us in insisting upon a change being made in regard to the Asiatic community also?—(*Mr. Bajpai.*) We take up the challenge that the presence of the Indian affects the European definitely from the point of view of trade, employment and industries. The question was fully investigated by the Lange Commission and, if you refer to paragraph 14 of our statement, you will find that we have attempted to survey the position since in all these spheres of activity. The conclusion we have

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arrived at is that the Indian trader is making no headway—in some places he has had a set back—and the same is in the the main, true of industrial competition in Natal. In the Transvaal things are much the same. So our enquiries tend to show that the legislation attempted now is not justified on the basis of the allegation that the Indian continues to oust the European from trade and industry.

237. The attitude we adopt on the question which you call an insult to India is one of self preservation. It is a compliment to the Indian as a trader, just as we pay a compliment to the native that we cannot compete with him in labour?—That is a form of compliment that we do not appreciate. But the question of compliments apart, the fact is that the Indian is no longer making headway, and that you have legislation existing now in Natal and elsewhere which enables you to put a brake upon the advance of the Indian. (*The Hon. Raza Ali.*) More than a brake in fact.

(Friday, 5th March, 1926.)

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.

The Rev. Charles Freer Andrews, of Santiniketan, India, examined.)

238. *Chairman.*] Can you give us an idea more or less what your position is in India?—I am a teacher in the Institution of Rabindranath Tagore, at Santiniketan, and I have been in that institution for about 13 years. Previous to that, I was at the Cambridge University Mission in Delhi as a professor at the college. I have lived in India for a little over 22 years and through all the time that I have been in India I have been specially interested in the subject of Indians abroad, which I took up at a very early date. Ever since 1907, I have been closely in touch with the problem of the Indians in South Africa.

239. You have been in South Africa on previous occasions?—Yes. At the end of 1913 and in 1914 I was in South Africa;

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and I again came to South Africa at the beginning of 1920. This is my third visit.

240. Did you come over on the two previous occasions for a special purpose?—On the first occasion, Mr. Gokhale asked me to come over for the special purpose of helping towards a settlement of the Indian trouble at that time—the passive resistance struggle—and during the whole time that I was here I stayed entirely with Mr. Gandhi and had consultations with the Union Government.

241. When you arrived in South Africa on this occasion it was stated in the Press that you came out as a delegate or as a representative from Mr. Gandhi. Is that so?—I took Mr. Gandhi's advice before I came and he was very anxious indeed that I should come; but it was on my own initiative that I came. I was helped to come financially by the Imperial Indian Citizenship Association which has constantly paid for my steamer journeys on these occasions.

242. I think I saw it stated somewhere by yourself that you had special facilities at the time to know exactly what happened in connection with the so-called Smuts-Gandhi Agreement—in what way that agreement was come to?—I was present with Mr. Gandhi all through the proceedings which led up to the draft agreement, which I have quoted in that paper of documents; I was constantly in communication both with Mr. Gandhi on the one side and with General Smuts on the other through all that time.

243. You sent as a memorandum giving more or less the lines on which you wished to give evidence here this morning. Do you wish to supplement that statement by further oral evidence before we proceed to question you. If so, that opportunity is given you?—I shall be very grateful, if I may be allowed to make a short paraphrase of my position, before the questioning is begun. I think it will help to keep the questions to the points that I would like to give evidence on. May I say how grateful I am to the Committee for hearing me, who am an independent student of the subject, and also that if I cannot get through all the evidence to-day and it would be thought advisable by the members of the Committee that I should come again I would gladly do so. The paraphrase I would like to give is this. The Indian question in South Africa obviously had its origin in the indentured system of Indian labour which went on from 1860 in Natal. It is for all practical purposes—five-sixths of it—a Natal question. I have had to go into the details of that indentured system of Indian labour probably more thoroughly than anyone
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living to-day, because I not only came out to Natal and examined it there, but also went twice to Fiji (where the system was still being continued) during the years 1915 and 1917. I have also made a thorough study of Indian labour in Malaya, Ceylon and Assam where labour is recruited to-day but not indentured. (The system which I have been spending long years of my life in studying—the indenture system of Indian labour—was a vicious system for three reasons. One was that the recruiting became almost entirely fraudulent. “Coolie catching” was the ordinary word used for this system of recruiting in India. The second reason why it was vicious was that, under the regulations, three men went out with one woman and that led to very vile moral conditions; thirdly, there was a criminal clause which made it a criminal offence for an indentured labourer to leave the estate to which he was bound for five years. These all led to a great deal of misery and hardship. I will not say any more about that; but I had to refer to it, because I feel quite certain that this evil system has been at the root of the Indian trouble that has existed ever since more than anything else. The evil of that system must be shared between the two Governments—the Government of Natal, and to a lesser degree the Government of India; also the Colonial Office was to blame which kept pressing the Indian Government to send labour out to Natal. It was early in this century that these inherent evils in the system began to be recognized and public opinion in India set very strongly against this indenture. Also, from a very early date in this century—1903—the Indian Government itself realized that if this immigration continued it must lead to very serious complications in Natal and in South Africa. Therefore even as early as 1903 they seem to have, as it were, adumbrated a solution of the difficulties, namely, the stoppage of the emigration. This solution came from the Indian Government itself. It is referred to in the documents which I have handed in for reference. The Indian Government began, even at that early date, to see the need of stopping the Indian labour, because they were certain that if it continued there would be serious trouble arising in Natal. Again and again, before Mr. Gokhale visited this country the same position was taken up by the Government of India, that it was necessary as soon as possible to stop this Indian labour. But the pressure came from Natal to continue it. In 1907—I think it was in December—the Viceroy of India asked for my opinion on this subject, and I urged with all the strength that I could that this Indian indentured emigration ought to be stopped at the very earliest

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possible moment. In 1908, a motion was carried to that effect ; but it was only in 1911 that this indentured labour emigration from India was finally stopped. Then, in 1913, all immigration into South Africa from India was prohibited under the Immigration law of that year.) (In 1912, Mr. Gokhale came over and his was such a remarkable visit and he was such a remarkable statesman, that he seems to have foreseen practically everything that was coming. He put the whole matter in his speeches, delivered in this country, in a way which has never been excelled for its clearness. He said, in so many words, that on the one hand India must relieve South Africa of the fear of Asiatic invasion and of any serious disturbance of white civilisation in this country. He said : "Those are the two vital points that India must always remember." There must never be a fear in the minds of South Africans that South Africa is to be flooded with Indian immigrants, and there must never be a fear that the white civilisation itself will be threatened. Those two fears, he said, India must remove. On the other hand, he said, South Africa must always remove one thing from India, that is humiliation. South Africa must never allow India to be humiliated. If on the one side India can observe her part of the understanding and remove the fear, South Africa should remove the humiliation. I have felt that it was necessary to give this historical sketch because this Indian Question is an extraordinarily continuous subject. You can go right through, from the beginning of this century, and you will find that the Indian Government has taken one single line and the Union Government has responded in one single way—by trying to remove the humiliation from India, just as India tries to remove the fear from South Africa. Personally, I think that this is the gist of the Smuts-Gandhi Agreement. In a moral sense, that is the whole meaning of the Smuts-Gandhi Agreement. Again, the same formula was repeated at the Imperial Conference of 1917 in the same terms. Even as late as 1923 you get the same position ; and if I might quote from a speech by Mr. Duncan in the House (which seems to me again to express the same position in 1924), it will show you how continuous this policy is. He said : "A general undertaking was given at the time on behalf of the Government that if and when immigration of Indians in South Africa was stopped, the Indians who were actually here should be treated with due consideration and with every regard to their rights.") That, I think, is the same thing that goes on through the present century in every single instance [S.C. 9—26.]

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where the Indian question came up between the two countries. Now I come immediately to the memorandum which I handed in. I say that this time India has felt deeply the humiliation. She has felt an insult, in this Bill, such as has never been felt during all the time that I have had to deal with this question in India. I have never had an experience like the present. The insult has gone so deep that it has really penetrated the masses. It has to-day come to be called a "Black Bill" and that is a word used by the masses in regard to a Bill which is humiliating in the extreme. Then I want to come to my own experience. Since I came out to this country, I have found—and I want frankly and honestly to say it both here and in India—I have found that the fear which I personally thought would be removed by the Gandhi-Smuts Agreement, the fear that I really thought *was* removed in 1917 and 1918, has *not* been removed. It has come back again. Wherever I have gone through South Africa I find this panic still—the panic, that is to say, that the Indian is going to predominate here and seriously to affect the civilisation of this country to its detriment. That fear has been expressed to me in every single Province, and I do feel that I must go back to India and tell that fact which I have experienced at first hand in this country. At the same time, I do feel I must express to you the fact which I have found at first hand in India, namely, that this Bill has insulted India in a way that nothing from South Africa has ever insulted her before. She feels intensely the compulsory character of the Bill. The two words, "Segregation" and "Repatriation" are to-day to her words which sting and wound and even burn. That I feel is really the situation we have got to face. Now I want to turn entirely to the other side and see the situation from exactly the opposite point of view, namely, from the two countries as they stand side by side as neighbours across the sea. (Looking at India and Africa as they stand on the map—as they must stand in the future history of the world—I think we all feel, and I feel with a passionate longing which I cannot express, that they must be friends, that they can be friends. And all the earnestness and enthusiasm of my nature goes out to seek some means of restoring that friendship which at the present moment is so seriously endangered. Then, when one comes to think of a solution, the solution seems to me to again be the solution of the past. Whenever there has been friction in the past, whenever there has been a danger in the past, we have always been able to meet it hitherto in a friendly manner by remembering the two vita]

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conditions I have mentioned—the removal of the humiliation and the fear. And I do feel that the present Government, in its conversations with the Indian Government, which have now been published, was earnestly and honestly trying again to find a solution in that way.) I have found misunderstandings which were due to the inflamed atmosphere of both States—the panic atmosphere here, the insulted atmosphere in India. India was feeling humiliated, South Africa was feeling panic-stricken; therefore it was difficult to come to an understanding, or a conference; and there was danger on both sides through the heated atmosphere. Well, then, it seems to me, if that is true, the first thing to do is to relieve the atmospheric pressure; to get back, if we can, to an atmosphere of friendly relations. The only possible way to do this at the present time, so it appears to me, would be to withdraw the Bill, pending further negotiations. If the Bill was withdrawn this session, and then during the cold weather, after an interval has elapsed for the calmer feeling and calmer atmosphere to come, I think in the cold weather it would be of enormous value if representatives from South Africa could go over to India and present the difficulties of South Africa there—the difficulties which I have realised here as I could never have realised them while I was in India. If they would present those difficulties to the Indian Government and the Indian people, speaking quite frankly and openly on all the sides in a calm atmosphere, I feel certain that most valuable results would ensue therefrom. If on their return it is then a possible and favourable time to have a larger Conference—well, on both sides a good deal of the preliminary work would have been done. That larger conference might, I hope, result in greater consequences, much larger than the settlement of the immediate question. Here again I go back to the larger view, that is the view of India and South Africa having a direct relation to one another as world spiritual forces. If we could get to that large conference, could we not discuss some far bigger questions than these immediate questions—for instance, the great question of commerce and trade relations between the two countries; because I personally believe that through commerce mutual friendship is wonderfully built up, if those trade relations are on friendly and mutually advantageous terms. Secondly, could we not through this large conference get to more permanent relations with each other in direct dealing, instead of this indirect dealing. Unfortunately, hitherto, nearly all our dealing with each other has gone on through London. I think that should have stopped long ago. Nevertheless

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to-day we are allowed to deal directly with each other. The British Government itself has asked us to do so. Yet we have never accepted its full implications. We have never found out its intense importance; and I think we might find means at such a large conference to make a big settlement of having permanent relations of a direct character—possibly by having a Trade Commissioner in each country or in each great State; possibly by having High Commissioners in the two countries—I do not know, I am not a politician and cannot work out these things—but I feel sure we can come closer to each other and get on a more friendly basis than in the past. And I would plead very earnestly that as in the near future most of the Indians in South Africa will be South African born, the greatest of all problems, namely, the education of the children in South Africa should be taken up in earnest and every effort should be made to carry that out. The results, with regard to such mutual advantages and other benefits gained at this large conference, could lead to a political *entente cordiale* between these two countries that should work out as the age went on. That is my hope, and I have again no small grounds, no feeble grounds, but very strong grounds, for expressing that hope, because in the years 1917 and 1918, and also in 1915, I spent a considerable time in Australia trying to work for friendly relations between Australia and India, and those relations have in the last four years become greatly improved. The improvement is so great that I have now no fear for the future. I think that India and Australia will be in future close friends of a very intimate kind. Why not also India and South Africa? That is my dream, and everything that I possibly can do, to carry out the fulfilment of that dream of my life, I will do, God willing.

244. As far as I understand your standpoint and the line you are taking it amounts to this that you recognise that at the bottom of this—let us call it—friction over this question between India and South Africa, as far as South Africa is concerned there is the fear and unless that fear is taken away it will be impossible to solve this problem?—Yes.

245. Then you think that, in regard to solving the problem practically, a new and a better atmosphere must be created. Further you think that in order to create that atmosphere, the first thing necessary on the part of the Union Government will be to withdraw this Bill for the present, and that friendly relations over various matters should be cultivated between the two countries, and when that new atmosphere has been created you think a conference should be held and

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such a conference in such an atmosphere would be fruitful of results?—Yes.

246. (In the first place could I just ask you where you speak of the fear on the part of South Africa, and a fear which you recognise as existing to-day in spite of the Smuts-Gandhi Agreement; to what do you think that fear is ascribed? Is it merely racial antipathy; is it because the South Africans have no liking for the Indian, apart from anything else?—I have tried my utmost to find the difference between the attitude in 1920 when I was here and now in 1926. I find it extremely difficult to find why this fear has come back again. In 1920 it was all about the population. Everyone said that the next census would show the population had enormously increased, and the whole of my time was taken up in urging that this was not likely to happen. When the census figures came they proved up to the hilt that the population had not really proportionately increased. For instance, in Natal where five-sixths of the Indians are the increase in the Indian population was 6 per cent., and in the European population 40 per cent. in round figures. Therefore the census ought to have allayed the fear—there is no question about that—but it did not. I find that one new cause has done a very great deal—that is the formation of anti-Asiatic societies with strong racial propaganda. I think the League is now called the South African League, but at one time it was called definitely anti-Asiatic. At any rate that appears the main consideration, to object to the Asiatics in this country. I think a great deal has been done to increase the fear by that Society and its work. I think also that there has been an increase in the fear owing to what are regarded as encroachments in trade and in industry. There I think the fear can be proved again to be groundless; but it is there, and I recognize that all over the country this is being said. But deep down below this, I feel, as you asked me, that there is a growth of racial antipathy. I think that is due partly to a strange psychological reaction in favour of the native. I find that the native to-day—I am most thankful to say—is gaining more and more the friendship of the white races, and somehow I fancy that the Indian is being more and more regarded as an ‘alien’ compared with the native, and that feeling perhaps is one of the most important in accounting for this growth of feeling.)

247. Of course you know that restrictive measures—at least as far as immigration is concerned—have been taken by a good many other countries also, and in other countries where the [S.C. 9—26.]

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European is dominant, I should say chiefly Anglo-Saxon countries, including the United States of America—do you think that in those countries at the bottom of the measures taken there is also racial antipathy?—I think there has been a growth throughout the Anglo-Saxon countries of fear of the Asiatic; fear possibly of the rising power of the Asiatics in the world, possibly also there is a racial antipathy combined with that. I think so, but it is not very deep elsewhere at present. In Australia, for instance, where the Asiatic population is very small indeed, I did not find any racial antipathy at all. I found, indeed, a fear if the immigration was not completely restricted; but once the immigration had been completely restricted, the fear vanished, and those Indians who are now in Australia are certainly treated in a most friendly manner.

248. Does it not bring us to this view, that the fear of the Indian in a particular country—let us confine ourselves to Anglo-Saxon countries—is proportionate to the number of Indians in that particular country. Australia has I think less than 3,000 Indians over and against 5,000,000 whites, and owing to very restrictive measures as far as immigration is concerned—a prohibition of further Indians being allowed into Australia—they know that that number will not be increased to any large extent. Now, in such circumstances, one can understand that no fear exists. So would the conclusion that we should come to in South Africa to-day not be that the fear exists not on account of racial antipathy, and that racial antipathy, if it exists, is only of small moment, but that it exists on account of the large number of Indians in South Africa over and against the comparatively small number of Europeans—only a million and a half?—I do not think so. For instance, here in the Cape Province there are very few Indians indeed—I think there are about 7,000 Indians in this province—but I do not find the racial antipathy much less I am sorry to say. I think the Indians in this province are much more comfortable in all respects, but I do not think the racial antipathy is much less here. I was quite surprised at a labour meeting last night to find how strong the feeling was.

249. Would not this make a difference as compared with other countries that you are speaking of a particular province and that our provinces are not watertight compartments. These are provinces of one single country; the people living in the Cape Province are merely a part of the South African Union, so naturally what happens in one province will affect another?—That might be, but they are very watertight as

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far as the prevention of Indian immigration is concerned; and the Cape need have no fear, I think, under the existing laws of any influx of Indians from another province. But if you mean simply that the panic in one province spreads to another, then I think there is a good deal in that. (I go further and say that I think there is a definite colour prejudice in South Africa so strong that I have never felt it anywhere in the world to be so strong. I would add that Bishop Fisher, who is one of the noblest men I have ever known, and came on a perfectly independent inquiry into this country, declared that it was stronger in this country than in the worst parts of the United States. I think that this colour prejudice has a great deal to do with the fear in this country. Therefore it is very difficult to remove that. It is not simply a question of numbers.)

250. Let us take other countries again; why should Australia, why should New Zealand, why should Canada, and why should the United States have all found it necessary to protect themselves against the entrance of Indians particularly, but also more generally the entrance of the Asiatic into those countries?—That surely is on economic grounds.

251. Yes. Now you recognise that this is very largely an element, and I would ask the question whether that is not the predominating element of the cause of the fear that exists in South Africa with regard to the Indian?—I should not say so. (I think the racial element is quite as strong here from all my experience as the economic, that is my own feeling) I would point out that in Australia there are quite a large number of Chinese—I think between 12,000 and 15,000—who are domiciled in that country. They get along excellently with the Australians, and they have managed to solve all their labour difficulties in a way that was delightful to witness.

252. I think you acknowledge that merely stopping the immigration of Indians undoubtedly would not be sufficient to remove that existing fear. I think you stated that at one time, on the occasion of a previous visit, you hoped that that would be the case, but that coming here now you find that that is not the case. The stopping of immigration would not be sufficient to solve the question and remove that fear?—It seems that that is the case.

253. Let us first think of the immigration question. Was your idea at the time that the policy was laid down to stop the immigration of Indians into South Africa, that that immigration would be practically stopped altogether?—Practically, with the exceptions that were definitely scheduled [S.C. 9-'26.]

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and mentioned at the time of the agreement under the Indian Relief Act and in the Smuts-Gandhi correspondence.

254. But I think you are aware that as the law stands at present quite a number of Indians are still allowed to come into the country. Of course, under the Indian Relief Act of 1914 quite a large number of women and children are still allowed to come into this country, and they do come in every year?—Yes.

(255. Well, there is an opening still for immigration. Now, as far as I can see and judge by the figures, it is possible. Let us take the maximum, that 58,000 unmarried male Indians in South Africa can still, if they wish, exercise the right to do so, introduce women from India. I am not going to say that they will do that, but anyway that is a potentiality of which we must take account. Would it be a contribution to the taking away of the fear on the part of South Africa, and a contribution to the solution of the question, if immigration into the country could be stopped more effectively?—) That would certainly have to be worked out very very carefully between the Government of the Union and the Government of India, because at every single point the other side has to be taken into account, namely, whether humiliation will come through the stopping of certain things. For instance, one of the very greatest causes of humiliation in Canada, which probably led to as much bitter feeling against Canada at one time as there is against South Africa to-day, was the refusal of the Canadian Government to admit the wives of the immigrants who were domiciled there. It was regarded as a very definite humiliation that a married man should not be allowed to bring in his wife. It was also regarded as a very serious danger to the morals of the country. It has only been since the removal of that friction through the admission of the wives of domiciled Indians in Canada that a friendly feeling has come between the two countries. (I would also point out that, on this point of the wives and minor children, it does not depend merely on the Gandhi-Smuts Agreement and the Indians Relief Act; it also depends upon the reciprocity agreement of 1918, which I believe was accepted by the South African Union Government as well as by every other dominion, for in that reciprocity agreement it was distinctly understood that wives and minor children should be allowed to enter countries where the population had been definitely restricted.)

256. I do not dispute your view with regard to the existing law, but do you know the position more or less of the Japanese in the United States? The Japanese in the United States

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number more or less the same as the Indians in South Africa. I think there they have about 160,000 Japanese over and against a European population of over 100 millions, while in South Africa we have 160,000 Indians over and against one and a half million whites. Is it not so that in the United States they had the same problem of the continual introduction of women from Japan into the United States after the Gentlemen's Agreement was entered into between Japan and the United States that immigration from Japan to the United States would be stopped, and is it not so that the United States found it necessary to take steps to stop that introduction again?—Yes, and in doing so by the method of force instead of by the method of conference, the United States has raised such a terrible resentment in the minds of every single Japanese that I think for the next twenty years the position will not become less acute. I have been in Japan and in China. Though I did not get as far as Japan in the very year after that Act (which broke the Gentlemen's Agreement) was summarily passed by America, yet I stayed in China and I saw a great deal of the Chinese and the Japanese at that very time. Their resentment was such that it was regarded as the deepest humiliation that could be put on Japan by a great friendly power like America, and unquestionably it has insulted Japan.

257. I am not going into the merits of the case, but looking at it from the point of view of the United States I want to get to this point. Is it not a fact that the United States regarded the system under which Japanese women could be introduced into the United States as a great accentuation of their existing problems, because the introduction of women in those circumstances does not mean merely the introduction of so many more immigrants, but it means the establishment of homes within the borders of the United States and making the Japanese population a permanent one. Now, I think you will agree that that was the standpoint of the United States with regard to that, and you will recognise that the standpoint taken up in South Africa with regard to the continual introduction of Indian women from outside as a similar one?—I recognise that it is a similar problem, and I would also point out—and that is why I mentioned my experience in Japan—that any infringement of the human right of a man to live with his own wife in the country of his domicile would be regarded in India as a great insult. In India there is a very strong feeling that a man and his wife are one unit, and I think that, just as it roused intense indignation in India when the Canadian Government refused to allow the wife to come out and join
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her husband there, so I think it would cause an intense indignation in India if there was a definite refusal to allow a wife to join her husband in this country.

258. You will recognise too that if nothing is done in this respect that the introduction of Indians into this country will be continued, because is it not so that under the existing laws if an Indian is born in the country and he pays a visit to India, as a large number of them do, he can marry an Indian woman over there and bring her to South Africa. There is nothing to prevent that under the existing law. So if we do nothing it merely means that that opening will always be left for the introduction of Indians into South Africa, and our problem here in South Africa will continue in that way?—I think there would be a distinction between a man being allowed to bring his wife from India and a young man being allowed to go over to India and marrying there and bringing back his wife. There might be, I do not know; but there would be possibilities of a conference on these points. With regard to the first point—the question of a man not being allowed to bring his wife to the country of his own birth and domicile—that point would unquestionably be impossible to reopen. With regard to the second point, I think there might be a conference; I cannot express any opinion at this moment.

259. Can you inform us with regard to the marriage customs of Indians—both sections, the Hindu section and the Mohammedan section; that they are polygamists; that according to their religions polygamy is allowed?—That is a somewhat sweeping statement. Theoretically polygamy is allowed, but so far as India is concerned, I believe 98.8 per cent. of the population are not polygamists. Their marriages are monogamic. In this country, again, I think it works out at 98.4 per cent. There is thus only $1\frac{1}{2}$ per cent. who have practised polygamy; it is almost a question entirely of having a second wife, very rarely more. For all practical purposes, monogamy reigns in India both among Hindus and Mohammedans.

260. In what way could an Indian, say a Hindu, according to the rites of his own religion get a divorce, is it an easy matter or a difficult one?—It would be quite impossible for a caste Hindu; there is no such thing as divorce at all. Marriage is a sacrament of a most sacred character and it can never be dissolved.

261. And the Mohammedan section?—There is divorce.

262. Is it easy to get such divorces or is it difficult. Is it not the case that they merely go to a priest and the priest satisfies himself that the two people do not want to live with

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each other any longer and he grants a divorce?—I do not think it is very easy and certainly it is not very commonly practised in India, according to my own knowledge.

263. I ask the question because there have been cases in South Africa where owing to the easy way in which divorce could be obtained according to the rites of the Indian religion women have been introduced. There are cases which have come to our notice in which an Indian would marry in India quite a number of wives, does not live with them, comes out to South Africa, introduces one, does not practically live with her, has no children by her, divorces here, and then he introduces the second one and the third one. Those women are then introduced here and are practically never the man's wives and are free to marry other Indians?—All those cases would obviously be considered by a conference in which every single detail would be discussed and decided as to what would be fair and what not, just in the same way as at the time of the Smuts-Gandhi Agreement there was a very long conference by the Sir William Solomon Commission and it was thought that a satisfactory solution had been reached in regard to marriage matters.

264. So far as regards the coming of Indians into the country, I think you will recognise that the mere stopping of immigration into the country did not and will not remove the fear on the part of the South African, and that the removal of the fear is a necessary preliminary as you correctly say to the solution of the whole question?—May I just say that I do recognise it *has* not; I do not think I can say that it *will* not. For instance, if one or two censuses are past and the census clearly shows that there is no ground for the fear—as I believe the last census did—I think the fear itself will disappear; but as far as the present is concerned I am quite certain that it has not disappeared.

265. Would not you say that whether that fear will be removed or not, apart from numbers, that would very much depend upon whether the Indian who has been introduced into the country as a labourer remains a labourer, whether, in other words, the Indian gradually gets into other occupations where he will come into direct competition with the European, and that it will depend upon that? If that takes place to any considerable extent, and I think you will agree that it has taken place and is taking place, then that fear will not be removed and it may even be increased. There is that factor too, besides the mere question of numbers. But apart from that do you not think that we will approach [S.C. 9—'26.]

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the solution very much more closely if some arrangement could be come to by which the number of Indians in the country could be considerably reduced?—It all depends on the way in which the reduction takes place. If the reduction does not humiliate in any way Indian feeling, undoubtedly it will lead to a reduction of the fear; but to reduce the fear on the one side and to increase the humiliation on the other is not to solve the problem.

(266. Yes, I wanted to ask you according to your view how would any attempt on the part of the Union Government, with the consent and co-operation of the Government of India, to reduce the Indian population of the country, be regarded by the Indians in India?—Let me take an example from the past. I was present with Mr. Gandhi when we talked over carefully an extremely important clause, which is now called the voluntary repatriation clause, and he discussed that clause with me, discussing it with the object of reducing the fear in this country of the Indian population. At that time there was an atmosphere of wonderful friendliness between Mr. Gandhi and those he represented and General Smuts and those he represented. The consequence was that Mr. Gandhi cordially, with the consent of everyone in India, agreed to that voluntary repatriation clause, namely, that any one who liked to take the bonus passage back on the forfeiture of domicile would be allowed to do so and no objection would be raised by India. That clause was inserted simply because there was an atmosphere of give and take. Now to-day there is no such atmosphere at all; there is just the opposite. Even to mention the word "Repatriation" to-day, with this present Bill threatening India, is to wound and sting and burn. Therefore, to-day it is not possible in this atmosphere for the Indian Government really to co-operate in this way. But after the atmosphere itself is changed—completely changed as it was in 1914—I think there are many ways in which, as the Indian Government itself has expressed, the voluntary repatriation clause might be re-examined.)

267. What do you suggest—that we do not proceed with the Bill in Parliament any further. Do you think placing yourself in our position and with the view and feeling in the country on the part of the European population that it would be possible for Parliament to agree to that unless there are very proper safeguards; that it would be possible to have such a conference coming together and discussing the question of repatriation which would really end in a considerable re-

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duction of the Indian population, without proper safeguards beforehand? If we are not in a position now as a Committee to tell Parliament that there is no safeguard that we will reach a solution and that we can withdraw the Bill with that feeling in the country?—May I point out that I am asking for a postponement or suspension of the Bill pending negotiations, as we might call it. The Government of this country has the initiative in this matter always to lay down laws or sanctions. You have the power of re-introducing this Bill at any time. That is your right, your domestic right, as the Parliament of South Africa. I do not think that it would be at all fair to go to a conference with India and begin by insisting that this conference shall end in a certain way. The Bill might be withdrawn entirely as the result of a satisfactory conference. But if there is no result at all, you have had at any rate further time to think, before you decide to give the last insult to India which must lead to future hostile relations. If you decide to give that insult, then, at any rate, you have had full time to think about it. I would point out that the sanction is always in your hands. I do not think it would be possible for you to say “We will not come to the conference unless you promise certain things with regard to repatriation.” That would not be fair. At the present time, it would only accentuate the feeling of humiliation and insult.

268. *Sir Ernest Oppenheimer.*] You say you want to improve the relationship and realise that there is a fear on one side and an insult on the other side. You say the first thing to clear the atmosphere is to remove the insult, therefore drop your Bill. Could not it be argued that India do something during the interval while we drop the Bill and say “We will assist in some way in the repatriation of Indians,” so that each side does something during the interval. In the meantime if we come to terms you do something on your side as well. Is there nothing which India could do which is a *quid pro quo* to our dropping the Bill which sentiment is asking for?—If you postpone the Bill, as I said before it is simply a suspension of hostilities. I am only asking for the very minimum—that is the postponement of the Bill. I think that this will undoubtedly result in a more friendly atmosphere. I have no question whatever that any resultant good feeling between the two countries will do two things. It will prevent a complete and immediate stoppage of the repatriation which is now going on. For if you go on with that Bill and pass it, you may be perfectly certain that the repatriation which is still going on will soon come to an end by boycott and other efforts [S.C. 9—'26.]

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which the Indian people will undoubtedly employ to express their humiliation and sense of insult. You will at least avoid that before discussions have taken place. Secondly, I think if there is any hope of real friendly negotiations between the two countries there will not be a definitely hostile position taken up here with regard to repatriation. On both of these counts, I think even in the interval of the suspension of hostilities there will be a gain to South Africa.

269. Let me put the matter from the point of view of any Government. It is by gaining external peace you get internal turmoil by dropping the Bill. Is there nothing to be done by India to put Parliament in the position to give a reason why they have done it. We understand that Mauritius and Guiana wanted to recruit Indian labour and the Indian Government refused. If South Africa encouraged recruiters to come here recruiting if the Indians did not go voluntarily, would that be an insult?—I know about Mauritius and British Guiana. With regard to Mauritius the Government does not now want any more recruiting. They tried and were allowed to recruit a year or two ago and it was a failure. With regard to British Guiana, the conditions there were terribly malarial and unless health conditions improved I would strongly object to any Indians either South African or Indian going there. That was the verdict of the majority report of the Indian Commission that went there a little while ago. There is another enquiry at the present moment and it may be that in a period of years they may improve their sanitary and health conditions, but certainly I would not want Indians to go to these two places at the present time.

270. Are the conditions in Mauritius also undesirable?—The conditions are that the population is as dense as 535 to the square mile.

271. Is there anything one can suggest that India can do temporarily if we drop the Bill?—I should say that what would appeal to South Africa as a *quid pro quo* for this Act, this friendly gesture, would be that there is a real hope of a settlement in the future, in which the repatriation question would take its proper place.

272. You will notice from the remarks the Chairman made, either in regard to strengthening the immigration laws or repatriation, is there nothing that India can do?—I think the first thing in India is to get rid of this hostility. If in the next three months a calmer atmosphere can be reached, without any serious inflammation here, we can get to the position that Mr. Gokhale hoped for and Mr. Gandhi attained; only there

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must be no humiliation here or excessive fear there. If we can arrive at this point it will be an enormous advantage to get both sides to the larger vision and the larger hope.

(273. In the beginning of your remarks you told us about the indenture system and called it a vicious system, and stated it was fraudulent recruiting and coolie catching and a criminal offence, and that there were three men to one woman. It would be interesting to know whether Natal was as bad as this?—Natal came practically midway. On the whole British Guiana and Trinidad were slightly better in their marriage conditions than Natal, but Natal again was very much better than Fiji. Fiji was the worst. Fiji was the worst as regards the suicide and the murder rate. The suicide rate in British Guiana for a period of years if I remember rightly was roughly five times the suicide rate in agricultural India among these agricultural labourers. Thus there were five suicides in British Guiana for one in India in the same class of population. In Natal it was ten to one and in Fiji it was the horrible figure of twenty to one, and the murder rate was actually eighty to one. Nine tenths of this was due to the sex trouble. In almost every case the woman was murdered. The murderer was a man who in jealousy knifed the woman and then himself committed suicide. That will account for the extraordinary high figure for murders. That was the character of the system and these evils were quite inherent. In the case of Natal, practically all along there were three men to one woman in the barracks. They were always fighting about the women. The recruiting was equally bad. I had to go into a very long enquiry in India itself and paid surprise visits to find out all about recruiting. I found even that insults to women's modesty took place in order fraudulently to compel them to come out to this country. That is a terrible fact to have to state. But that goes on all over in every single place in the world where you have this professional recruiting. This continued from 1860 right up to 1911. A further point to note is this, that this word "recruiting" has got a terribly bad meaning in India. I noticed in the debate the other day there was a suggestion made for recruiting and using Indians to recruit their fellow Indians for repatriation. I think this is an extraordinarily dangerous word and dangerous idea. It will again raise resentment. You must have a perfectly clear understanding what is legitimate and what is not legitimate under the repatriation clause.)

(274. Do you mean to say that if an Indian went amongst Indian community and asked the Indians whether they wished [S.C. 9—'26.]

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to return under the voluntary scheme that you would look upon that as an infringement of the arrangements come to?—Yes. If it is a provision that the recruiter will be paid so much per head for the Indians he can get to return it would be as I have said an extraordinarily dangerous system and would obviously adversely affect the word “voluntary” just as it did in India. In India, the professional recruiter was paid £5. for every woman he brought to the depot and £4 for every man.)

275. If you took the position that you do not pay so much per head. If the men went round to explain the difficulties they are living under in South Africa that would make it easier?—It is just these things that I think are absolutely necessary to clear up at a conference. Unless you do it you will be bound to suffer in the long run.

276. Recruiting for labour is general in South Africa. It does not mean that the people are forced to go to the mines for instance. We get people to go round to the parties and explain things, and get the natives to come forward in larger numbers for the mines. The word “recruiting” has no such serious import as it has in your mind?—In this case it is really a very serious matter. A man gives up his birthright for a very small sum of money. That sum has now been increased; still it is a small sum for a birthright. If he is fraudulently recruited and finds himself in India under false pretences; if he discovers that he sold his birthright for a mess of potage, he finds out too late his ghastly mistake. Are you not injuring yourselves by such an act? (May I give a personal case? In 1920, when I came out, I tried seriously to help in the matter. I found that recruiting was actually going on, and I came across a circular being published in which things were being said about India which I knew were incorrect. I therefore sent a public letter to the Indians in Natal to have nothing to do with repatriation so long as that kind of recruiting went on. That *did* seriously stop recruiting at the time. So I say it is very necessary to have a conference on this matter.)

277. On page 3 of your statement you speak about the possibility of trade relations between India and South Africa. I know you are not a business man, but would you still, from your experience and knowledge of both countries, give us an outline of what trade you had in mind?—There might be an enormous fruit trade in time. Coming over here from India it is quite remarkable to get the fruit so cheaply, which I am now practically living on. I would give anything to get this fruit in India—the health-giving properties are so great. It would be quite easy for a full cold storage system to be

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started in a great town like Bombay, which with all its suburbs has upwards of 2,000,000 people, and many are wealthy. Calcutta has practically the same population, and is equally wealthy. Then there are Madras and Colombo, because Ceylon is practically one with India. A ship can go over in eight or ten days by direct passage from Durban to Bombay or Colombo, and there would be among these millions in India a progressive market for South African fruit. Things you can get so cheaply here like grapes, pears and peaches, would certainly have a wonderful sale in India.

278. Is there any other direction in which trade could be done?—Of course trade, as you know, is a mutual thing. I do not know if, in the long run, you will be able to supply us with coal or whether we shall be able to supply ourselves. We have at present great difficulty in getting coal right round from the coalfield, which is on the Calcutta side, to the western side of Bombay. You have some advantages over us. By paying a bounty on your coal you have succeeded in getting into our coal trade. I do not know whether that will continue in the future. Really, I am not able to deal with these things. If visitors came over here, as they are going now to Australia, some of them wealthy maharajahs and others—if South Africa became a place which would welcome visits from India of a temporary character, then through these friendly tourist visits (which are going to be one of the most important features in making friendships throughout the world), large sales of most of your things, such as diamonds and other things, might ensue. These would certainly find a market in India among that class which is wealthy.

279. *Mr. Duncan.*] You talk about this Bill being an insult to India. I want to know from you whether you consider the provision for the establishment of separate areas, residential and trading, are necessarily regarded as an insult by India?—Not in the least if they are entirely voluntary. I think there you have to remember—and this point I have had a great amount to do with because I went into this question with regard to Kenya—you have to remember that the national policy of a country forms slowly. A point that means a very great deal is the fact that India has been fighting desperately for her self-respect. In the Kenya decision, which was called the White Paper of 1923, India obtained one solid gain, and that was 'Non-segregation.' In that White Paper it is strictly declared that in no way shall there be segregation, either for trade or residential purposes. But still there will be voluntary
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separation, and it is not difficult to carry that into practical effect.

280. You told us you had found in your experience here very strong racial antipathy on the part of South Africa to Indians. Do you not think that by a policy of providing separate residential and trading areas in the towns where they mostly come in conflict with each other that feeling may be made easier?—I think so, if the provisions were made in a wholly satisfactory manner and the Indians were given perfectly free choice to go there; I think they will go.

281. I am speaking of compulsory and statutory reservations. Do you not think that the feeling I have mentioned will be eased as far as the Europeans are concerned if they had that sense of security that, for example, the property next door may not be purchased by an Indian?—I would suggest that, at least for a time—especially as there have been many new regulations in Natal lately—it would be well to see how things go for a series of years, whether the Indians are really under the new conditions trying to force their way into what are obviously European areas. I think it will be found that this practice, which might have been in the past, will not go on, and if so, I think it will be enormously important not to try to force this word 'compulsion' into the settlement.

282. Can you suggest any way by which this separation policy can be made effective without compulsion?—By mutual agreement. In Nairobi, where there is now no compulsory segregation, a state of things has at last been reached which is practically one of mutual agreement. I say there will be no real breaking on either side by either race, even where there is no compulsion, if mutual agreement has been reached beforehand.

283. Do you find in Nairobi this antipathy to Indians?—Yes it is very strong indeed, but I have seen, nevertheless, the possibility of a segregation of races on a voluntary basis. I do not think it is at all impossible to carry that out. I have also seen it in Fiji at Suva, where there has never been any compulsion.

284. Do you mean to say in Natal that would take place if they were left to themselves?—I think so. I think it can be encouraged by areas of a suitable character being provided and offered to them voluntary.

285. Have you seen the places where attempts have been made to do that in this country—to set apart areas for Indians?—I have lived in locations if that is what you mean,

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such as that at Pretoria. On all my visits I have lived in the Pretoria location, and the conditions there are deplorable.

286. Do you know any place where the conditions are what you would call fairly good?—I have not seen that with regard to Indians. I have seen some native locations which have a good mapping out and good sanitary, water and lighting conditions.

287. You do not know any town which has made reasonably good provision for Asiatic reserves?—No, all the locations I have seen in the Transvaal I would condemn.

288. You think if they made a better attempt and provided a better situation for these places that they would be availed of?—I think so. But they have practically compulsion under the Transvaal law.

289. To the extent that they cannot acquire land elsewhere?—Yes.

(290. *Mr. Lennox.*) I would like a little more information with regard to the statement you made at the opening about the indenture of Indians and recruiting. You described that as a vicious system?—I think the indenture system had these faults. First there was professional recruiting which must lead to vicious things happening. I proved that up to the hilt to the Indian Government. Secondly the five years of indenture which is entered into by an ignorant person, who does not know what he is undertaking—putting his thumb mark to a document and being recruited by a professional recruiter—is not a fair contract. It is a contract in which intelligence on the one hand is imposing on colossal ignorance on the other. For an ignorant man to sign a document to stay for five years on an estate, whether he likes it or not, in which he finds things that make his life miserable, is really a kind of compulsion; to make him a criminal, if he runs away, is really not a fair bargain. He is forced to stay on one estate unless he can prove in court cruelty or something else. The other point is far more serious, and I think it is one on which we got the system finally condemned, that is the evil proportion of the men to the women.

291. Where does the fraud come in?—If you give the professional recruiter so much per head for bringing men to the depot that class of man is sooner or later going to use fraud.

292. Were these conditions agreed upon between Natal and the Government of India?—Yes, and very strict regulations were made against fraud; but as you know regulations are very often broken.

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293. You are aware that the original indenture was for five years and after five years he returned?—No. There was no condition ever made in Natal by which any one who ever came to Natal under indenture would be forced to return. At one time an attempt was made to obtain that, but the Indian Government opposed that. At one time a settlement was reached by what was called the Poll Tax. The labourer could either return, or else stop in the country by paying £3 per annum.

294. Was it not the original idea that these men would remain in the country and then return at the Government expense?—No, it is exactly the opposite. Every inducement was made to keep them in the country because the shortage of labour was so great. I think I had better just refer to page 25 in this document. Section 51 of Law 2 of 1870, says:—

“When any coolie immigrant shall be desirous to commute his right to a free passage for the value in land to the amount of the cost of such passage, and the Lieutenant-Governor shall see fit to grant to such immigrant out of the Crown Lands of the Colony a piece or parcel of land equal in value at the upset price of the Crown land to the amount of the cost of such return passage, such immigrant shall have the same in lieu of his right to a full passage.”

That means that the coolie could claim his free passage back to India if he liked; but if he did not like to do so he could take in lieu of his free passage a parcel of land to the amount of the free passage. Therefore, at that time, they were obviously trying their utmost to keep them in the country.

295. Is it not a fact that many thousands preferred to remain here after they had completed the five years?—Certainly, that was part of the contract.

296. They preferred to remain and be engaged?—Certainly many of them preferred to remain, some as free and some as re-indentured.

297. They had the right to return?—They had the right to return if they wished.

298. With a free passage?—Yes.

299. They agreed to remain because the conditions were good?—Certainly they did not want to go back when they were free.

300. I rather think the statement you made that the system was vicious and fraudulent is hardly borne out?—I did not mean that there were no material advantages in the system, but the system itself was fundamentally vicious. When you put men into vicious surroundings and they are recruited into

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it—in a number of cases in vicious ways—you cannot get rid of the fundamental viciousness of the system.

301. The fact that we have this problem present in Natal indicates that they found conditions particularly good?—After they had come out of indenture; but the indenture system refers to the time when they were under indenture, and that I feel was a vicious system.

302. I do take exception to this system of recruiting being characterised as vicious and fraudulent.?—You would not if you had had the same experience that I have had. I had to go into the system in very close detail and paid surprise visits to the depots and found out all about it and proved to the Government of India that it was fraudulent.

303. You know ever since Indians have been recruited there has always been a protector of Indian immigrants paid by the State specially to protect the interests of the Indians?—Well, I think the best way to summarise is this, that the Government of India itself has agreed to abolish the system almost entirely on the evidence that it was an immoral and undesirable system.

304. You spoke of the fear on the part of the people of South Africa. May I ask when you were in Durban where this problem is most pronounced, whether you did not feel a good deal of sympathy for the people of Natal and Durban particularly in that fear?—No, I do not think that I did.

305. If you take the original class of Indian that was recruited and came out to this country; he was the low class, was he not?—He was of a low class, yes, in the majority of cases, but not in every case.

306. Many of the Indians you have there to-day, spring from that class. I am not denying them the right to advance by any means, but what I mean is that you cannot really say that they constitute a desirable class to live here under those conditions?—I think if they had the same advantages of education and other things as the white children have that they would improve.

307. It is the danger to-day we are faced with. I am not speaking of the economic position as the insanitary condition of all the class of Indians you find in these hovels round about Durban. You admit they come from a low class, and there they are. Many of them have children who have not improved on the condition of their fathers?—Certainly, but I think it is true to say that the Natal Government from the first did not wish them to go out and offered them these very conditions of free settlement. I would like to refer to some words of Mr. Gokhale, who is one of the greatest states-
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men we have had. When he came out here he had studied all the documents with regard to all the despatches which passed between the Government with regard to these labourers and he says definitely that after having studied all the despatches between the Governments he found that they most solemnly undertook on the part of the Natal Government that the people who came from India under these conditions should be allowed free settlement after the indenture was over.)

308. I am not disputing that, but a danger has arisen which must be confronted?—Yes.

309. That is a fear in the minds of the people of South Africa to-day, that that constitutes a definite danger to the country and particularly to Natal?—Might I on that point refer to what I call the big settlement of this question. I think we ought to get from this immediate question to the question of what may be called the big settlement of the whole matter. If once Natal can realise that the Indian population is not going to increase very much, but will only increase at a very much lower rate than the European—and a great many of these are after all South African born and their fathers were South African born—and will give them a chance, enormous improvements would take place in the long run and the problem would solve itself. Just to take one example, I always stay with Indians and this time in one of my friend's houses I found the sanitary arrangements ever so much better than last time, which shows that things are improving and they can be improved by strict health regulations.

310. Are you aware in Durban that in the European area the Indians are becoming owners of very valuable property where they may not live themselves and which they let to Europeans?—Yes, I think that is so.

311. Do you not think that constitutes a fear?—I think a part of the European population has got a fear on that point.

312. These Indians are encroaching on the residential area of the town and are insidiously driving in the wedge which undoubtedly will reduce the value of property in those parts?—I think that there is again a question that ought to be settled if possible and can be settled in a friendly atmosphere by mutual arrangement.

313. Do you think there would be any humiliation on the part of the Indian if it was said to him “You cannot live in these areas?—It would be an injustice to take away at sight a right which he had acquired all these years. I *do* think, certainly, that the Europeans feel that the Indian is a danger

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to their property, I feel also deeply that this is creating a bad feeling between the two races. But I do not think it would be difficult to come to an arrangement by which the Indians should buy on one side and the Europeans on another. At the same time I would refer to the other side and ask you if you have considered why on the late Mr. Parsee Rustomjee's property—which is in the Indian area and is being put up for sale—the Indians are prohibited from bidding in their own area.

314. Do you think there is any injustice in a clause in the Bill which would prevent Europeans selling to Indians residential areas?—It is definitely an infringement of the rights which the Indians possessed in the past and I wish to come to a settlement of those things.

315. There is that fear you are speaking of?—Yes.

316. And the fear is very deep?—Yes. At the time of settlement when these points are brought up one by one, I think that would be the means of settling them, but I think it is impossible to settle them by arbitrary methods, that is to say, by simply passing laws over one's head.

(Monday, 8th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick
Mr. Coulter.	Sir Ernest Oppenheimer
Mr. Duncan.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr Lennox.	Mr. Vermooten.

The Rev. Charles Freer Andrews, further examined.)

317. *Mr. Lennox.*] In your statement you refer to the Indian rights in South Africa. What rights do the Indians in South Africa not possess that they do possess in India?—The right of franchise is nearly taken away from Indians in this country, and we have the franchise in India going down to a considerably low level in regard to property

318. These Indians were deprived of the franchise, they did not possess it in India?—The franchise has only recently been given in India since the Reform Act.

319. Only the Indians who possessed the franchise in India would have it in this country?—I do not follow the question.

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320. I understand the position is that any Indian who can prove that he had the privilege in India of having the vote can have the vote in Natal?—I am not quite certain about the point. I think it is so.

321. Can you tell us what rights the Indians in South Africa do possess which they possessed in their own country I refer particularly to Natal?—In Natal at the present moment the Indians do possess rights to land and property, similar to what they possess in India, but under this Bill it appears to me that many of those rights are going to be taken away.

322. The Bill provides that they can buy land from themselves?—At the present moment there is no restriction—except under recent legislation—either with regard to land or property, but this Bill is going very seriously to restrict both land and property rights.

323. *Mr. Marwick.*] We understand that your evidence is intended to be in consonance with that of the Government of India Deportation on a grand scale?—I asked to give evidence entirely from an independent standpoint as a student of the subject.

324. You have studied the subject in India for many years, and have lived there for many years?—Yes, for 22 years.

325. Living among all classes of people?—Yes, and I have also been almost in every part of India.

326. You can speak with a fairly comprehensive knowledge of the conditions in India?—Fairly, but it is a very big country.

327. Would you consider yourself an authority on their customs and that sort of thing in India?—I could not say I am an authority.

328. You are a keen observer?—Yes, I have been a student.

329. You published a pamphlet in 1920 headed “The Asiatic question in South Africa”?—Yes.

330. Do you to-day adhere to what appeared in that pamphlet as being correct?—I think there are some things that I would modify to-day, but on the whole it is fairly correct to-day.

331. In relation to the conditions in India you ought to be fairly correct?—I think so.

332. I want to put in a portion of that pamphlet as evidence. I would like to read a brief extract and ask you whether you agree with it?—May I ask if I may be able to put in the whole of that pamphlet as part of my evidence? I have not got copies, otherwise I intended giving it as part of the state-

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ment which I want to make. (*Acting Chairman*: You can put it in and it is then for the Committee to decide whether they will print it.)

333. I want to ask you whether you agree with this:

“ South Africa is now in great danger of becoming a caste-ridden country. At the very period in history when India, after untold futility and misery, is at last trying to throw off the caste habit (just as China is trying to throw off the opium habit and America the drink habit), South Africa with all the feverish haste of youth and inexperience, is seeking to impose the caste system not on others, but on herself. Nature is saying silently to her ‘ You should try to understand ’ But, like a wilful child, South Africa appears to be determined to defy all history, to make the same old-world mistakes, and to repeat again in a new civilisation the failures of the past. It is only another instance of the saying that there is nothing new under the sun. For this race-segregation which is being spoken about in South African politics to-day, as though it were a new discovery, was really invented in India, somewhere between 1700 B.C. and 1000 B.C. It has been the curse of India ever since. It is the caste system, pure and simple, masquerading under a new name. It may be said, without any qualification, that the most convincing proof which can be offered to South Africans as to the futility of race-segregation, is the age-long experience of India which tells directly against it. To anyone who has any doubt upon the subject, I would give one golden piece of advice—read Indian history. For caste is nothing extraordinary, nothing mysterious, nothing peculiarly ‘ oriental.’ It is simply the same word as ‘ colour ’ or ‘ race.’ India is the one country in the world which has been through every phase of the problem of the ‘ white race,’ the problem of the race which tries to keep itself apart and not become mixed in blood with other races. India also was the one nation in antiquity which tried to do this by civilised methods and refused to employ barbaric methods of extermination. That is why Indian history is so supremely important on this subject. Let me try to explain this matter accurately, while avoiding all technicalities. The actual Sanskrit word, which has been in daily use for some thousands of years, as the equivalent of ‘ caste,’ is ‘ varna,’ meaning literally ‘ colour.’ The exact definition of ‘ varna ’ is fortunately undisputed by all scholars. To keep ‘ caste ’ (varna) is to keep the colour bar—to remain unmixed by marriage. Caste is nothing else than that. The word ‘ varna ’ was first applied to the difference between the white Aryan race, which

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entered India from the North as conquerors, and the dark aboriginal races with which the white invaders came into contact. It is with a strange feeling of the unity of history that we remember how the situation in the Indian continent, nearly four thousand years ago, must have been in striking respects similar to that of Africa to-day. For the Aryans who entered India were a highly intellectual and civilised white people, while the aboriginals had not passed beyond the savage state. The other point of resemblance, which I have already mentioned, is this—that the Aryans quickly reached that humane stage at which the solution of the race problem by methods of extermination becomes impossible and unthinkable.

From the hymns of the Rig Veda we learn that the settlement of the white men in the plains of India was very gradual. Wars against the savage tribes were constant. Then came a period of settled occupation, during which the white and dark races lived side by side together.

At this stage the white race became seized with a passion that was almost equivalent to a fanaticism to maintain the purity of the white race at any cost. Inter-marriage was forbidden by law. And since religion was, at that early stage of man's history, the strongest form of law, it was agreed to make inter-marriage religiously illegal.

But, again, since social intercourse might lead to irregular marriage or co-habitation, the religious disability was put, not only upon inter-marriage, but upon all social intercourse also. Eating food together was prohibited, and in certain cases the aboriginals were segregated in locations.

This, then, is the meaning of caste. It has never changed its character during all these thousands of years. To repeat what I have said, for clearness—the central structure of caste is the refusal to inter-marry. The two buttresses supporting this central structure are (1) the prohibition of social intercourse; (2) the prohibition of domicile in the same area.

Gradually, as others entered India from the North, the problem of race purity became more complicated. Certain rules of intercourse became relaxed among the higher races and their descendants, but the aboriginals remained out-caste and untouchable. Thus, water might be taken from the hands of any member of the higher races, but not from the hands of an aboriginal. The higher races might live side by side, but the aboriginal must be segregated in a location. These higher races and their descendants have multiplied and covered the land, and among them, at the present time, the amenities of life are not greatly interrupted by the caste system. Inter-marriage is still not observed between the dif-

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ferent higher castes. Taking food together is also still uncommon. But the direst insult of race-segregation and untouchability is reserved for the out-caste people only; it is never applied to the caste people, who are all of them "touchable."

If you go into any Indian village to-day you will find the houses of the village itself grouped closely together and the people of the different castes living side by side, though not inter-marrying.

But take a walk to a little distance and you will find a location where the untouchable Indian lives—the Indian who does scavenger work or some other menial occupation. If you look into his face you will probably see the signs of the aboriginal—the low forehead, the broad nostrils, the dark skin—and you will understand how, century after century, that fate of being born a scavenger has been thrust upon him, with no chance of rising to anything else or of marrying into other than a scavenger's family. This is how human life has become stratified in India. This is India's curse.

Along with very beautiful and humane ideals in other directions, which have gone far to raise Indian life very high among the nations of the earth, there has been going on unheeded, for centuries, this festering sore in the body politic—the unhealed wound of the untouchable. Just as the drink curse in England seems impossible of remedy, in spite of all the noble efforts that have been made to overcome the evil, so in India, age after age, the greatest heroes and saints and prophets and men of righteousness have directly opposed this evil caste-custom and have championed the cause of the untouchable even unto the death. They have eaten and drunk with them, they have gone to them and embraced them, they have welcomed them into their own religious communion. But, again and again, the social life of India has fallen back into the same old rut. The race-segregation has become almost as complete as before. Often I have seen in these locations men and women who has sunk down to the semi-animal stage owing to these centuries of untouchability. Often again, owing to some freak of nature or some intermingling of blood, I have seen, in these very locations, some beautiful child faces, with bright and high intelligence written in their eyes; and it has made my heart ache to think of man's inhumanity to man in allowing this hideously inhuman system to continue all these years without radical reformation.

And yet it is this very caste system which many are feverishly attempting to build up within the South African Union. If anyone doubts it, let him go and live, as I
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have actually done, in the Pretoria Indian Location. By an awful Nemesis, the Indians themselves—often Indians of the higher caste—have been made the “untouchables” of Africa.

In the bare and incomplete outline of the caste system which I have given, I have intentionally omitted all reference to the manner in which certain clans or tribes became separated off for special functions, such as Brahmins for priestly functions, etc. This development in the caste system in no way militates against its original racial basis. Caste started with the one object in view of race segregation. Everything was directed to that end; and, in the final segregation of the aboriginal or pariah races of India from the so-called higher races, it has fatally succeeded. The sixty millions of untouchables are as segregated from the high-caste Indians to-day as human ingenuity and religious bigotry and priestcraft could make them. This segregation has degraded, in a terrible manner, the whole field of Indian life.

What, then, has been the final verdict of history upon this racial segregation as practised in India for so many centuries with such relentless thoroughness? The plain verdict is, that it has almost completely broken down, even in respect of its own narrowly limited objective. The races have not really remained side by side unmixed, however terrible the penalties against mixture. But far beyond this narrower limit, the consequences of segregation in the wider spheres of human life—the social, the political, the national, the ethical—have been nothing less than disastrous. It is a commonplace, which few scholars would dispute, that the divisions and inhumanities of the caste system have been, in every single century of Indian history, the bar to progress.” Do you agree with these views?—(At this stage the Chairman entered the room and Mr. Duncan vacated the Chair.) Yes, I think that is a correct view of Indian history. I think I should say, however, that the few words about scholars need some modification. There are not a few scholars who would disagree with that interpretation of the word “varna,” but still I personally think that is its true interpretation in history.

334. You are not surprised to find it agrees with the interpretation of Sir Valentine Chirol which he gives in his latest book?—I expect so.

335. Do you find any reason for disagreeing with the finding of the late Chief Justice of Natal, Sir Michael Galloway, that the indentured Indians were recruited from

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the lower class. He held an inquiry for several months and came to the conclusion that they were recruited from the lowest class in India?—Had he any experience of India?

336. I am able to say I am talking of a man who had the mind to sift evidence, and was a man of remarkable detachment, and he took evidence from people who knew about the subject?—That is not my conclusion. My conclusion is that these people came from varied classes in India. I have, of course, been, both in Natal and in Fiji, right among the indentured Indians. I have examined them personally, and as far as the Hindustani Indians are concerned I examined them through their own vernacular, and certainly there a considerable portion did not come from the first class. I found even that some of them came from the very highest class in the land owing to fraudulent recruiting. To give one instance, I have come across again and again in Fiji instances of Brahmins being recruited, and they are the highest caste of all in India. I found them in the barracks with my own personal observation.

337. Would you call the majority of these Indians high caste or low caste?—Practically all belong to the agricultural village class and are, of course, agriculturists. There may be some who would be of the very lowest caste, too, but the others would not be of such low caste, and a certain number were recruited from the very high caste.

338. There will be a limited number of the very high caste people?—Yes quite a limited number.)

339. We have it from Sir Benjamin Robinson that a large number were brought by methods of coolie catching, and we can scarcely believe that people of the high class would be subject to coolie catching?—I am sorry to say that very many women were brought out in that way. In Fiji, I came across case after case of women who had been brought out in that way.

340. I am speaking of Natal?—It was the same system and the same recruiting.

341. Do you know of any high class Brahmin women being brought out to Natal?—I think probably there were cases I have not seen them with my own eyes in Natal.

342. Comparing the conditions of the lowest class of Indians who have been brought to this country with the corresponding class in India to-day which would be in the better position, the low class that remained in India, or the low class that was brought out here?—To-day I think there is greater prosperity amongst the lowest class I have met in this country [S.C. 9—26.]

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—material prosperity—than there is among the same class in India. But from other sides and other points of view I feel quite strongly that there are humiliations here which are never experienced in India.

343. Worse than those you describe here in the village of the untouchable, which you describe as a curse to India?—I do feel definitely that that humiliation is one of the worst in the world, but I also feel here that the humiliation which is put upon Indians here is, I would say, even worse than that I have described there.

344. Can you give me any idea how it can be worse than a man condemned his whole life-time to be a scavenger, for instance. You say “century after century that fate of being born a scavenger has been thrust upon him with no chance of rising to anything else, or of marrying into other than a scavenger’s family”?—Here there is a chance of rising, now that the indenture system has been abolished. But also in India to-day that very thing is passing away very rapidly—it is almost a thing of the past. To-day in every part of India that untouchable barrier is breaking down. To-day India is rising very rapidly above that very condition I mentioned in 1920. If I had written that paragraph to-day I would certainly have mentioned the most marvellous movement, namely, the abolition of untouchability, which is taking place very rapidly.

345. Where is it taking place?—All over India.

346. How do you reconcile that with a resolution of the Central Provinces Council in 1921, where access of the depressed class to the wells and tanks was refused?—I think that is probably reactionary; it may have been passed for one session, but it would not last for more than a single session with India in its present mood.

347. Is the caste system enshrined in the religion of the Hindu?—I do not think so. As I have said before, I am not an authority, but the ideal behind the class system is that there are different functions in the human family, and that was the original idea; but this original idea, owing to abuse, has become corrupted in various ways, and we have the present caste *system*. It has to-day these abuses, but the greatest of all is the untouchable. As I have tried to show you, for years past this system has been breaking down with incredible rapidity—it is perhaps the greatest revolution taking place in the world to-day.

348. What is the standard of literacy amongst the Indians for census purposes?—I cannot tell you.

349. Would you have reason to dissent from the statement that it is 13 per cent. who attain to elementary standards of

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literacy, of those two per cent. are women?—Yes. That may be so.

350. In regard to the feeling in India against legislation here. . . . ?—(May I say before you go on to another question—the humiliation here is the sting of being treated in a humiliating manner by another race—by a foreign race. There may be great humiliation in India among the untouchables and others, but at the same time that is in their own country, it is not at the hands of a foreigner; and there is a great deal of difference between humiliation you receive at the hands of your own countryman and at the hands of a foreigner.

351. They have elected to come to this country. They had a free passage back?—They did not elect to come here; in five cases out of six they were fraudulently recruited. It was so bad that I reckon every five out of six, or every three out of four, were fraudulently recruited under the coolie catching system.

352. They had the option at any time after the completion of the various periods of service to take a free passage to India?—Yes.

353. And they elected not to exercise it?—They elected to stay in this country under certain conditions, namely the right to free purchase of land and other property.

354. In regard to the inducement held out to them to take land in return for a free passage, how many availed themselves of that?—I am not certain. I think it was only a few.

355. It is stated in the pamphlet published that the number was 15. Have you reason to think that there were more?—I do not know.

356. How many thousands were introduced?—I think 159,000 but I am not certain.

357. That small proportion elected to avail themselves of the inducement to leave for India?—Can you tell me where you got that figure from?

358. From a pamphlet recently issued by H. J. Stuart in Durban, from which some of your extracts are made?—Yes, that is probably right.)

359. You are suggesting that the caste system is breaking down in India?—The abuses of the caste system are certainly breaking down.

360. What do you call the abuses of the caste system?—The abuses are chiefly connected with what is called the untouchable, that is the refusal to admit into your presence certain of the lowest class.

361. Would you disagree with the statement that when Gandhi attacked the untouchable he was threatened with ex-
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communication by a conference of Hindus?—Certain reactionary bodies among the Hindus threatened him, but he has held his place right up to the present moment.

362. How recently did they threaten him?—Probably two or three years ago.

363. These bodies, I take it, represent the very pinnacle of Hinduism?—No, the reactionary forces in Hinduism.

364. The orthodox Hindu?—Not even that, but the extreme orthodox. I prefer to call it the reactionary orthodox.

365. Is that system not enshrined in their religion?—I am not a Hindu and it is difficult for me to answer these questions. There is a Hindu member of the Deputation and it would be better to get a direct answer from a Hindu on these questions.

366. I do not wish to ask you any questions likely to embarrass you. In regard to the feeling in India have you any reason to disagree with the statement of Mr. Whitcutt, who is a Durban resident and has had intimate connection with India for 30 years, and has only recently returned from India. He says: "I would go so far as to suggest confidently that in any part of India out of the first 1,000 persons one encountered and put the question to, not five per cent. would know anything at all about the Asiatic Bill in South Africa, and not ten per cent. would know where South Africa is"—I think that is an absurd exaggeration. Most business men go into India for business purposes. He may have lived 30 years in the country and have had little touch with purely Indian life, especially with village life. I have lived all my life with Indians but that gentleman would probably live among his fellow Europeans.

367. Would you suggest that the people who know of the existence of South Africa and what legislation is supposed to be introduced exceeds the number of persons who attain standards of literacy?—Oh yes. South Africa is well known all over India.

368. Would you maintain that the number of persons who know about legislation in India exceed the number of persons with the minimum standard of literacy?—Certainly because vernacular papers are published and read every evening all over India. One reader will sometimes read to an audience of 40, who are eager to get news, and are deeply interested in these questions.

369. We had a sort of boycott in Calcutta against legislation in South Africa?—There was a resolution passed by the Corporation; is that what you refer to?

370. Yes. Was it not curious that that should be passed in the very town which has never in its history purchased South

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African goods?—I think the Calcutta Corporation was passing a resolution which was equivalent to the Bombay resolution—that was, that they should purchase no stock or any goods with regard to municipal purposes or finance that had origin in South Africa. It would be likely that other corporation would follow too. A great deal of the finance of the corporations is on an international basis. These great cities determined they would not finance any of their undertakings with South African money.

371. In regard to legislation by the Indian legislature, I understand that a Bill was passed some time ago to prevent the entry into India of South Africans and Dr. Gour was prohibited?—Yes, it is not in force.

372. It was passed though?—It has not passed the final stages.

373. In connection with the passing of that Bill I think it was pointed out by one of the members that it was clearly illogical for the legislature to demand equality with the Dominions when the conditions in India were so lacking in equality between one man and another?—I do not know anything about that.

374. I should have thought that you followed it very closely as a student. Sir B. N. Sarma warned the legislature it was unwise to make too much about equality outside in view of the customs of the country. Have you reason to dissent from that statement?—I do not think we can judge matters entirely along that line. If the Indian comes to South Africa with the full promise of the South African Government that he has all the rights that the other settlers have.

375. Why should he have the rights the other settlers have?—He did have them originally when he came, and it is not fair to take these away from him now.

376. Your contention would be that if the untouchable had equal rights with the Europeans here, he should never be disturbed in the exercise of those rights?—I believe there is no women's franchise here in South Africa; do you wish that when a South African woman goes to England, she should be debarred from the franchise.

377. That is no parallel, that does not present a problem at all?—I am speaking of a country of very peculiar problems when I speak of India.

378. That is my point. We are speaking of two countries with peculiar problems. In his own country the Indian belongs to a class who, to-day, is denied equality, and lives under a system of ostracism and, in this country, he wants to be received as our equal?—As far as I can understand they came here on the understanding that they would have definite
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rights. You want to take away these rights simply because in India it may be he does not get one or other of these rights. That would be wrong, just as it would be wrong to take away the right of franchise from a South African woman who went to England, because she has not the right of franchise in South Africa.

379. What is the proportion of the population in India that voted in the 1921 election?—I cannot say off-hand. I am afraid I have not got those figures.

380. Have you any reason to disagree with the figure that only 1 in 265 voted for the all India Assembly. That was in 1921. Would that be approximately correct?—I do not know. It may be.

381. And of all those entitled to vote only one-fifth voted?—Yes, there was a reason for that, because the Councils were being boycotted by the great part of the voters. We have not yet had an election at which all parties have agreed to go to the poll.

382. What would you say would be the proportion of persons who exercised the vote under present conditions at the last election of the all India Assembly?—I do not know the figures.

383. In regard to the census figures of Natal. Have you ever heard the correctness of these figures doubted?—I saw an article in the *Natal Mercury* which made a statement to that effect.

384. And gave instances in which Indians had deliberately misrepresented their numbers?—It gave an instance on hearsay evidence and I did not attach much importance to that.

385. Would this be the article you refer to published in the *Mercury* of the 9th February:

“Here is my authority—a letter from a leading Natal public man who has exceptional knowledge of the coast districts of the province: ‘I can give two instances on this farm. The Indian policeman called on my Indian servant and asked him ‘How many children have you?’ He replied ‘Two.’ Whereas he had eight. The officer then went to another Indian working for my son. He got a similar reply. He had seven and gave the number as two. I asked the first-named for his reasons, and he frankly replied that it had been arranged they were not to give the correct number of children. A large number of children are not registered as Indians and are no longer required to carry passes.”

That is the article. I think it is really what they call hearsay evidence and not very reliable.

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386. The writer gives as his authority a letter from a leading man. He must have had access to this letter?—He does not give the name of the public man, or tell you whether he can talk the language of the Indian people or not.

387. The writer of this article is Mr. J. T. Henderson, of Pietermaritzburg?—I read the articles with the greatest interest and thought they were enormously out of proportion. I found many things I wanted to reply to, they were so wrong; but I did not get the time.

388. What in particular was so wrong? He quotes extracts from Commission reports?—There is a reference there to the Bishop of Uganda whom I know personally and intimately. I know there was a misunderstanding in regard to his position. That is only one reference to what I think were clearly errors in these articles.

389. You spoke about the percentage in Natal of suicides among the indentured Indians. Up to what date were you calculating the suicides?—I am sorry I have not got the book. I was taking it from the book of Mr. Polak, who gives the percentages. I think it worked out at 12 times the Indian rate. I believe it was in the early years of this present century.

390. The indentured system was very considerably on the way by that time?—Very large numbers were coming in during the earlier years of the century.

391. Were these official figures?—As far as I know he got them from official sources.

392. What was the total number of suicides altogether? I have lived in Natal all my life and one has never been struck by any abnormal suicides among the Indian population there?—I had the figures corroborated by a medical man—the Rev. Dr. Booth. He said his experience as a medical officer showed him that these things were happening. I can put in the exact statement, if you care, of the passage that I quoted, but unfortunately I have not got the book here.

393. I would like to get the total number of suicides because these percentages are very misleading. One would like to have the total number altogether over that period and from what sources the information has been drawn?—Yes. My own statement about Fiji, where things were very much worse than Natal, was from official documents. I went into that carefully myself and they were never challenged. (The following rates per 100,000 are given in a book by Mr. H. S. L. Polak, editor of "Indian Opinion," in 1909. The book is called "Indians in South Africa":—

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	Free Indians.	Indentured Indians.
1904	8.9	46.9
1905	24.9	58.2
1906	21.3	66.1
1907	24.4	62.8
1908	23.4	41.4

Mr. Polak points out that during the same period the rate for the Madras Presidency, from which the majority of indentured Indians came, was 4.5 and the rate for the whole of India still lower. The contrast between free Indians and indentured Indians which is, perhaps, the most important index, was entirely borne out by my own statistical investigations in Fiji. The whole subject is carefully worked out in the Government of India Indentured Labour Commission Report of 1913. The Commissioners, Messrs. MacNeil and Chaman Lal, visited every colony where indentured labour was employed. In every case there was a striking difference between the suicide rate among free Indians and indentured Indians. They rightly point out that the abnormal suicide rate was due to sexual jealousy caused by very low proportion of women in the barracks compared with the men. This also accounted for the excessive rate of murder and violent crime. It was chiefly on this evidence, both official and non-official, that the complete abolition of the indenture system of Indian labour was carried out by legislation in India.)

(394. There is a statement by Mrs. Benson, Chairman of the Public Health Committee, Durban, who recently returned from India. Have you reason to disagree with that? She found the untouchables living in a state to which nothing in this country can ever compare, and she had no hesitation in saying that the statement by that the Indians were living in worse conditions here than in their own country was a misstatement?—I have seen conditions in the plantations in Natal that are worse than anything I have seen in India. It seems to be a question of conflicting evidence. On one estate I found a house or hovel which was actually apportioned for an Indian family into which I had to crawl to get in, the doorway was so low.

395. It was built on the native hut style?—That was definitely apportioned for an Indian family, and I believe the children numbered four. When I got into the hut I could not possibly stand up, and that was for a family. I think that was worse than anything I have seen in India.

396. You know the native hut is built on that plan. They prefer a hut with a very low door?—I do not know about that. I know this was given for the Indian family by the

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owner of the plantation. Other things of that kind I found. I may add that on my present visit I have found a distinct improvement since 1920.)

397. How long ago was it that you noticed this?—In 1920.

398. In regard to the principle of segregation of these people. Do you see no justification or reason why that is sought by the Europeans?—I do not see any reason why the Europeans should demand compulsory segregation.

399. Have you ever been in any of these coast settlements when an Indian festival takes place and there is the most devilish pandemonium going on, the beating of tom-toms and half nude people careering about. They take possession of the whole of the settlement for one of their festivals. Do you see nothing in that that would be offensive to European ideas?—I think we all have to live and let live. I do not care to refer to it but we Europeans have our carnivals and our days of excitement, and I do not think we feel very strongly at these times that these outbursts of excitement are devilish.

400. I said the noise is devilish, not the outbursts of excitement. Can you imagine one's enjoying that sort of thing? The whole theory of home is that one should have the opportunity of enjoying leisure there. Does not it occur to you as a very drastic means of interfering with a man's enjoyment of leisure in his home to have the whole settlement taken possession of by festivals of this sort. I do not say it is not harmless in its own surroundings and I would be the last to interfere with things of that sort, but this is in the midst of the European community?—Would there be in Natal a likelihood of a carnival as you have mentioned taking place in the midst of the European community?

401. Yes, I can mention instances where these things occur. Go to the neighbourhood of Sydenham, which was once a beautiful suburb?—I think Mr. Duncan asked me a question in regard to segregation. I have seen a great deal of this problem in other countries. It is of course a problem which faces Europeans in every single colony where Indians reside, and in all of these places it is found quite possible by strict mutual agreement to have mutual natural separation of the two communities. There is no objection to anything that may be agreed upon by mutual agreement but what is objected to by India is anything which savours of pressure or compulsion. That is my definite position with regard to segregation.

402. I take it you will acquit Lord Milner of being influenced by racial or colour prejudice against people?—I am afraid I do not know enough of him to say so.

403. When he said any decision he would come to would not be actuated by racial prejudices or trade jealousy, you
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will accept it. That was in 1921?—I am not so certain about Lord Milner whether he, quite unconsciously, may not have had very strong race prejudices.

404. His whole career proved the contrary?—I am afraid I do not know enough about him.

404a. He said in the House of Lords: "My own conviction is that in the interests of social comfort, social convenience and social peace, the residence of different races in different areas—I am speaking now of the populous city areas—is desirable, and so far from stimulating it is calculated to mitigate hostility and ill-feeling"—You can never get social comfort by forcing one party into a humiliating position. Social comfort must spring from mutual agreement free from bias.

405. Lord Milner maintained separation would not stimulate hostility but mitigate it. Is not that a reasonable conclusion?—I think the reasonable conclusion is, that only where a natural separation is reached by mutual agreement will there be peace; and where it cannot be reached by mutual agreement, but is forced, there will never be peace. I have had very large experience in travelling all over the world where Indians and Europeans live together and this has taught me the extraordinary wisdom of letting this thing settle itself. By mutual agreement, this annoyance you have spoken of, can be mitigated and done away with, but you cannot do it by force.

406. You will admit that Lord Milner's experience as a Governor-General was probably unique. No man had a more varied experience. He lived in Egypt for many years, was Secretary of State for the Colonies and was in South Africa?—That may be, but on the segregation question in Kenya his decision was entirely wrong and unworkable.

407. I am speaking merely of his conclusions, which were founded on a report of Sir William Simpson?—I had a great deal to do with Dr. Simpson's report. I studied it carefully and would say that it was racially biassed—it was very racially biassed. It was a very unfortunate thing that Lord Milner accepted that without very carefully going into the whole question. If I had the report I could show you some passages. Both the Government of India and the Indian people were strongly against it, and with the strength of their feeling they were opposed to the Milner decision.

408. The whole of your appeal is really that there should be no differentiation between Indians and Europeans except such as might be mutually agreed upon?—Yes.

409. And that nothing should have the compulsion of law?—That is my position.

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410. What would be the logical end of that? Within a measurable period every Indian in this country would be enfranchised I take it?—That would come in time I hope.

411. That can scarcely be done without enfranchising the natives. We are practically on a manhood suffrage to-day?—If you are going to have enfranchisement you may have to modify your own basis of enfranchisement. I do not see why you should maintain manhood suffrage simply to put up on the other side the difficulty of enfranchising the native. Why not change your own franchise?

412. Under the Act of Union we agreed upon a certain basis and are moving towards that one standard. What would be the result as far as Natal is concerned if we were to enfranchise the Indians to-morrow?—I do not consider the enfranchisement of the Indians to-morrow within the range of practical politics.

413. When will your to-morrow be?—I do not know, it may be a very long distance yet.

414. Would not it be wise to contemplate the logical end of any recommendation you make or ask us to accept, you are unconcerned as to what takes place if we do accept it?—I am ready to go one step at a time.

415. Taking your one step at a time and having agreed that nothing shall be done that is not mutually acceptable and that nothing shall be done by law?—I am speaking specially on the point of segregation.

416. I am speaking generally of the problems embraced in this Bill, land ownership, segregation and allied subjects?—Well the franchise is not mentioned in this Bill and it may be better to keep it out of our discussions because it does not arise at the present time.

417. I want you to let me understand what your objective is. You say the only way to peace is to give way and swim with the stream?—I do not say that. I say the only way to come to an understanding on this question of segregation is to do so by mutual agreement. That is not swimming with the stream, it means a lot of hard work.

418. Not crystallised by law, it is merely a mutual agreement resting on good faith?—On this one point segregation.

419. We are speaking also of this land ownership question?—Certainly, it comes in.

420. You remonstrate against curtailing any rights of the Indians to-day in regard to the acquisition of land?—Without a conference beforehand.

421. I understood you to propound the theory generally in regard to conditions in this country that we must enact
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nothing that will not be acceptable to the Indians?—The Indians to-day are in possession of these rights, it is not right to take them away without a definite conference beforehand. You will then be able to find out in what way these rights might be modified in one direction or another. That would have to be by mutual consent by a conference.

(422. If Natal did not in 1894 legislate to provide that no person shall exercise the franchise who did not come from a country which had representative elective institutions what would have been the result in Natal to-day as far as voting strength is concerned. Have you any reason to disagree with the conclusion that we would have been represented by Indians?—As far as I can remember at that time when the franchise was discussed a mutual agreement was arrived at between the Indian Government and the Natal Government with the help of the Colonial Office by which a man of high education and standing should be admitted to the franchise and the Secretary of State said it would be a cruel thing not to admit them. But to-day even the municipal franchise rights have been taken away.

423. The law introduced by Mr. Escombe never in any line of it gave these rights to people who lived in a country which had not representative elective institutions?—On page 27 of my pamphlet you will find an extract from a speech made by Mr. Escombe in 1896. He says:—

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

I fully agree with those words.

424. My point is what does the Act say? The Act goes to the basis of the difficulty of enfranchising any person from a country not possessing representative elective institutions?—I think the Act goes too far. It would have been much better to have kept to Mr. Escombe's statement and admitted people of high standing to the franchise so as to avoid the humiliations contained in the racial bar.

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425. Had the Act not been passed what would have been the position of the electorate in Natal to-day?—You mean the manhood suffrage?

426. Yes?—No one contemplated manhood suffrage for Indians at that period. The Indian Government has never asked for manhood suffrage, and the Indian people have never asked for it, what they asked for was the removal of the racial bar and that can be by a limited suffrage such as we have here in the Cape. This very problem came up in Kenya and the Indian people offered that the educational test should be the basis of the Kenya franchise.

427. Had we not introduced that Act in 1896 would it not have been correct as stated by Gen. Smuts that the whites would be swamped in Natal by the Indians and the whites would be swamped all over South Africa by the blacks and the whole position we have striven for for 200 years would be given up?—That is not a fair argument. Nobody has contemplated giving all the blacks or Indians the vote, what we say is the Cape franchise or some modification of it, possibly even a higher standard. We press for the removal of this humiliation because races are here racially excluded. Even high people of high education and position are degraded by not being allowed the franchise with the lowest of the low European who may be in many ways an utterly undesirable person to get the franchise. There is something fundamentally unjust in that position.)

428. If we take your solution step by step can you resist the conclusion which leads us to the position indicated by Gen. Smuts in the 1923 conference?—I will take the question of the Indians only. I think it should be an educational test, but it will be a long time before this becomes a practical issue and by that time in Natal the European population would be enormously in excess of the Indian population.

429. *Mr. Coulter.*] As I understand your evidence your objections to this Bill are fundamental?—Quite so.

430. You see no room for modification at all?—No, I feel it is fundamentally wrong because its fundamental position is compulsion.

431. You do not object to separation in itself by consent?—By mutual consent and agreement on equal terms.

432. I gather from your evidence that in other parts of the world residential separation has been found in practice to be advisable?—Yes, I have lived in Suva in Indian houses and there is no trouble there at all. I have never heard of a single complaint on the part of the Europeans in that town of almost half Europeans and half Indians.
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The same thing is happening in East Africa, and I understand they have come to a mutual agreement.

433. Let us assume that to obtain mutual agreement is a difficult thing. What do you say to residential segregation if brought about under circumstances whereby the Indians have some voice in the selection and equipment of areas, through a standing Asiatic Commission?—I think there must be consent at the outset of the separation. That is vital.

434. How do you suggest the consent should be signified?—I think all these questions that arise out of segregation can be arranged by mutual consent arrived at under discussion in conference. You will need a very long discussion to see what is acceptable and what not. I think at such conference there can be arrangements whereby the friction, which at present is clearly there, can be removed.

435. Speaking of this conference, what do you visualise as the form of such conference and the subjects to be discussed?—My vision is that this conference should be a big settlement not merely dealing with the immediate points at issue. It should be on the larger basis. We all find in human life that smaller frictions and pin pricks are resolved more easily in a larger synthesis than if you deal with them directly. The very first thing, it seems to me, is to get these two countries to understand one another in the big sense of the word. I feel that they must be friends because they are put opposite one another as neighbours; and as neighbours they must be friends. They must not go on with this perpetual friction. There are mutual advantages between these countries of enormous importance to both of them—mutual advantages of trade, commerce and inter-relations of thought and ideas. If they can only assume the friendly relation on a big scale and meet one another on a big scale the smaller things will resolve themselves and be easily settled. But if you simply dwell with all your mind on these smaller friction details and do not get the atmosphere in which you can settle these smaller things, they will never be settled because each one of them however small will become a matter to fight to the end.

436. If such conference took place, and it might so far as the Union was concerned under circumstances whereby the Union delegates were determined that they would not agree to anything whereby our standard of civilisation would be lowered, do you think there would be a prospect of coming to an agreement?—I think so, in fact it is quite certain that you can. I will give you on that point one of the most singular and sincere statements of Mr. Gokhale. He represents the highest point of Indian statesmanship. He was writing from

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the Indian standpoint and not representing the views of the Government. This statement gives an answer to your question. It was made in 1912, and I am publishing this in my second volume of documents and I should like to give you a copy of this. It will contain his speeches and also the report of the debate on the Indian Relief Act, and Mr. Gandhi's Johannesburg speech at his departure from South Africa, and one or two other documents. I feel that really the atmosphere of Mr. Gokhale's visit and the atmosphere of 1914 has got to be restored if we are to avoid this continued friction and this continual heaping on of smaller friction points which always rouse the antipathy of the other side. That is one of the greatest speeches ever written on this subject. He says:

“ In proceeding to consider the question in a spirit of compromise the first point to note was that if the compromise was proposed of a character which would cause sore or bitter feelings on one side or the other, it had no chance of being accepted, or, if it was forced, that it would not last. What then, were the elements of possible bitterness, possible soreness, to be removed before a solution could be proposed, which might reasonably be expected to be accepted by both sides? Taking a broad view of the case, it might be said that the European objection to the Indians was a double one. First of all there was the objection based on the fear of being swamped. The second was the fear that the political and other institutions under which they lived might be affected in course of time by the influx of Indians. There was also the grievance of a section of the European community in regard to trade competition; but that stood on a different footing from the other objections, for, as against it, there was the point of view of the consumer who was not interested in preventing that competition, but wished to buy wherever he could buy cheapest. The first two objections, however, were serious, fundamental, in any consideration of the present situation, and he saw the necessity of giving a reasonable assurance to the European mind that no room would be left for fear on either of those two scores if a reasonable solution were to be arrived at. He could understand that, unless the Europeans in South Africa were enabled to feel secure that a continual influx of Indians into the sub-continent would not be going on, unless they were enabled to feel that their predominance in that land would not be affected, it would not be possible to reach a solution of the problem which would be really acceptable to the European community. What form actually the assurance should take was naturally a question for discussion, negotiation and adjustment. But the European mind must be set at rest on those points before they

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could hope to arrive at a solution which would remove the more irritating grievances of the Indian community. When the European community saw that there was no room for any more fears on these two heads, he hoped that they would realise that the Indians who were there were subjects of South Africa, and that the Government of that country must be solicitous for their welfare as it was for that of its other subjects. And the European community must then accept the view that except as regards the points he had mentioned, Indians must live under equal laws with themselves, and that the administration of those laws must be just and human. If the question were approached in that manner—the necessary assurance being forthcoming to allay the reasonable fears of the Europeans and the Indians who were there being assured that they would be treated justly and humanely in all other matters—he thought that a solution of the question should not be very difficult to reach. Of course a solution even on those lines might not be generally acceptable, but the moderate men on both sides should join hands, combine and insist that some such solution should be adopted in the interests of both sides.” I think these words are still valued all over India, and that speech practically remains to-day representing the Indian point of view.

437. Do you think that if a conference were held you would be able to get delegates of India to-day who would recognise the application of these principles from the European point of view?—I think so.

438. I take it you recognise that the objection in South Africa is one based not so much on colour, if on colour at all, but because we have a certain standard of civilisation which we think can not come into contact with Oriental civilisation and survive?—I realise that if the influx of Indians was so large as to seriously affect that civilisation it would be a danger to white South Africa, but since Gokhale's time in Natal the indentured labour came to an end, and all immigration also came to an end—with some slight exceptions which the Chairman brought forward.

439. Yet though the influx ceased we have in the case of Natal preponderance of Indians. Do you think with the special circumstances to-day the ratio may alter so as to alter the position numerically?—At the last census it was nearly equal, and in another 10 years the Europeans will preponderate.

440. In the meantime it may be unfortunate for the lower strata of Europeans?—If you have on your side any ground for fear, not simply irrational grounds based on colour pre-

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judice and race hatred—which we wish to avoid as far as possible—but differences on rational grounds such as Gokhale was contemplating, I am quite certain if you come to a conference you will find the Indian delegates the most reasonable people in the world, that is, if you on your side meet them by trying to face honestly, as I feel you have here been trying to do, their difficulties of humiliation.

441. Assuming for a moment that it was decided by the Union Government to have such a conference do you think in the meantime if a Bill was passed which prevented Asiatics from acquiring land or leasing land within the Union pending the result of the conference would be objected to?—I think so as it would prejudice the conference.

442. Supposing it were to terminate in say two years unless some other settlement replaced it?—That would mean putting the pistol to the head of India and saying, “Unless you do what we want, we are going on.” The best way would be to come with open hands on both sides.

443. Do you appreciate the force of opinion in South Africa on this question?—I do unfortunately, and one question the chairman put to me on my previous hearing has been ringing in my ears ever since. I have to ask from you, let there definitely be a postponement of this Bill in order to get the friendly atmosphere for a conference. You have to find something which will induce the friendly atmosphere on this side. The conference must be a big thing and not a small thing if it is going to settle this question as far as it can be settled once for all. I should think that a delay of a few months would be possible without extreme popular anti-Asiatic feeling on this side—if only such a conference was clearly visualised by the South African people.

444. Supposing such conference were held and to give effect to its results may involve or delay of two or three years. Would there be any serious objection in the meantime to endeavour to stabilize the position as far as land is concerned—I would suggest that there are at present in Natal such restrictions with regard to township areas that it would be almost impossible for the Indians to acquire land or new property there to the detriment of Europeans.

445. Rightly or wrongly there is talk about an Asiatic menace throughout the country. Do you think it would help in the meantime to endeavour to stabilise the position so that the talk of this menace would be allayed and suspended?—I would not do it by legislation.

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446. That might be impossible. It would not be an effective arrangement. Do you think if there is a genuine desire to have a conference to deal with the wider issues, that, if the position was fortified in the form I suggest it could be reasonably objected to by Indian opinion?—It would fog the conference. You must remember while on this side as I understand there has grown up a fear which is almost a panic and a fear which has to be met very rationally itself, on the other side there has grown up such resentment on this question that it would be difficult to allay it also.

447. Yet an agreement to hold a conference would considerably modify that opinion?—If it was an agreement coupled with postponement of the Bill. That would be a guarantee that the conference was a *bona fide* conference.

448. You cannot make any suggestion whereby from the South African point of view we could allay feeling except by voluntary agreement?—I am thinking hard on that point. At the present time the only way it seems to me would be by a frank mutual agreement on either side to have an armistice.

449. You will agree that something should be done on this side to allay this idea of an Asiatic menace pending a conference?—Yes.

450. We have only to find the best way to do it?—Yes I do not want you to do anything to humiliate India.

451. Assuming that it is impracticable to do it voluntarily, have you any other suggestion to offer?—Not at the moment, I will think of it carefully.

452. If I tell you that some legislative action is necessary, to make a stay effective can there be any serious objection on the part of India or by the Indians to some Bill which in the meantime stabilises the position?—This point came upon me as a new point when the chairman brought it up on Friday and I have been thinking hard ever since. Any idea I think which may be possible I will communicate to you. Just at the present I would not like to give any definite suggestion.

453. I think you realise that it seems to be an important point?—Yes, enormously.

454. You are asking for legislation to be postponed?—Yes.

455. You recognise the necessity for a conference?—Yes.

456. For discussion of all the points of difference between the two countries as far as the Indian question is concerned?—Yes.

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457. If this contemplated legislation be postponed it will be regarded as a friendly gesture by the Indians and will enhance the prospects of a successful issue?—Yes.

458. On the South African side you must realise also that the public feeling which has arisen rightly or wrongly must also be dealt with in some way to soothe or placate those who hold such views?—Yes.

459. If for the moment it can be said that pending the result of a conference there shall be no further or increased penetration by Indians, that will be bound to set that feeling at rest for the time being?—I suppose so, it will be one way to allay that fear.

460. Therefore to secure a conference involves some arrangement whereby we can as it were stabilise the position on this side. You suggest it should be by voluntary agreement. I take it we agree that some machinery must be devised to achieve that before we can hope to have a successful conference?—I think that is quite true.

461. If that can be done we would be in the position to meet the suggestion of having a conference on this issue?—I should think so. The only point I want to stress is that the postponement of the Bill is an earnest of the friendly attitude; and any legislative act, even a temporary measure, may annul that friendly attitude. I want to think out what act on the part of South Africa would be acceptable to India and at the same time allay the feeling in South Africa.

462. When do you hope to have those speeches of Mr. Gokhale available for distribution?—I am getting it through the press now.

(463. *The Rev. Mr. Hattingh.*) In what do you think the humiliation you have been speaking of consists?—I think I had better give you my personal experience because that really explains matters better. On the railways, racial segregation is carried out. There are reserved compartments for Asiatics and also reserved compartments for Europeans, and I have travelled on the train in the segregation area in which Asiatics are put. I found that the treatment there is disgraceful and I would wish to call the attention of the authorities to it. The Indian pays exactly the same as the European for his passage, but he gets disgraceful treatment. I have suffered it myself. For instance to take one point which is a very simple one. I have had to wait three solid hours on the train for a cup of tea after giving the order. If an Indian has given an order, he cannot go to the saloon to get the tea; he would be told to get out.

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464. That does not answer my question. If they receive the best of treatment in their area, what humiliation would there be?—Will they ever receive the best of treatment? If they have no rights, if they have only an advisory board, which is under the municipality, if they have no financial control.

465. The point I would like to have clear is in what that humiliation consists?—I have lived under conditions of segregation in South Africa, in Pretoria, and I must say every moment I have lived in that Pretoria location under conditions of segregation I have felt a burning sense of shame. I know people in that location feel the same as I do. That is really true—terribly true.

466. Is that the result of segregation?—Yes.

467. On what grounds do you base that?—They feel like outcasts. We often say in India that the misdeeds with regard to the untouchables are coming back on our own head. I think it is true; and we feel here just like untouchables; the feeling is truly terrible.

468. In what way would it be an insult to the Indian Government if we legislate on the lines of this Bill?—The insult would be the compulsion.)

469. In the case of prohibiting an immigrant from this country, do they consider that an insult too? For instance Canada and New Zealand prohibit Indian immigrants?—They do, and it is a real insult to India to be kept out of eight million square miles of God's earth—eight million square miles of the British Empire to which they belong and on which they may never put their foot as residents. It is a very terrible thing to be excluded in that way from one-eighth of the whole surface of the globe and in the very same empire of which they are subjects.

470. I understand from you that this Bill is objected to?—I wanted to explain that humiliation. Gokhale accepted it and Gandhi accepted it and the Government of India accepted it, but it was humiliation; and you are going to add more humiliation on the top of what originally was a very humiliating position but now agreed to. They agreed, for the sake of harmony and peace, that they would accept it; but they asked only for one thing in return—that the few Indians who were in all that area—the 170,000 Indians who lived in the eight million square miles of British territory—should be treated humanely.

471. Would they be satisfied if we put them on the same level as the aboriginal natives of the country?—If they derive their rights from the same standard of education and living. For instance there was a Mr. Thema I met in Johannesburg,

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who is a very highly educated Bantu. I do not think any of them want different treatment from him.

472. The Indians would accept what we legislate for our own natives?—We would wish your natives to receive better treatment than they do to-day.

473. After the British occupation of India, the civil servants there were more or less English from the beginning?—Yes, but the service has gradually become more or less Indian.

474. It has become Indian by force of Indian opinion?—Yes.

475. Has the civil servant the right to settle in the country, after he leaves the service, without permission?—You mean the English civil servant? I do not know the rules of the service, but it is possible that he has to get permission of the service.

476. Do you know whether Europeans in India have the right to buy land anywhere?—Certainly.

477. There is no restriction whatsoever as to the possession of land?—No, not in British India. There are certain areas in the Indian States where they are debarred from buying land, for instance, in the state of Kashmir they are restricted. That is an Indian state, under an Indian Maharajah, and has equal restrictions on Indians and Europeans alike because he does not want his beautiful country spoilt.

478. In British India is there any restriction on the number of Europeans in the civil service that may be employed?—No, I do not think so. I think now there are definite rules growing up about the proportion of Indians to be admitted every year under the new regulation.

479. I want to get at the Indian aspect as regards the European in India, whether they do not feel that the European should be kept apart from the Indian as such, and whether they do not do that in practice as regards the Indians?—No. We have united boards of various kinds, residential and commercial, and we have residential neighbours.

480. The European does not live in cantonments separate from the Indians?—That is the military. In the civil lines there will be Indians living always.

481. Is there no segregation in any way, even in military circles?—There are certain rules for military cantonments, but Indians live there and Indian land-lords hold a large proportion of the houses in the cantonments.

482. *Mr. Reyburn.*] Can you give me an idea of the proportion of untouchables included in the immigrants in Natal?—It would be extraordinarily difficult to do so. I could not even give a guess if I tried. I tried to work it out for Fiji and found it very difficult even there after long residence.
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I think there it would be probably 15 per cent. in Fiji. But I found it almost impossible to get the correct figure.

483. You could not give any idea of the proportion in Natal?—I can only say it would be likely to be about the same proportion. I worked out the Fiji statistics as far as I could and it was under the very same indenture system.

484. Can you give me any idea what would happen, if this Bill is passed, to the voluntary repatriation system?—I think it would be entirely finished, because the passing of this Bill would be regarded as the final breach between South Africa and India. Therefore from that time forward the very slight hostility which is now being expressed against Indians coming back would be enormously increased; and in the long run I think it would be almost certain that very few would come back at all, owing to the boycott.

485. One of the principles of the Bill is the establishment of a coast belt in Natal above which the Indians have not the right to hold property. What would be the effect of that on Durban?—I can only think that if this idea goes through Durban will be entirely congested with Indians. It would be so congested that it would be very difficult for them in any way to live sanitarily and healthily. It would increase the problem of Durban very much indeed.

486. The tendency would be for the Indians above the coast belt to go to Durban?—They are almost certain to go to Durban, and in Durban I heard very strong expressions of opinion against the Bill on that ground.

487. Would you have any objection to this Bill passing without its compulsory character pending a conference. Supposing compulsion was removed and areas set aside for voluntary settlement?—I think it would raise a bad atmosphere on the other side because if it is forced through without the compulsory clause, and we would not get the proper atmosphere for a conference.

(At this stage the Chairman left the room and Mr. Duncan took the Chair.)

488. *Mr. Rood.*] To what extent has the British Civil Servant been superseded by Indians in the civil service?—There is a very gradual process. It varies from year to year. At present undoubtedly the higher positions in the civil service are held for the most part by British members of the service. To give an example of how far the supersession has gone, the Viceroy's council which is composed of six members, three are Indians, and then there is the Commander-in-Chief and the Viceroy in addition, making eight in all.

489. The low grades are mostly held by Indians?—Those that are less highly paid are mostly held by Indians.

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490. Is there any law or regulation to that effect?—No, it is almost entirely by examination and by selection. I think there are some regulations, but I am afraid I do not know this question very well. It would be better to ask the Deputation.

491. With regard to your evidence on the caste system, I take it that the improvement spoken of has taken place in the last six years?—Enormous improvement has taken place within the last six years. It is one of the greatest revolutions in history.

492. It had evidently not taken place when you wrote that pamphlet?—In regard to untouchables it entirely began in 1920.

(493. What rights were promised the Indians to enter Natal?—There is one sentence in Mr. Gokhal's speech that really gives an answer. Mr. Gokhale says:

“ He had had occasion in March of that year, in connection with a debate in their Legislative Council, to read the despatches that passed between the Government of India and the Government of England when indentured labour was introduced in Natal in 1860. In those despatches, the Imperial Government had made the most solemn promise to the Government of India that the people who were to be brought over to Natal would be treated with every possible consideration during the term of indenture, and that after their indenture they would be allowed to settle in the land, and would have every facility given them that they might prosper in the country.”

In another speech he repeats these very words.)

(494. Were these promises made by the Imperial Government?—Yes, because Natal was a Crown Colony.

495. Were they accepted and upheld by the people of Natal?—They were certainly accepted by the people because when the system was stopped for a time and the Indian Government refused to send more labourers there was a very strong petition made that they should once more have this labour, and again and again commissions were held which strongly encouraged more labour of this kind being brought in, subject to these conditions.

496. Were anything like the same conditions promised the Indians as regards entering the Transvaal under the 1881 and 1884 Convention?—No, I do not think so; they went into the Transvaal under different conditions.

497. There were no such promises by the Imperial Government either?—They went into the Transvaal under such laws as the Gold Law of 1881.)

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498. With regard to the Indians travelling in railway compartments. There are one or two Indians I have known in the Transvaal since my boyhood. They are obviously men of good standing, and they say they prefer to have their own compartments. They feel they are not molested and have greater comfort?—My own experience is quite different. I think they probably do prefer to travel by themselves. Even if there was not this strict reservation they would travel by themselves, because the possibilities of insult and inconvenience are enormous. I have experienced that myself.

499. But that is a question of treatment. We also sometimes complain of bad treatment on a crowded train. I have had to wait on a crowded train three hours for a bed, for instance?—The points I mentioned were simply because they were Indians. The Indian cannot get to the refreshment room for fear of insult. The European can do so without insult.

500. You say to the coloured man or Indian “that is your compartment” in the same way as you say to the European “that is your compartment,” and neither can go into the other’s compartment?—I have nearly been turned out by the guard for travelling with Indian friends whether they wanted me or not. I travelled with them because I wanted to get the experience. To speak in moderate terms, a young man like Gandhi’s son has every day of his life to suffer terrible humiliation in this country. He would not stay in this country a day, if he could help it, because of these humiliations.

501. Supposing we had coaches for Europeans and non-Europeans and there was a regulation prohibiting Europeans from entering non-European compartments would you say it was an insult to the European if he could not travel in such compartment as he liked?—But is there any equality? (An Indian with a first-class passage cannot even go to the refreshment room, though he is paying rates and taxes in this country.)

502. There is a corridor steward visiting all the compartments?—How many times does he go to the Asiatic compartment?

503. He takes them all in turn?—I can only say that I have travelled in the second-class both in European compartments and in the Asiatic compartment and the treatment is entirely different. I think the invidious treatment ought to be called attention to, because it is really a scandal.)

504. In answer to Sir Ernest Oppenheimer on Friday I think you said the Bill should be withheld for a time?—Yes, postponed.

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505. You said to Mr. Coulter you considered it would be holding a pistol at India's head if we passed this Bill as a terminal Bill?—It might be thought so.

506. You suggest the Bill being postponed pending a conference and if no solution is then arrived at we can go on with it? Is not doing that very nearly the same thing? All the same if we postpone the Bill and then have the conference you do expect the conference to arrive at something?—Then in that case the Bill is withdrawn. I grant that there is a threat even in postponement, but it is not so bad as passing this Bill or any temporary measure, which would disturb the friendly atmosphere. Most of all I would prefer having the Bill altogether withdrawn.

506A. Supposing we had to withdraw the Bill altogether there would be a certain amount of sacrifice on the part of the Government and the people of South Africa?—Yes.

507. What would India weigh up against that sacrifice in the meantime?—I think that is the most important question I have had asked me. It has been asked me by the chairman and Sir Ernest Oppenheimer and I shall pay every care and think it out and if I do come to any thought that would be fruitful I will gladly give it to the committee before it ends. I can only say now—what at the present moment I think might be a *quid pro quo* would be on the part of India to agree to discuss the matter on a great scale. I have in mind that we should develop the idea of a big conference on big lines, in a way that would really attract South Africa, because South Africa is a young country itself thinking and dreaming big things; and if we can have a conference not as a mere tiny conference to deal with immediate friction, but one which will end in an *entente cordiale* for the future, the idea might prove attractive.

508. To what result has the antagonistic feeling here and in India been the result of the work of agitators. Do you think it is a spontaneous feeling?—I do not think, in this case, there has been any work of agitators to cause this feeling. It rose spontaneously both here and in India. It has been due to the element of compulsion in the Bill together with that very deep feeling that agreements made between two countries were being broken by this Bill. I do not know whether you realise that we have had in India a feeling, all through this last 20 years, that we were coming to a *settlement* with South Africa; and now in the last four years that feeling has more and more been shaken. We thought we were coming to a settlement, and that it was on the lines outlined in the Gandhi-Smuts agreement. But in the last [S.C. 9—'26.]

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four years one blow after another has been given with extraordinary bad effect and Indian resentful feeling is now very deep in India. This Bill comes as a final blow. That is why it is considered a final insult. You cannot tell when that final expression of public feeling will come. It has come very spontaneously in this case. I have lived for the most part in the villages and among the Indians themselves and can assure you that among the village people the idea has come that this insult is now final.

509. You do not think that the sending of this deputation from here to India, including Dr. Abdurahman, would tend to agitate the people in India unnecessarily?—The best way to answer that is to tell you that I came away without knowing that a deputation was coming at all. I had left India a fortnight before the deputation started, and I really left India this time under extraordinary inconveniences. It was almost impossible for me to leave, and yet I felt that I *had* to leave; the only reason was that such a crisis had been reached in the history of the world that every other thing must be put aside to deal with this crisis. (This crisis is not merely between South Africa and India, but between East and West.)

(510. *The Acting Chairman.*) With regard to the Smuts-Gandhi agreement and other matters connected with it, do you regard this Bill as a breach of any agreement between the Government of South Africa and Gandhi?—I regard this Asiatic Bill as a distinct breach of the agreement made between Gandhi and Smuts.

511. In what respect?—It is taking away definite rights which have been held for over 60 years by the Indians in this country in spite of the assurance that Gen. Smuts gave that he would pay due regard to those vested rights.

512. Let us refer to the text of the letters. You say Gen. Smuts gave an undertaking that he would pay due regard to these vested rights?—Yes, see page 18 at the conclusion of the letter from Gorges, Secretary for the Interior, to Gandhi, it is said:—

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

513. He says that the existing laws shall be administered in a just manner and with due regard to vested rights. That was in reply to a point put by Gandhi that the existing laws, especially affecting Indians, will be administered justly, with due regard to vested rights?—Yes.

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514. Do you regard that as an undertaking that legislation will never be passed in South Africa taking away any rights that the Indian had in 1914?—No. But if they were very definite rights that would be interfered with there would have to be a conference about that before they were taken away. I mean in every agreement there is always the possibility of conference and also of compensation, if circumstances alter. But, in this case, there has been no attempt whatever to confer with India before taking away these rights. They have simply been arbitrarily and summarily taken away by the Bill.

515. When you talk of the breach of agreement you mean something definitely agreed upon at that time has now been repudiated by one or other of the parties. Can you show me anything in that letter that stipulates any action like that being taken—like a conference being held?—Supposing you take it this way. Supposing the day after that agreement had been signed General Smuts immediately brought in the present Asiatic Bill, would not there be an outcry that there was a breach of the agreement?

516. There would no doubt be an outcry?—Does the agreement then mean anything at all? I think your explanation is the correct one. I have got it here. In it you say: "A general undertaking was given at that time on behalf of the Government that when the immigration of Indians into South Africa was stopped the Indians who were actually here should be treated with due consideration and with every regard to their rights." I am entirely with you that *that* is the real moral basis of the Gandhi-Smuts agreement. I regard it as a moral agreement and not as a legal agreement.

517. Is not it both?—At any rate the legal side has no meaning to me, I must confess. I am dealing with the moral side.

518. I know you do not look at this from the legal point of view. If a charge is made of violation of a written agreement it must refer to the terms of the written agreement?—Yes, and say whether there is a breach of the spirit of the agreement as well as the letter of the agreement. What interests me and what I am anxious to keep is the spirit of the agreement between two great countries like South Africa and India. It is a "Gentleman's Agreement"—an agreement which is all the more legally binding because it is morally binding. It is the moral obligation which is the vital thing.

519. When I asked whether you thought this was a breach of the agreement between General Smuts and Mr. Gandhi I was thinking of the actual agreement as we know it. You say it was a departure from the spirit of the agreement?—Yes, it seems to me it is an entire departure from the spirit of the

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agreement, and might, I say, that it is not merely a breach of one single agreement such as the Smuts-Gandhi Settlement; because the contract with the Natal Indians was based on the agreement that if they landed and did their work they would receive certain terms. Then Mr. Gandhi asked for the same thing. He said: "If we still further restrict Indian immigration and accept a voluntary repatriation clause we shall expect sympathetic treatment." Then, coming to the Imperial Conference of 1917 and 1918 South Africa and all the Dominions took up the same position in what was called the Reciprocity Agreement. On the one side India agreed to accept immigration restriction: on the other side, India claimed sympathetic treatment for Indians domiciled in the Dominions. It was the same agreement running all through.

519a. Mr. Gandhi was very careful to limit the agreement to certain definite things which were then in issue and to keep out the bigger things for solution in a calmer atmosphere?—He never for one moment thought that rights which were already established would be summarily taken away after this agreement. He hoped, just as many other people did, that when the cause of the trouble had been removed, a better attitude would prevail towards the Indians. In actual fact, his anticipations were disappointed; for that definite agreement has been broken. You have said in your statement, too, that vested rights would be treated with every consideration.

520. What does my statement refer to?—That is your speech in Parliament in 1924 "and I feel that regard has not been paid to their rights."

521. What does my statement refer to?—To this definite agreement. You are speaking about the Gandhi-Smuts agreement.

522. I think it must have been misreported. That seems to me to refer to a different matter. It does not seem to me to connect actually with the Smuts-Gandhi agreement?—I was present during the whole of the negotiations for the agreement itself right up to the time when I left at the end of February: then they went on right up to June. All the many times that I saw Gen. Smuts and while I was living with Mr. Gandhi the whole idea was in my own mind, at any rate, that the vested rights—such as they were—and they were very meagre rights especially in Natal—were protected by this agreement, at any rate they would not be taken away without consultation and previous intimation. What I am asking for is this; not that no new laws shall be passed—that would be absurd, because circumstances in ten years alter—there must be new laws and new circumstances too—but if these circumstances ever involved a reconsideration of the whole

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agreement and a destruction of the very long established vested rights, then before that is done, there ought to be a conference about it. That is my point.)

523. *Sir Ernest Oppenheimer.*] Mr. Alexander asked me to ask you a question. You have had personal experience of living with Indians in South Africa and India. Have you ever found evidence of the humiliation they experience in their daily lives in South Africa?—I think I have answered that question already. There will be no need to repeat my answer, which I feel very deeply.

(524. What do you think of the future prospect of trade and other relations between India and South Africa assuming that a more friendly atmosphere is created?—I would like to say a few words on that. That is one of the biggest questions. It is not merely trade which I hope would be encouraged. I do think, that as far as trade is concerned there are very big openings between India and South Africa in the future, but also in other respects there will be great mutual advantage. I feel certain that South Africa by its very position as the gateway between the East and the West—the one sub-continent that leads from the East to the West and the West to the East—must get to know the East. It must not merely know the West. It must do everything possible to know the East; because the future progress and unity of the world depends to a great extent upon South Africa, which is just this half way house to both East and West. I am quite certain that India in her inmost self is friendly towards South Africa. She does not feel that this present trouble represents the true South Africa. South Africa is a young struggling nation, that has gone through tremendous suffering and is facing here the very problem of the present century—the intermingling of races. India is a very old civilisation. She is a country that has gone through all these racial struggles before. She feels true sympathy with South Africa to-day in her struggles. That sympathy and friendship might be enormously increased if we could come to a big settlement instead of merely dwelling upon these painful points of friction. The whole of my life for the last 20 years has had one single objective, that is, in some way or other, to try to bring these two great countries together, and in that way to do something towards the solution of the biggest world problem of the future, namely, how to prevent a conflict between East and West; how to cement instead an actual friendship between East and West. It is with that aim in view, that I have been pressing for this bigger conference. I do trust that among this Select Committee's findings this one point in my evidence will receive consideration; for it is the one point I have wished to make.)

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[Mr. S. R. Ali.]

Tuesday, 9th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. J. Malan.	

Mr. George Frederick Paddison, C.S.I., Sir Devaprasad Sarvadhikari, the Hon. Syed Raza Ali, and Mr. Girja Shankar Bajpai, C.B.E., further examined.

(In the absence of the Chairman, Mr. Duncan took the Chair.)

525. *Acting Chairman.*] I understand that before proceeding with the evidence you desire to make a statement in connection with a certain question put to you at a previous meeting?—*(Mr. Raza Ali.)* It is with reference to a question put to me by Mr. Marwick about the position of the depressed classes in the Central Provinces, in answer to which I said that certain measures had been passed by the Central Provinces Legislature. Mr. Marwick referred to a resolution of 1921 and I did not know whether that resolution had been passed. We cabled to India for particulars and I have now the full text of several resolutions which shows what action has been taken by the Central Provinces Legislature to raise the position of the depressed classes. On the 13th of August, 1923, the Legislative Council of the Central Provinces passed this resolution: "This Council is of opinion that depressed classes be authorized to enjoy equal rights and privileges as other classes do in making use of wells, Bawalis, bath ghats in pilgrimages, and Sarais that are built and will be built at the expense of public funds in the Central Provinces and Berar." As regards the adoption of measures for the uplift of depressed classes, the following resolutions which were passed by Central Provinces Council may be of interest. On the 10th August, 1921, this resolution was adopted: "This Council recommends to Government that suitable men belonging to depressed classes be nominated as members of local bodies and representative institutions or

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which nomination by Government is permissible." Then this resolution was adopted on the 8th March, 1924: "This Council recommends to Government that depressed class students who pass Kitchener examination and who seek admission should be preferentially admitted into the Patwardhan High School at Nagpur without any consideration of marks they get in examination." You will see that the depressed classes are thus accorded a very disadvantageous position. His Excellency Sir Frank Sly, delivered a speech, in reply to an address presented to him by the Mahar Deputation, on the 21st July, 1924—three years after the resolution referred to by Mr. Marwick—from which the following is an extract: "During my long service I have seen a great advance among the depressed classes, an advance to my mind greater than has been made by any other community within the same period. I have known individuals of the Mahar community rise to positions of importance and wealth and I find them taking part in the trade of the country, and some of the most important contractors are Mahars. Your education is increasing rapidly and I find a demand among Mahars for facilities for primary education. . . . The disabilities of the depressed classes are recognised by all political parties, whether extremists or moderates, and it is the desire of those political parties that this disability should be lessened and removed as soon as possible." (*Mr. Paddison.*) I may say that Sir Frank Sly was the Governor of the Central Provinces at the time he made that speech. (*Mr. Raza Ali.*) At the time of his close of office he made that speech.

526. *Mr. Alexander.*] I understand that your Deputation in visiting the various places in the Union have gathered some statistical information of its own. Would it be possible to place that information at the disposal of the Committee?—(*Mr. Bajpai.*) The statistical information which we have in our possession was collected through officials in Pretoria and elsewhere and includes licensing figures. We have summarised this information in paragraph 14 of our statement. If any member of the Committee wants details we shall be glad to supply them.

527. You can give that information?—Yes.

528. Supposing this Bill were not proceeded with, would there be any prospect of the Government of India discussing this problem of voluntary repatriation with the Government of South Africa?—(*Sir D. Sarvadhikari.*) The Government of India has already said that.

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529. What is the misunderstanding that arose out of the correspondence, that they would not discuss it as one of the subjects?—Not as *the* subject nor the subject on which they were prepared to make proposals in advance in the preliminary stage.

530. They do not want to bind themselves in the first place to agree to any principle of taking out these people who they regard as citizens of South Africa. They were willing to discuss the position in a friendly way?—The difficulties that may have arisen in the way of that policy of voluntary repatriation already accepted being given effect to.

531. Would it be possible to take up the matter where it was left off in the correspondence?—(*Mr. Bajpai.*) Certainly. The misunderstanding arose more on this side than on our side. We would be prepared to include this question of voluntary repatriation, as explained in the Government of India's communication of, I think, the 9th October, in the agenda of a round table conference. What we could not commit ourselves to in advance was a policy of reducing the Indian population in this country to an irreducible minimum. (*Sir D. Sarvadhikari.*) And all the questions connected with any difficulties that may have arisen in connection with the accepted scheme of voluntary repatriation.

532. Was there an idea that there were other matters that could be discussed besides voluntary repatriation?—(*Mr. Raza Ali.*) Certainly. The whole position could be enquired into by the Government of South Africa and the Government of India in consultation with one another. This Government wanted the Government of India to reconsider the question of repatriation alone, and the Indians in this country being reduced to an irreducible minimum, to which the Government of India could not agree. If the whole problem is gone into, surely this question of voluntary repatriation can be one of the matters to be considered by the two Governments in consultation.

533. Are there any products of this country that can be taken by India?—(*Mr. Bajpai.*) Take shipments of coal; you will find that nearly one million tons of coal go from South Africa to India every year. I might mention just one commodity this country gets from India, and that is gunny bags which you require for packing your agricultural produce. These come mainly from India. There is an exchange of commodities going on already.

534. What are the possibilities of fruit from South Africa?—I should say enormous. Six years ago we had hardly any fruit at all coming from outside.

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535. Do you grow fruit?—Yes, but at a time of the year which corresponds to your winter. Your peaches, pears and apples are in season at a time when our markets are absolutely denuded of these particular varieties of fruit. (*Sir D. Sarvadhikari.*) Our fruit growing is confined to the mountain regions and it is difficult to send it down to the plain. Bengal and other places do not get much of that fruit owing to their distant position. (*Mr. Bajpai.*) Six years ago we hardly imported any fruit at all because of lack of facilities. The last year or two we have had shipments of apples from Western Australia, and these have sold very well in Bombay. There is a great demand for fruit, and it is only a question of accelerating the service between India and South Africa and providing cold-storage facilities.

536. At the ensuing Imperial Conference, India will have its delegates?—Undoubtedly.

537. Is there any objection to the delegates from this country meeting your delegates and discussing this matter?—So far as we are concerned I should say none.

538. Would there be any advantage in the Union Government sending a deputation to India such as this deputation the Indian Government has sent over here?—I think it will be a tremendous advantage.

539. Of what advantage?—Leaders in India would be able to appraise the strength of South African opinion in this matter. By visiting our country European representatives will be able to ascertain for themselves the strides India has made and the possibilities of the markets which she offers for South African products. In other words, there will be a better understanding.

(*At this stage the Chairman entered the room, and Mr. Duncan vacated the Chair.*)

540. Supposing this Government wanted to offer better inducements in regard to voluntary repatriation, would a flat rate including all members of the Indian community, whether working individuals or scholared men, be sufficient, or would there have to be a sliding scale according to the man's real loss in leaving the country? If this sliding scale were adopted instead of a flat rate, would that increase the figures of voluntary repatriation?—I am afraid I cannot say anything on that subject at all.

541. At present a flat rate is given?—(*Mr. Raza Ali.*) This is a question on which, I think, we are not in a position to express any opinion. That is one of the main questions that
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should be gone into very carefully and I do not think we can go into it now.

542. The Lange Commission suggested the appointment of a special official to deal with Indian affairs?—Sufficient money, we were informed, was not forthcoming for the appointment of that officer.

543. Do you think it would be any advantage in the difficulties we meet if you had such an official in the Union?—I think it would be an improvement to a certain extent.

544. I believe you have such machinery in India; you have the Protector of Indians at Madras, and he is supposed to protect Indians whenever they come back. If such a conference as has been suggested were held would it not be possible to amplify the position from the Indian side?—(*Mr. Bajpai.*) The Protector has a twofold function.

545. What?—At the present moment we allow assisted emigration for labour purposes to Ceylon and Malay and the Protector has to see that such of them as pass through ports in the Presidency are properly dealt with. In addition, he looks after emigrants returning from colonies. (*Sir D. Sarvadhikari.*) That is what the conference that has been suggested could consider in connection with voluntary repatriation.

546. *The Rev. Mr. Hattingh.*] Could you give us an idea of what you consider the Indian in South Africa? The immigrant from India, I take it, you consider as an Indian citizen. What is the view of the Indian people in regard to the Indian born here?—(*Mr. Bajpai.*) Both the Government of India and the people of India think that this country has a moral obligation to look after Indian nationals in this country, whether born here or not; especially because they are not in a position to protect themselves.

547. In that case, as you have stated previously, there may be reprisal on the part of the Government of India if this Bill becomes law not to allow Indians to land there—to prohibit the South African Indian to go back to India?—I think I had better make myself clear on this point. The word "reprisal" was never used by me or for that matter it was not in a spirit of retaliation that we spoke. Two members of the Committee asked us what the effect of the passage of this Bill on the working of the voluntary repatriation scheme would be, and I then said that opinion in India would be so incensed at the passing of the Bill that efforts might be made to put up a barrier against Indians returning from this country. It was a hypothetical statement.

548. Following up your statement that it is to protect the interest of a certain section of the South African population that are not protected, would that be in any way a protection

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of their interests if they are left at the mercy of those who never protect them?—The protection of self-respect might in the eyes of some be a higher duty than the protection of material interests. After all, these people or their ancestors came over to South Africa, not surreptitiously, with certain prospects and with the approval of the Government of the country. They have settled here and now this measure is proposed which seeks to take away their vested rights. Surely there is reason in the view that Indians in India might not wish to co-operate in carrying out a policy of expulsion.

549. Do you really put it seriously that you think the Indian in South Africa is rather unprotected?—(*Mr. Raza Ali.*) I believe what my friend means by unprotected is that the Indian has no vote. When we say that the Indians are unprotected, we mean that they have not got the franchise for Parliamentary or Municipal election and in that way they are unprotected. If the Indian had the franchise and his representatives were sitting in Parliament and on this Committee things would naturally be different.

550. You merely think of the franchise in connection with protection?—Franchise both Municipal and Parliamentary and all that which follows it as a consequence. (*Sir D. Sarvadhikari.*) That is a position of unprotected civic rights in this country which has been recognized. That is the basis on which the Government of India is really obliged to think in other concerns in this matter. (*Mr. Bajpai.*) I was not referring to protection against theft or murder or anything of that kind. I was referring to protection of civic rights.

551. Do you find they are treated worse in any case than the native people of this country?—(*Mr. Raza Ali.*) There is no analogy. When the word "native" is mentioned I do not know what the members of this Committee think, but really we feel hurt. We have our civilization; we have education; we have trade; we have commerce, and we have a position in the world. We are in many ways a self-governing people and when, after all that, we are compared with the native we naturally feel hurt.

552. There is no comparison between one individual and the other. It is simply a question of broad principles. We have certain sections of natives here; we have the black native and the coloured race in this country as well, and we have a large European race that also belongs to this country. I include all South Africans. Do you find that the Indian is treated in a worse way than the ordinary South African, whether black or coloured or white, except in regard to the franchise?—(*Sir D. Sarvadhikari.*) Under this Bill as it stands various other classes are exempted whereas the Indian is not. (*Mr. Raza Ali.*) The Cape Malays and the
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Mauritius Creoles are exempted, but Indians are not. (*Sir D. Sarvadhikari.*) I should like to answer the question from another point of view. Throughout we have refused to be drawn into a discussion of the question of native complications. We have not at all gone into the matter, and there are obvious reasons why we should not go into it. It would not be conducive to the equable discussion of the Indian question.

553. What is really the objection against segregation in principle?—I think we have very thoroughly discussed that question, and I do not think we can usefully add anything to what we have already said.

554. I would like to know in what way is segregation of race a humiliation or an insult?—An insult due to unjustified differentiation on mere racial grounds. It is also an economic handicap.

555. It may be an economic handicap, but it does not constitute a humiliation or an insult?—(*Mr. Bajpai.*) I think I answered that question fully the other day. Mr. Duncan asked me questions over and over again as to why we regarded segregation as a humiliation, and I replied that it is a matter of sentiment. I tried to explain that at length. Go to any part of the world; nobody has thought of segregation. The determining factor as to whether a man is to live with another section of the community is his standard of civilization, and we say we have every right to live where we like provided we conform to the ordinary requirements of civilization. We are naturally hurt when we find that in South Africa we are being asked to regard ourselves not merely as a separate race, but as a race inferior to Creoles and Cape Malays and the natives of St. Helena. We do not regard that as justice but as a deep affront. The second point is our experience. I do not know whether you have visited the Asiatic Bazaars at Germiston and other places? I am prepared to say that the conditions under which Indians live there are abhorrent to every civilized Indian and demoralizing; I merely reproduce the words of the Asiatic Enquiry Commission on that subject. At Germiston there is a narrow road dividing the Indian portion of the settlement from the location as it is strictly called. When I was standing on this road I noticed that there was a most offensive smell about—my nostrils are pretty hardened. . . . I enquired from one of my countrymen whence that odour emanated. He said: "The dumping ground is only a good stone's throw away." I said to the Sanitary Inspector who was with me: "Will you kindly drive me over to that place." He drove me over. There the night soil is buried

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less than 3 feet deep. When you have lived under these conditions you feel qualms about the compliment that is to be paid to you in the proposed segregation. Point three is the lack of any sanction behind the Indian community to safeguard their position; they have no vote; they are in no position whatever to bring pressure to bear on local bodies or administrations generally to safeguard them against things of this kind. Over all is the sentiment.

556. It boils down to this. It is practically all sentiment because the other points mentioned by you are matters of treatment which are not affected by this Bill. The whole thing boils down to sentiment. Is Professor Wadhah correct in stating that the extreme castes—the Sudras—have to live by themselves on the outskirts of villages. What he implies is that they must live there; that they have to live there?—(Mr. Raza Ali.) May I know of what part of the country he is speaking.

557. Only of the untouchables generally in his “Wealth of India in 1925”?—Professor Wadhah has, I think, in contemplation certain parts of India because the question does not arise in most of the provinces in India. It can only apply to a portion of Madras and possibly to a few districts of Bombay and the Central Provinces.

558. Whether it is a small portion or not, my point is that in India amongst Indians you have the principle of segregation?—(Mr. Bajpai.) The first point for consideration is that there is no statutory segregation at all. The law is such that whether in the Presidencies or provinces or in the areas under the Imperial Government segregation is not recognized. The second point which I mentioned the other day as illustrating the equality in the eye of the law of all sections is that a Brahmin, had to sit next to one of these untouchables in the Legislative Council in the United Provinces. The third point I wish to mention is that these untouchables when they rise in the economic scale of civilization—and I am speaking from personal experience gained in the villages in northern India—live alongside the Brahmins and nobody raises any objection.

559. There is no legal segregation in India, I quite agree, but your conventions are so strong—your social views are so strong—that they make segregation practicable in effect?—Well, on the contrary, I think as Mr. Razi Ali pointed out recently, the social conventions are rapidly dissolving. It is not, as it were, that we are living in the year 2,000 B.C.; we are moving forward.

560. India is so accustomed to a certain line of segregation that I cannot see how far it can affect sentiment to have segregation. [S.C. 9—26.]

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gation in any other parts of the world?—(*Sir D. Sarvadhikari.*) You must realize that what you call segregation is limited only to certain areas. In the first instance these areas which relate to the lowest of the lower class have been in existence from time immemorial—I should not be surprised if it was hundreds of years. It has, however, no legal sanction, but has been a matter of convention and convenience. No new segregations are contemplated or have been thought of by law. The third thing is that this separation relates to certain classes of people—who, having regard to certain occupations such as removal of dead bodies, night soil, etc., for sanitary reasons due to their occupations. From the very nature of things members of these classes could not have come over here with the other classes in early times, however low those other classes might have been. Therefore there is an initial mistake and that is that with regard to the suggestions that are now being made in this country. The untouchables are not the people that you are dealing with now. Those who came over are a different class of people. There was an important Government office in Calcutta in which a so-called untouchable rose to the highest position and the Brahmin subordinates never raised objection. Where a man, by his worth and exertions set himself above his surroundings he was entitled to progress—Moslems do not recognize untouchability and most of our people here are Moslems. There undoubtedly still are certain parts in Madras and Bombay where the question exists. There is none in Bengal and the whole thing has nothing to do with the real question under discussion here. If you were to judge of these things on the basis, suggested in the questions now put to us, might I ask you to recall the conditions of the Anglo-Saxon persecution in England in the time of the Normans or the station and position of the original settlers of Australia who were selected by twelve men of England—good and true pioneers. Yet the descendants of the latter rose to high positions.

561. Are not they the very rare exceptions among the millions of Indians to get higher in caste?—Because it is all a question of education, wealth, ability and character which would enable them to take their position alongside their neighbours.

562. In India you have 50 million untouchables?—(*Mr. Raza Ali.*) That may be so with regard to untouchables and Sudras. If you actually infer that that number is treated in the manner in which you think they are treated, that is not

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correct. By birth they are low class people, but they are not treated as you suppose they are.

563. My question is what percentage of untouchables rose higher in their station of life and were accepted by the rest, say, during the last five years?—(Mr. Bajpai.) We have not had a census since 1921, and I am not sure that we actually tabulated, as it were, the number of people of the depressed class who rose in the scale of life, but speaking from personal experience I should say that the proportion, which is increasing, is high. (Mr. Paddison). Certainly it is increasing in Madras because a very large number of scholarships are given to these people so that they may rise. They come to the colleges for their education and become doctors and barristers. There is a tremendous movement to uplift these depressed classes in India. Not only in the Central Provinces, but generally throughout India there is this movement to raise these people up; there are societies for that purpose, the Government makes great efforts and all political parties are trying to raise these people, and it seems to me a dreadful thing that South Africa should take this as a model when we are doing our best to stamp it out.

564. Have you an idea of how many untouchables there are in South Africa?—We have no figures.

565. There would be a very large percentage of the number here?—(Mr. Raza Ali.) I do not think so. If the class of people that we have talked with is a fair indication of the caste to which they belong, then I do not think there could be any considerable number of the untouchables. There is a world of difference between an untouchable and a poor man who is an agriculturist.

566. Of those who were imported for purposes of labour in 1860?—I daresay there were. (Mr. Paddison.) I should certainly say not the majority. Certainly I should say from experience that the majority of them introduced from Madras are not untouchable but of the labouring class. I have spoken to hundreds of these and I should say that the majority I have spoken to do not belong to the untouchables. (Sir D. Sarvadhikari.) I have not come across one single person whom we would still call an untouchable in India, but further than that I say wherever the efflux may have taken place, considering the circumstances, untouchables would not have come in in large numbers to South Africa along with other classes.

567. In what way are the agriculturist class that were imported here considered in India? Take the position of [S.C. 9-'26.]

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Europe. You have the European population and the working class, and in South Africa you have the Europeans and the natives as the working class. In what way would Indian labourers compare with the working class of Europe, or with the working class of South Africa? Would they be on a level or higher up?—They may be higher up socially, but on a lower level so far as money is concerned.

568. How are they considered in India? I want to know how, in your opinion, they compare with the ordinary low labouring class in Europe and our labouring class in South Africa?—(*Mr. Bajpai.*) What is the standard that you apply? How do they compare with regard to legal status or civic status or what?

569. Economically?—Do you wish me to tell you how their wages compare with the wages of the working class in India?

570. Whether you put them on a level with yourself, or whether you consider them as labourers for the ruling class?—There is no such thing as labourers for a ruling class. The position is that there is equality in the eyes of the law. The majority of the people you find about Durban to-day would, if they went back to India, have the vote for the Provincial Council or the Central Assembly; the same as the man of the ruling class. If they qualified by passing through the colleges for particular positions, they would get those positions just as much as, say, a Brahmin.

571. That is the same in all the countries. As a matter of fact, perhaps more particularly in India?—Excuse me. (*Mr. Paddison.*) There is no country where opportunity is more dependent on abilities than it is in India. A man may be a born agriculturist and, if he can get a scholarship for his son, that boy may go up to any position. (*Sir D. Sarvadhikari.*) If a labourer happens to belong to Mr. Bajpai's caste, that is, if he is a Brahmin, though he does not rise to a high position, I shall have to bow down to him; he retains his social eminence as a Brahmin.

572. I am speaking of the working class in India. I quite follow that they may rise up. Would you not think it advisable to treat them for their own sake in your country differently to what you treat the more civilized?—(*Mr. Bajpai.*) If you are referring to social relations—we are not discussing those. Every man can ask whom he likes to attend his festive board, as it were. But there should be no difference between classes in the eyes of the law; no distinction between different sections of the community because of their social or economic status.

573. Have you an idea of what local opinion is?—(*Mr. Bajpai.*) In South Africa?

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574. Yes?—(Sir D. Sarvadhikari.) They regard this question very strongly.

575. Is it not a fact that some of your leading Indians in South Africa are quite willing to have the ordinary Indian segregated if there are clear exemptions for the higher class?—(Mr. Paddison.) We have not come across one who thinks that way. (Sir D. Sarvadhikari.) If such a thing did happen, it would be about the worst that could happen to the rest of the Indian community and the Government here. If these Indians are segregated, not only from you, but from the better class of Indians, it would be as bad a day for the Indians in this country as can be conceived; they will drift away from all ideals and public opinion. That will be about the worst thing all round that can happen if these exemptions are worked in the way you suggest.

576. Some Indians seem to express their opinion that way in South Africa?—Possibly, but I know of none such.

577. That is why I ask the question that they have nothing against the idea or principle of segregation, but they do not like to be connected with the lower class of Indian in South Africa?—(Mr. Raza Ali.) I know no Indian who holds that opinion. Possibly there are some, but I know of none. (Sir D. Sarvadhikari.) We have made all the enquiries we could and have got the views of every type of Indian; we have been to their houses and we have never met a single Indian of any sort who did not hate the principle of segregation. (Mr. Bajpai.) I can endorse what has been said from personal experience.

578. Have you studied the question of the social life of the Indian in this country with our native?—(Sir D. Sarvadhikari.) There, I must say we cannot be drawn into a discussion of the native in this question. We have no desire to do so.

579. We have the Indian question, which is not only an economic question as far as I am concerned, but it is also a social question. Have you studied the question of Indian social intercourse with our natives in this country?—There is none, so far as I am aware.

580. Is it not a fact that in many cases amongst the trading Indians they put the native on a social level with themselves?—(Mr. Paddison.) We have been round all the Indian places in the principal towns of South Africa we visited, and I have never seen a native inside an Indian's house. (Sir D. Sarvadhikari.) If you have in mind isolated cases, I would refer to cases where the European has done the same thing.

581. I am not denying that. I want to know your position. You say that many rights are taken away, but does it not strike you that the Indians have the right to buy ground in [S.C. 9—26.]

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the area allotted to them. They have the right to trade; the right to have every protection the State can grant—every facility they want?—(Mr. Raza Ali.) I deny that. They have not every facility; they have not every right. That is not true. In fact, we have dealt with that.

582. Take trade?—How does the law treat Indians, we shall say, for instance, in Natal, and how does the law treat Indians in the Transvaal? We have facts and figures to show that the policy of the Boroughs or Municipalities is not to grant any new licences to Indians. That is the declared policy.

583. I am referring to what it will be under this Bill when they have that area?—I was talking of things as they are at present, but under this Bill, if it becomes law, the position will be simply intolerable.

584. They can get their licences?—Only in that area where there is no business except between Indian and Indian, and looking at the position of the population in South Africa if the Bill is passed, they will have to wind up their businesses. If you allow them to only trade with themselves and not to trade with the Europeans and natives—if this Bill goes through—the result will be that they will have no opportunity of trade and business left and they will have to wind up their businesses. (Sir D. Sarvadhikari.) They cannot thrive by taking one another's washing. (Mr. Raza Ali.) The Chief Justice in a case said that if the Indians are to trade under these conditions they may as well not trade at all. That is what the Chief Justice said in Habib Motan's case. We went and visited Springs in the Transvaal the other day and the position there is this. They have no opportunity of any trade because the place is so far from the native location which has been removed to a distance from the Asiatic Bazaar. They are not in a position to trade with the European. When we enquired into that we were told that that Bazaar was founded in the hope that in the neighbourhood of that Asiatic Bazaar a mine would be opened in course of time, and when we ascertained the possibility of that mine being opened we were told that that question had been discussed during the past five or six years and that there was no possibility of working the mine for many years to come. As a result the Indian population there is simply miserable. There is no business. It is only the hawkers who can do any business by going about and that is how they manage to pay their taxes to the Government and Municipality. The same thing is bound to happen in every reserved area if this Bill goes through.

585. Your view may be right or not, but the fact remains that the right to trade is not taken away by this Bill?—It is.

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As soon as you put restrictions on the right to trade that right is taken away. If you put limitations and restrictions and conditions on the right to trade I do not see how, in spite of what you may claim that you are giving a free right to these men to trade, it can be a free right to trade. Do you give a free right? Are you quite sure that you concede an unrestricted right to the Indian?

586. The right to take to any particular work. They can go anywhere and do work of any kind?—(Mr. Bajpai.) May I put the position this way. At the present moment so far as the law goes—administration is a different matter altogether—an Indian can trade anywhere in Natal. This Bill proposes to confine him for purposes of trade to particular areas. Is that not a restriction of an existing right?

587. You know the Transvaal system?—Yes, I know the Transvaal system.

588. Is this Bill very much different to that?—It is; because until the Transvaal General Dealers' Control Ordinance became operative at the beginning of this year, except in certain areas on the Witwatersrand, the Indian had merely to apply for a licence to the Receiver of Revenue and he got it. Now, the idea under this Bill is that he shall be confined, not merely on the Witwatersrand but throughout the Transvaal, to special areas for purposes of trade.

589. There is the right to work anywhere in agriculture or trade?—(Mr. Paddison.) You cannot say a man is not restricted in his labour if he is compelled to live in a particular place. A man naturally wants to live near the scene of his labour and here you say "Go and live over there." A man living in Springs, for instance, has to walk 3 or 4 miles before he gets to his job as he has to live in his class area. (Sir D. Sarvadhikari.) Segregation will have declared him an economic and a moral if not a physical leper and trade cannot possibly reach him in his isolation.

590. There are 160,000 Indians in this country. Has it struck you that that means that there is one Indian to every nine Europeans in this country?—(Mr. Paddison.) Do you consider that a large number? In India we are 170,000 Europeans against 315 million Indians.

591. The problem is very complicated. One to nine is a fairly big proportion in our small white population. Then, do you know that the coloured population of South Africa is four Europeans to one coloured and three and a half natives to one European. If you take the coloured question—because the whole thing is complicated—you find about one European to four Indians, coloured and natives?—In answer to that I say how would it help the position if the Indian is segregated and the coloured and native question is still there.

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592. Do you realise that it is a complicated question as regards the South African people?—(Mr. Bajpai.) I think you cannot consider this question *in abstract* as it were; I am talking of the Asiatic at the present moment and not of the native or coloured. The position as regards Indians is that no more are allowed to come into this country under you Immigrants Restriction Act, whereas there is no restriction on Europeans coming to this country. Surely you are looking forward to the number of Europeans in this country increasing. How then do the figures you have quoted bear on the problem of the future? Our 160,000 will probably remain stationary; your million and a half will progressively increase. (Mr. Raza Ali.) There is another thing I would ask you to seriously consider and that is this. After all, you have a huge country. I listened to the speech of the Minister of the Interior made in the House of Assembly the other day that the policy of the Government was not to burden Natal alone with the Indian question, but that the other provinces should share that problem. You want to deal with this question as affecting the whole of the Union of South Africa and not as a provincial one. If that is so, why can you not relieve the pressure on Durban and the neighbouring area? Surely the country is large enough for these Indians to make a living; surely you can induce them to go out and settle on the land. If the Union is going to treat this as a Union question I think there should be no difficulty in the solution of the question. (Sir D. Sarvadhikari.) The growth of the Indian population and their ratio in connection with that of the European population has to be considered. The European population is growing three or four times as quick as the Indian population, and for obvious reasons.

593. Mr. Pearce.] It is quite obvious from the answers you have given that you object to Indians being segregated. Would you like them to live on the same standard as Europeans?—(Mr. Paddison.) As they are going on their standard will improve.

594. You would like them to live on the same standard as Europeans?—So would you. I would like them to in the course of time. Raise him up and bring him to the European standard of living provided the man with whom you have to deal has got the means.

595. You realise that if he is allowed to live on our standard that he becomes a menace to the European standard?—(Mr. Raza Ali.) I do not exactly see how he becomes a menace. If he is given the same facilities as the European I should certainly like him to be paid at the same rate as the European is paid.

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596. Therefore, you would not object to the Indians coming under the same Wage Board as the European workmen?—Provided both have the same facilities and that the European has no more facilities than the Indian has. Give the Indian the same opportunity and let them both be paid at the same rate.

597. You have no objection to the Indians coming under the same Wage Board as European workers?—Provided the same facilities are extended to Indians as are extended to the Europeans and that they are allowed to become members of the trade unions, and further, that in the administration of the affairs of the trade unions there is no difference made between man and man on the basis of colour.

598. Have you any fear that if the Indians were treated on the same basis as Europeans and had to conform to the same life that the Indians would not be employed?—Looking to the strength of racial feeling here, I have considerable doubt whether this country will be prepared to extend the same facilities to Indian labourers as are extended to white labourers. If you can overcome that, I, personally, have no objection to the Indian coming in under the same board.

599. Do you think the Indian Government would agree to legislation being enforced through the Wage Boards whereby the Indian was prohibited to do work at less pay than the European?—That is a question on which the Government of India will be in a position to express an opinion. That could be carefully considered.

600. You object to the principle of segregation for Indians. You do not want any difference made between the legislation affecting Indians and that affecting Europeans?—Provided they have the same facilities. . . .

601. Therefore you would not object to the Indians becoming compelled to live up to the same standard as the European?—Looking to the strength of racial feeling, the question is whether it will be possible to equalize by legislation their standard of living?—(*Sir D. Sarvadhikari.*) As a matter of fact, you have the Wage Act and Wage Boards are being set up and our Government has not raised any question in regard to that so far as Indians are concerned.

602. You are pleading for equality of treatment of Indians and Europeans, and I am trying to get information from you whether you will be willing—assuming that we give them equal status—that the Indians should only work under the same conditions as the Europeans do?—By status will you include franchise?

603. It is supposed they have the same rights as Europeans?—If the rights and opportunity are all the same, no
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Government or people could raise objection. How could they?

604. You would have no objections to the Indians being compelled to live up to the same standard as Europeans, having separate bedrooms instead of all living in one room?—So far as bedrooms for different sexes are concerned, in the case of other than husband and wife, it is an article of faith with Indians and we have none of the problems that you have in your slums and places better than slums. (*Mr. Bajpai.*) In regard to the attitude of the Government of India in this matter I cannot do better than quote from the statement made by Sir Benjamin Robertson before the Asiatic Enquiry Commission: "The basis of the economic problem is that the Asiatic, by reason of his lower standard of living, competes on unfair terms with the white man. The only logical solution is to raise the Asiatic's standard of living to the white man's level." The policy of the Government of India is laid down in that sentence, and it does not stand by itself. The Minister will bear me out in my statement that in correspondence which has gone on subsequently between the Government of this country and the Government of India, we have all along said that we have no objection whatever to the Indian population in this country being brought on to the same economic and sanitary level generally as the rest of the community.

605. You contend that if the Indians were put on that level that they would be employed anywhere in this country?—That is going rather far. We contend that if the white man wishes to insist upon a certain standard of wage and also to insist that the Indian should conform to the same standard of living, he should co-operate with the Indian to ensure that he is given the same facilities for securing employment.

606. In your answers on the question of segregation you say that the Indians are just as much civilized as the European and should be treated on equality. If you want it one way you should be willing to go the whole way; that is, you remain the menace to the white worker by saying the Indian should work at a less rate of pay?—Provided the white worker says co-operate with me, and we shall not stand in the way of the Indian being employed.

607. And you will agree to the Indians being compelled to live under the same sanitary conditions as Europeans?—Undoubtedly.

608. You are advocating that?—We stand for that.

609. You stand for equality and for equality in wages?—Provided you give the Indian the same facilities to get employment.

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610. And you say that all you want is that the Indians be treated in all senses like the European?—I do not follow.

611. As regards work and wages and housing, you want him treated the same?—So far as sanitation and education are concerned we certainly maintain that the Indian should be raised to the European's level. (Sir D. Sarvadhikari.) In regard to education you must give him opportunities which have been wholly denied so far.

612. Are you as representing the Government of India, advocating that policy?—(Mr. Bajpai.) The Government of India has advocated that policy; we are merely reiterating it.

613. The question is that you are either a menace to the European on account of under-cutting and living under low sanitary conditions. On the other hand if you want to be treated on the same level it means that the Indian would not be employed at all?—I was going to say that we are discussing the question in the abstract at present. I have said and others have said that, provided you have equality of opportunity for the Indian and the white man, we logically cannot do otherwise than advocate equality in other standards. When you mention the word menace I demur to the use of that word describing the existing conditions. My enquiries show that the Indian is not a menace.

614. I want to get to the point and that is to try and find some method which would satisfy you and the European population. You are absolutely against segregation or legislation which differentiates detrimentally, in your opinion, to the Indians. If, on the other hand, you had other legislation where the Indian would be compelled to live under the same standard as the European, would not that policy be detrimental to the Indian because if he had to live under the European standard then he would not be employed?—(Sir D. Sarvadhikari.) That kind of legislation has gone through in some of your provinces and the Government has said not one word with regard to it.

615. And you agree with it?—(Mr. Bajpai.) Where does the agreeing come in? (Sir D. Sarvadhikari.) The Government has said nothing and things being equal in all respects no one can claim differential treatment.

616. The Indians should demand the same rates of pay for the same work?—Provided there is the proper machinery and opportunity.

617. Mr. Reyburn.] In paragraph 14 of your statement you say " Since the Asiatic Inquiry Commission definitely rejected the idea of compulsory segregation, the Indian has [S.C. 9—'26.]

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made no encroachment on the sphere of the European. On the contrary, in the municipalities of Natal, the number of European trading licences has increased by 15 per cent. as against an increase of only 5 per cent. in Asiatic licences." Could you furnish the Committee with a detailed statement on what you base those figures?—(Mr. Bajpai.) Certainly.

618. Can you give the details of that now?—The total number of European licences has increased from 2,889 to 3,344 and that of the Indians from 2,909 to 3,055. The following is the detailed statement:—

RETURN SHOWING LICENCES ISSUED AND REFUSED TO EUROPEANS AND INDIANS IN MUNICIPALITIES AND TOWNSHIPS IN NATAL DURING THE FOUR YEARS 1921 TO 1924 INCLUSIVE.

	Europeans.		Change.	Indians.		Change.
	1921.	1924.		1921.	1924.	
Charles Town ..	7	7		21	15	— 6
Dundee ..	111	118	+ 7	61	57	— 4
Durban ..	2,078	2,438	+360	1,938	2,041	+103
Estcourt ..	34	38	+ 4	26	17	— 9
Greytown ..	62	60	— 2	39	29	— 10
Harding ..	14	16	+ 2	6	10	+ 4
Howick ..	9	7	— 2	6	7	+ 1
Ladysmith ..	76	85	+ 9	101	124	+ 23
Mooi River ..	—	24		—	12	
Newcastle..	31	38	+ 7	41	45	+ 4
Richmond ..	17	22	+ 5	19	17	— 2
Stanger ..	13	12	— 1	55	60	+ 5
Verulam ..	15	16	+ 1	27	34	+ 7
Weenen ..	5	5		6	6	
Pietermartizburg	417	448	+ 31	563	581	+ 10
	2,889	3,344		2,909	3,055	
	Increase in 9 of 426			Increase in 8 of 157		
	Decrease in 3 of 5			Decrease in 5 of 31		
				126		
Total European in 1921	— 2,889	Total Indian in 1921	— 2,909			
" " 1924	— 3,344	" " 1924	— 3,055			
	X 455		X 146			

619. There is also this increase as regards the Transvaal?—Yes.

620. You say further on " Information for the magisterial districts of Durban and Pinetown, which was compiled by the Director of Census for the period 1916-1917 to 1922-1923, gives such figures in respect of Europeans and non-Europeans. Among the latter, Natives and Coloured persons are also included. These statistics reveal no change in the position since 1919 . . ." Can you give the Committee the details of that as well?—I can give you the reference. It is a publication

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issued by the Director of Census. It is a special report on the Indians in Durban, period 1915-'16 to 1922-'23, series No. 28.

621. In your evidence you mentioned British Columbia where the population is more or less equal to what it is here?—Yes.

622. You said there was no legal segregation?—That is true.

623. The Asiatic population can live where it likes?—Yes.

624. Does it?—It does.

625. No social segregation?—No.

626. Do they mix?—How do you mean?

627. Do they live side by side?—Yes.

628. There is no voluntary segregation in British Columbia?—I was answering the extra question as to whether they lived side by side or not. If you were to take them in large units you will find that Indians keep to themselves and Europeans keep to themselves.

629. There is penetration of different races in the other people's areas?—I do not know what you mean by penetration.

630. Do Asiatics live in the residential areas of the Europeans?—Yes. They can in the Cape as well.

631. Is there any objection?—I experienced nothing like the outcry about living side by side in British Columbia as I have in this country.

632. In referring to the position in Queensland, I think the words you used were in connection with a basic wage. Since that wage was established, there was not the same outcry. Is there still an outcry?—No, I do not think so. After all, if there had been an outcry the Federal Government would have been unable to confer the Federal franchise on the Indian.

633. What would be the effect on Durban if the Coastal Belt principle in the Bill is carried into effect?—We have stated that, we think, quite clearly in paragraph 13 (2) of our statement: "In the other two provinces (Natal and the Cape), where they have been subject to no such disability, the restrictions now contemplated in the Bill constitute a drastic innovation. The effect of these restrictions in so far as they are designed to subserve the policy of racial and commercial segregation has already been indicated in the preceding paragraph. They will also reduce the value of property owned by Indians in European areas by restricting the market for its sale. But grave consequences will ensue from the creation of the Coast Belt. It is in Natal that the Asiatic population is highest; at the last Census the numbers were 141,000 out of a total of [S.C. 9-'26.]

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165,000 for the whole Union, of whom 161,000 were Indians. Nearly 48,000 were concentrated in Durban and its suburbs. If the total for the area likely to be included within the proposed 30-mile belt were taken the figure would be larger. A considerable proportion of these are agriculturists, whose sole ambition is to own their own plot of land and cultivate it. Some of them own the land on which they grow crops; but the majority are squatters on land which does not belong to them, but mostly to Europeans. This is the class which will be hit hardest by the establishment of the coast belt with the attendant condition that members of one race shall not, within that belt, outside class areas, buy or lease land from members of another race. Its effect will be to drive Indian squatters on European land from their natural métier into the labour market. The squatter will lose a congenial employment if not his livelihood; the agricultural labourer will lose all prospect of investing his savings in land, for the area of agricultural land owned by Indians is strictly limited; the general consumer will suffer from a shrinkage of the supply of vegetables and fruit, and a consequential increase in the price of these articles; the labour market from a glut of cheap labour, and the urban community generally from congestion in towns, especially Durban, whither the squatter, deprived of his holding, will drift in quest of work. This particular phase of the restrictive policy will probably be a source of grave embarrassment to the entire community; for the indentured Indian and his descendants, who have done so much for Natal, it will be disastrous."

634. How will this Bill, if passed, affect, in your opinion, the voluntary repatriation scheme?—It will stop voluntary repatriation for two reasons. To put it colloquially, the Indian community will have their back up; they will do anything that lies in their power to defeat the policy of reducing the Indian population in this country. In India we will be faced with the same position. They will say "This Act is to compel the Indian to go back; well we won't have him back."

635. You suggest overcoming that by the suspension of this Bill in order to enable the whole question to be discussed in conference. Can you suggest any alternative to enable the Government of South Africa to allay the fear which exists pending the conference?—First, as to the question of fear. We think we have done our best to explain in our memorandum how the fear, so far as actual economic competition is concerned, is unfounded. We recognize that there is perhaps this feeling of panic and it seems to me and to us all that if the Bill is postponed that should be sufficient to calm the fear at this end provided that the postponement is coupled

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with the announcement that it is proposed to settle this question by consultation as soon as possible.

636. Do you not think the postponement of the Bill would rather increase the fear?—Why should it? (*Sir D. Sarvadhikari.*) The fear is ungrounded in South Africa?

637. In South Africa?—(*Mr. Raza Ali.*) I do not think it should because after all you will remember that one of the provisions of the Bill is that it is to come into effect from the 1st of August, 1925. It will be for your Parliament to consider how far it is proper and just to enforce it from that date. Quite apart from the merits, if a conference is held the Indian cannot make his position better than what it was before the 1st August, 1925. If you pass the Bill in any shape or form—assuming you pass one which is a different question—and are prepared to give retrospective effect to it from the 1st August, 1925, I do not think that need create any fear whatever as the rights of the South African people will be safeguarded.

638. Do you not think the failure to pass the Bill this year will add fuel to suspicion?—I do not think so. If there is any question put or anybody challenges your action you can always point out to the provision that the Bill is to become operative from the 1st August, 1925, and say “what more do you want; we have postponed it for such and such reasons but if ultimately it is decided to pass a Bill, it will come into force as from the 1st August, 1925.”

639. Let us assume that that suspicion is there and that it is undesirable to postpone the Bill?—(*Sir D. Sarvadhikari.*) That is a matter I am afraid we cannot go into. I think from the evidence it has been made clear that the panic that exists is not well founded and that there is a case made out for making further enquiries to find out the real position and whether there is any real menace. The next question would be whether you get an acceptable and workable remedy by segregating people whether thereby you will achieve your objects or not. There is a further question whether by discussing the question in a calmer atmosphere and with fuller facts you are not likely to be able to come to some conclusion that will meet all requirements. Statesmen and administrators in India have recognized that there is this feeling in South Africa and the previous settlement was on that basis. Before concluding our evidence for this morning I would like to refer to a question asked me by Mr. Marwick in regard to the word Varna. I find that the translation of the word by Mrs. Besant is caste. That might be objected to as a poetical translation. Therefore I went to the public library and got

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Professor Max Muller's translation which is to be found in the eighth volume of the Sacred Books of the East series. There also the word is translated as caste and not colour.

—
Wednesday, 10th March, 1926.
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PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Pearce.
Mr. Lennox.	Mr. Reyburn.
Mr. M. I. Malan.	Mr. Rood.

Mr. George Frederick Paddison, C.S.I., Sir Devaprasad Sarvadhikari, the Hon. Syed Raza Ali, and Mr. Girja Shankar Bajpai, C.B.E., further examined.

640. *Chairman.*] I understand, Mr. Ali, that you desire to make a statement, before the Committee continues with the examination?—(*Mr. Ali.*) Yes. The other day reference was made by one of the members of the Committee to Sir Valentine Chirol, as an authority on Indian questions. I would refer to an extract from one of the latest works of Sir Valentine Chirol, which gives an indication of his views on the Indian question. He says: "What she (India) claims is that her voice be heard and listened to, not as that of an inferior supplicating for boons, but with the deference and the desire for an agreed settlement by mutual consent to which the promise of equal partnership already, she holds, entitles her. That claim she will press, too, in questions affecting the status and rights of her people in the Dominions and in the Colonies with the insistence born of a new sense of nationhood, which has intensified a much older race-consciousness. Heavy will be the responsibility of those within the Empire who meet her with an uncompromising assertion of the white man's superior rights and interests as the *suprema lex et suprema salus Imperii.*" The passage is to be found at page 208 of Sir Valentine Chirol's "India Old and New."

640a. *Mr. Reyburn.*] When we adjourned yesterday, I was dealing with the point of some alternative to this Bill. Have you any suggestion that you could make as official representatives of the Government of India with regard to an alternative apart from a Conference?—(*Mr. Bajpai.*) It appears to us that a Conference is the best method of arriving at a

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settlement of a question which is so complicated, complicated not merely in regard to the economic and other matters, but also by what might be described as the sentiment of two peoples.

641. Is there anything that can be done pending a solution by a Conference which will prevent any further encroachments?—With regard to that, I think that you should allow us to invoke the assistance of facts, and not merely, as it were, rely upon the expressions of feeling with which we have been faced. Take, for instance, the question of ownership of property. At Durban, in the course of the last five years, the percentage of Indian-owned property to that owned by other races has remained practically stationary. That being so, you cannot very well say that there has been any indication or evidence of encroachment which would justify legislation pending this Conference which, so far as we can see, need not be postponed for a year or 2 years, but held as early as arrangements can be made. In fact, it can be held at any time the Union Government give us an opportunity. Furthermore, there is the point that the existing laws of this country, in regard to trade and the ownership of property by Indians, do provide ample safeguards against the alleged 'encroachment.'

642. In what way, for instance, at Durban, are our existing laws regarding property inadequate?—I will try to distinguish between the property which belongs to Municipal Corporations and property belonging to individuals. In regard to private property, my information is that in most cases the terms of sale by Europeans include a clause of an anti-Asiatic character in so far as the disposal of that property to Indians is concerned.

643. If that clause is not inserted?—It is a very big "if" indeed. If the sentiment on the part of the Europeans is very strong, they will undoubtedly insist upon the interpolation of that clause.

644. Are you aware that the insertion of an anti-Asiatic clause in Municipal sales was largely due to a riot that took place in the Durban Town Hall at a land sale, when an Indian volunteered to purchase certain land?—I daresay; in so far as the acquisition by Indians of property belonging to the Town Council is concerned or, for that matter, in so far as acquisition by them of land belonging to any other municipality in Natal is concerned, you have the Natal Borough and Township Lands Ordinance (No. 5 of 1923), which leaves municipalities free to impose any conditions they like.

645. Would you agree to a Bill being passed preventing the acquisition of property by Indians?—There again, I would ask the Committee to look at the matter from the point of view of getting this question settled in a spirit of friendliness.

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Looking at it from that point of view, you cannot come to any other conclusion but that the settlement of 1914, which brought the passive resistance movement to an end, was an understanding that the rights enjoyed by Indians at the time would be safeguarded. Subsequently, at the Imperial War Conference in 1917 and 1918 an assurance to that effect was given by responsible Ministers of the Union. What was our position in India? We accepted the assurance, and we undertook, much against our will,—after all we are members of the same Empire and we feel that we should be permitted free migration within that Empire,—that there should be no cause for further fear on the part of the Europeans of South Africa in regard to an influx of Indians into South Africa. We gave that undertaking, and I challenge anybody to say that the Government of India or the people of India, have in any way deviated from that undertaking. But what is the position in South Africa? I am not saying that there has been a breach of faith, but I am drawing attention to the fact that, as a result of pressure of opinion in this country, there has been a succession of Acts and Ordinances which have progressively restricted and reduced the rights which Indians had in 1914. Take, first of all, the Asiatics (Land and Trading) Amendment (Transvaal) Act, No. 37 of 1919, which completely prohibited the acquisition of property by Indians in the Transvaal. Then you have a series of resolutions and motions brought in in the Union House of Assembly and in the Natal Provincial Council. Furthermore, there are the following Ordinances: The Natal Rural Dealers' Licensing Ordinance, the Natal Borough and Township Lands Ordinance, the Natal Borough Franchise Ordinance and the Natal Townships Franchise Ordinance. I feel sure the Committee will appreciate that with that long list of anti-Asiatic legislation, there is some justification for the feeling of resentment and alarm which exists in India and among Indians in this country. And if at this juncture when there is every necessity for a spirit of friendliness, you follow up this restrictive legislation by temporary legislation to prevent the acquisition of property by Asiatics, such legislation, in my opinion, would have the effect of stirring up intense feeling. (*Mr. Paddison.*) Moreover, from a practical point of view, if your suggestion means that areas should be reserved for Europeans, it would be impossible to have European areas reserved in that way, because by the time that you get your European areas certified, which will take at least six months, the Conference will be over, so that it will not help much to have the temporary legislation you suggest. (*Sir D. Sarvadhikari.*) Furthermore, I would like to point out that we are but a deputation without plenipotentiary powers. We have been asked to give

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evidence within certain terms and within certain instructions. Our instructions will not make it possible for us to go into these questions of detail. (Regarding what took place in 1914, I would like to read an extract from Mr. Gandhi's farewell letter, dated July, 1914, as follows:—

· The promise made by General Smuts to administer the existing Laws justly and with due regard to vested rights gives the community breathing time, but these laws are in themselves defective and can be turned into engines of oppression and instruments, by indirect means, to drive the resident Indian population from South Africa. The concession to popular prejudice, in that we have reconciled ourselves to almost the total prohibition, by administrative methods, of a fresh influx of Indian emigrants and to the deprivation of all political power is, in my opinion, the utmost that could be reasonably expected from us.)

I should also like to refer the Committee to an extract from Mr. Gokahle's speech which I understand has been handed in by the Rev. Mr. Andrews. Indian Statesmen and the Indian Administration fully recognized and took into consideration the depth of feeling to which so much reference has been made, and it was on that basis that this understanding was arrived at in 1914. With regard to the question of municipal restrictions about acquisition of land by Indians I find that is not confined to Natal only. From East London a newspaper—the local "Dispatch"—has been forwarded to me from which it appears that in regard to the sale of certain municipal lands taking place in February and March, distinct clauses provide that the lands shall not be at any time owned or occupied by other than Europeans. Therefore what has happened in Natal is being spread. You have been taking other steps to prevent what you call encroachment. (*Mr. Raza Ali.*) To the list of legislation referred to by our secretary there should be added the Transvaal General Dealers' Ordinance of 1925 which came into force on the first of January, 1926, and which as you know necessitates a dealer first taking out a certificate and then applying for a licence and for that certificate he must apply to the local body. Of course as you know on these local bodies there are sitting Europeans who are rivals in trade of these Indians who apply for certificates, so that the atmosphere in which the applications are heard can well be imagined. With regard to the other point that has been raised, I think the only area of which we have heard in Durban in regard to which complaints have been made is the Berea. I speak subject to correction, but my information is that during the last two years no houses have been acquired by Indians in the Berea. In fact only five houses are owned in that particular locality by Indians and the owners are [S.C. 9-'26.]

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Indians of a very wealthy class; very big merchants, persons who own Rolls-Royce cars. That is the only area which has been brought to our notice, and there no tendency on the part of Indians to acquire property has been displayed during the last two years. Accordingly I do not see why any temporary legislation should be necessary, and my opinion is that such a step will not be advisable.

646. Do you know Gale Street?—No, I cannot remember the exact whereabouts of that street, though we must have visited it.

647. That previously was a European area and to-day it is not?—(Mr. Bajpai.) Of course we are not going into ancient history at present; we are confining ourselves to the tendency at the moment. (Mr. Raza Ali.) As far as that is concerned, we can refer you to Potchefstroom and Dundee where there are areas which were previously inhabited by Indians and where Europeans are now living.

648. Have you taken any notice of the sanitary conditions under which Indians live?—The worst sanitary conditions I have seen were at the Durban Municipal Council's barracks where the Indians employed in the Water Works department live.

649. Are not the houses in that quarter being pulled down?—When we were there there was no indication that those houses would be pulled down.

650. Is it not a fact that the Council have passed a resolution this year authorizing the demolition of those buildings?—(Mr. Bajpai.) I do not know. The worst sanitary and other conditions which we saw were in the so-called "barracks" attached to the Hulett Sugar Refineries.

651. Would you have any objection, in view of the limited financial capacity of the Indians living there, to sanitary conditions being enforced?—Not at all.

652. There may be Indians who will not be able to comply with the financial burden placed on them?—(Sir D. Sarvadhikari.) In that case, as in other countries where there are people who cannot afford to pay, the Municipality will have to come to their assistance. In Calcutta, for instance, there are poor people in some quarters who cannot afford to pay the municipal rates and their inability is taken into consideration and yet sanitary requirements are provided without being too costly or elaborate. After all the City also has an obligation in regard to its cleanliness and sanitary conditions. (Mr. Paddison.) My fear is that they will do what was done in a good many places in India some years ago. When I was in Maritzburg I saw a plan sent up by one committee or other. Finding a congested area they proposed to take a large plot in the middle of that area and put the people out without

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making any arrangements as to where the dispossessed persons should go, the result being that the congestion all round this so-called lung was very much increased instead of being decreased. I feel that the surroundings of Durban is a tremendous problem, but at the same time it is not a racial problem.

653. Would you have any objection whatever in view of the financial position of the Indians in that district, who cannot afford to build satisfactory structures themselves, to the highest sanitary laws being imposed?—(*Mr. Bajpai.*) I think that in every civilized country in the world the principle is accepted that sanitary regulations should be enforced, but where there are poor people in a locality who cannot afford to erect suitable structures, the State or the local authority should step in. If you insist on a man conforming to a certain standard and following certain habits of life and so on, I am quite certain no one could have any objection to that. (*Mr. Paddison.*) I am dealing with a similar question in Madras town where we have congested areas and where we are endeavouring to solve the problem by a system of co-operative societies and in that way assisting the people concerned. It is all a matter of a satisfactory scheme being worked out. It does not follow that all the persons in a particular locality should have the same class of houses. For instance, a man earning £2 a month cannot be expected to have the same class of house as a man earning £6 a month, but it is quite a fair proposal that the inhabitant of that locality should have a sanitary house. Assistance could be given to the people by way of loans to erect suitable structures. It is a big question, but our point is that the Bill before the Committee will not assist that problem. (*Sir D. Sarvadhikari.*) By taking these people out of their surroundings you are not increasing their financial position, but you will be placing upon them an obligation to find new homes where also reasonable sanitary requirements must be provided. And in the place they go to the local authority would require sanitary surroundings. Therefore, merely removing these people will not solve the question, but by giving them a little help and education and taking a little sympathetic interest in their condition by the proper administration of sanitary laws which may have been neglected in the past you will get better results in the desired direction.

654. Would you object to a European standard of housing being enforced for these Indians; that they should have brick houses for instance?—I know of Europeans who do not reside in brick houses, but the sanitary standard is, and ought to be, the same for both Europeans and Indians. I do not know what is meant by European standard of sanitation. [S.C. 9—'26.]

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tion. There is, and can be, but one standard of cleanliness, and the Hindoo standard is quite high.

655. On this suggested Conference would it be possible to have a perfectly open discussion on the question of repatriation?—That the Government of India have already clearly indicated it is one of the questions to be considered. In the correspondence I have referred to that is as clear as it possibly can be.

656. No restriction whatever?—On the basis of repatriation being voluntary. (*Mr. Bajpai.*) And on it being understood that other solutions of the problem will also be explored. If the predominating feeling on one side is that repatriation is the only effective remedy, the Conference could hardly be an open one. If we approach the Indian question with an open mind and with an appreciation and realization both of the feeling on our side and the feeling of South Africa, and there is a general desire to come to a settlement, I do not see any reason why this question and many others should not be discussed. (*Sir D. Sarvadhikari.*) I would like to say in reference to what the Minister of the Interior said in the House that the Government of India is aware of this going of Colonial-born people to India, which is not repatriation, and no exception has been taken. Pending the consideration of other matters, no adverse attitude has been taken with regard to this question.

657. What is the population of India?—(*Mr. Bajpai.*) 318 millions.

658. How many of that number has a vote?—I think the Provincial vote amounts to about $7\frac{1}{2}$ million.

659. That is for the Provincial legislature?—Yes.

660. Is there not a new Bill under consideration in India in regard to the question of enfranchisement?—A Committee which went into these questions reported last year suggesting a re-examination of the existing system, both in regard to the qualification for the franchise and the working of the electoral system. It may be that some Bill is contemplated as a result of that report, but I have not seen it.

661. I understand that at present there is a proposal for a different class of enfranchisement. Have you seen any such proposal?—If there is, it must have been made since our departure from India. The basis of our franchise is a property qualification.

662. What percentage of the villagers of India would pay a tax?—Of course, from the 318 million you have to exclude those Indians who are governed by Indian princes, and who are not included in our electorate. (*Mr. Raza Ali.*) The $7\frac{1}{2}$

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million voters are in British India, whose population is 239½ millions.

263. How many of these voters will be males?—I cannot tell you; in India women have the vote; in fact, a good many of my voters are women. (*Sir D. Sarvadhikari.*) There is a constant demand for improvement of the standard of franchise. (*Mr. Bajpai.*) If you will consult a book by a gentleman named Porritt on the subject of the Unreformed House of Commons in England, you will find that we established a larger electorate under the Government of India Act, 1919, than did the Reform Bill in England. (*Mr. Raza Ali.*) India had made substantial progress in 1912. But things have moved rapidly in India since 1912, when Mr. Gokhale visited this country. So remarkable have been the changes that India is no longer the country it was 13 years ago. Take our local self Government, I mean municipalities and local boards. Then take the constitution of the Government of India and the Provincial Governments. The reforms effected in those bodies alone will show that important advance has been made. The policy followed to-day is that no legislation can be passed in any Province unless the Government can carry the legislature with it. All legislation depends upon the vote of the Provincial Legislature. Almost the same applies to the Imperial Legislature. In our Assembly the number of members is 140, of whom 100 are elected members, and if the Government want to carry any legislation, it must be passed by the House. Take the Budget, the Finance Bill and money appropriations Bills in the Provinces. If the Government want to incur any expenditure under any votable head, they cannot do so without the consent of the Provincial Legislature. The same applies to the Imperial—the Central—Legislature. The question is put to the vote of the Assembly; the Finance Bill is passed by the Assembly and the Council of State and then it becomes law. As regards general legislation, we have the same powers. In 1912 we had in our municipalities and district boards the elective principle, but the municipalities and district boards were constituted partly by nomination and partly by election and all such municipalities and boards had what was known as official chairmen, that is to say, they were Government officials. Our leader, Mr. Paddison, was Chairman of an important district board. To-day the position is this, that these bodies are almost wholly constituted by elected members, the Government retaining the power to nominate two or three members. But the principle of election is the basis of the structure, and what is more, the Chairman is elected by the municipality or board concerned.

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These municipalities and boards, as in other places, have extensive powers in regard to roads, sanitation, hospitals, education, and so on. Take the case of education, you will find that the same advance has been made there. In 1912 the number of schools was inadequate. Since then, thousands of schools have been opened all over the country and education has been brought almost to the door of the villagers. In our urban schools, to a large extent, education has been made free. In 1912 we had only five universities, the number to-day is twelve and we are going to have three more universities in a year or so.

What is the average income of an Indian in India?—*(Mr. Bajpai.)* I can merely give you an idea because, as you know, statistics are, as a rule, deceptive, and our, probably, more deceptive than those of many other countries, for in India it is practically impossible to arrive at a correct estimate of the income of what you might call the agricultural community. I should say, taking it on a broad basis, that the average income of the population of India at the present rate of exchange is in the neighbourhood of £4 per head per annum.

664. So that the average Indian is not entitled to the franchise?—We have not got manhood suffrage. Our franchise qualification is based on property.

665. Therefore only the property owning classes can vote?—Not exactly the property owning classes; the country classes also, provided they pay 100 rupees per annum or, in some cases, less. *(Sir D. Sarvadhikari.)* There are two sides to this question. Our friends the officials think we have had sufficient self Government, whereas we on our side think we have not. We are demanding more, and as in the history of all responsible Government the struggle is going on, and steadily the situation is improving.

666. Is there any regulation whatever in India which describes the proportion of Indians that shall be admitted to the Civil Service; in other words is there a colour bar?—*(Mr. Bajpai.)* There is absolutely no colour bar. In the light of the declaration which forms the preamble to the Government of India Act of 1919, that Indians shall be associated with every department of the Administration, we have fixed the proportion of Indians to be appointed to the Civil Service. But the general position is that any British born subject of His Majesty is eligible for admission to the Public Service of India. In fact all rules framed by the Public Service Commission are framed with due regard to this basic principle. And not merely that, any white man who is domiciled in the

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country is regarded as a statutory native of India, and he is eligible with other members of the Indian community for exactly the same privileges as a pure blooded Indian. (Sir D. Sarvadhikari.) I may add that we have had educational officers from South Africa filling high positions in our Education Service who have come back to Africa. (Mr. Paddison.) There is a quota of Indians who shall be admitted to the Civil Service, but that quota may contain and often does white persons. If I take up my residence in India, my son would be eligible as a native of India to form a part of the quota. It is not a quota of race; it is a quota of inhabitants.

667. Mr. Rood.] Notwithstanding all that, I think there is evidence to show that the lower classes do not succeed to any high posts in the Indian Civil Service?—(Br. Bajpai.) Not because of any racial or legal restriction. That just happens because they have been slow to avail themselves of the educational facilities provided by the State. (Mr. Raza Ali.) In my Province a large number could not get into the Service because of the competitive examination we held; they were not able to fulfil that test. (Sir D. Sarvadhikari.) In connection with the educational service reference having been made to the lower classes, in this connection I wish to say that is the University of talents with which I have the honour of being connected as Vice-Chancellor during my term of office appointed professors and gave encouragement to students coming from what are called untouchable classes. The same thing is true in regard to other branches of Education and considerable pains are taken for the encouragement of untouchables, so called and the backward classes. And they are largely profiting by this encouragement and taking their place in the profession, in our councils and in offices.

668. Very few of them rise to the higher posts?—That is so, but not because of their race or class, but because of their lack of educational equipment. But some have risen to the highest position. (Mr. Raza Ali.) I may inform you that in March last year I moved a resolution in the Council of State in regard to appointment of backward classes to higher posts and that resolution has been accepted by the Government. The result of that will be that in future the third of the posts will be reserved for educational backward classes and minorities who may not be successful in the open competitive examinations. (Mr. Bajpai.) In this connection I might refer the Committee to section *ninety-six* of the Government of India Act. It reads “ No native of British India, nor any subject of His Majesty residing therein, shall, by reason only
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of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office under the Crown in India." (*Mr. Paddison.*) My colleague just now spoke of the elective principle, that is to say he mentioned that all members on the local boards are not elected. The sole reason why a certain number of seats are reserved for nominated persons is in order that these lower classes may be represented on those bodies.

669. I received yesterday a pamphlet setting forth the rather lurid conditions at Germiston. Have you any knowledge of the sanitary conditions there?—(*Mr. Bajpai.*) The people certainly complained to me about the conditions.

670. It seems to me the Deputation came into touch with insanitary places, and they took it for granted that all Asiatic areas will be insanitary?—(*Mr. Raza Ali.*) On that question, I may say that the Superintendent of the Asiatic bazaar was present, and the Indians told us their grievances, and said that they had informed the Superintendent. In fact, the Superintendent need not have been told, because he lives near the premises, and he knows the conditions. We had a talk with the Mayor, and he told us that he was very anxious to improve the sanitary condition of the Asiatic bazaar, but there were no funds available for the purpose. That was his difficulty; in fact, Mr. Paddison was also present when the Mayor pleaded the want of funds.

671. Can you tell me what there is to prevent an Indian trader in an outside village, say, in Ermelo, Brits or anywhere else, to live on the same economic standard as a European?—Nothing at all.

672. To what do you ascribe it that he generally never does live up to that standard?—(*Sir D. Sarvadhikari.*) I am not prepared to say that the Indian is any more unclean than certain Europeans. Our experience is that we have seen Indian shops next door to shops owned by Greeks, Italians or Jews. We have gone into those shops, and we have been to the back of the houses. We found no appreciable difference, except in some places where, as has been pointed out, there is lack of municipal help about enforcement of sanitary conditions. There may be abuses which ought to be put right. But the Indian ideals and standard of sanitation and cleanliness are high.

673. Obviously you got into touch mostly with people who are in sympathy with the Asiatics?—I do not know whether they are in sympathy, but they certainly gave us indications of friendly feelings. (*Mr. Bajpai.*) We also had interviews with men like Mr. Leslie Blackwell, who was Counsel for the

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Anti-Asiatic League, before the Lange Commission, Mr. Cox and others.

674. But you did not get into the country side; into the small villages in the Transvaal?—After all, we inspected areas wherever we could, and there is such a limitation as time. So far as we knew, this Bill was being introduced at the end of January, and it was impossible for us to cover the whole field. We saw typical areas.

675. You were modest enough the other day to say that the European could always compete with the Asiatic in trade. You instanced certain big wholesale houses in India, but I should like to know what the position is in that respect with regard to retailers?—There are hundreds of retailers who compete with Indians. You are perfectly at liberty to come to India; we shall be glad to receive you there, and we could then show you, in a town of modest proportions with a population of, say, 25,000, that European retailers more than hold their own against Indian retail traders.

676. Take a place like Brits in the Transvaal, which is a very small place, and where there are more or less 35 Indian stores as compared to two or three European stores, and gradually they are being thrust out by the competition of the Indians. Would you say that competition is on equal lines?—(Mr. Raza Ali.) If the case has to be taken into consideration, I do not think a single example will help very much.

677. I am dealing with the position in the Transvaal which is the Province that I know best. I do not know Natal very well, but I understand the same thing applies there. In these small places in the Transvaal the European trader is being pushed out by the Asiatic competition?—(Mr. Bajpai.) I gave figures in our memorandum which do not show that the present tendency is for Asiatic traders to increase in numbers. As to why, in the past, the Asiatic came to occupy a certain position is another matter.

678. As regards the question of having areas, you said that if the Asiatics were put into a certain area it would be a question of his trading with the Asiatic solely?—Very largely.

679. Surely you recognize that if, for instance, a banking establishment leaves the ordinary business street and goes somewhere else that the Indians follow?—(Sir D. Sarvadhikari.) That all depends on whether the trade follows also. But how would you improve matters by merely taking the Indian out of the place he is in now. As a matter of fact, a primary factor in successful business is that a trader's existing connection must be taken into consideration. A customer is not going two miles for a penny's worth of sugar, and that is what the Indian trade mostly is. (Mr. Paddison.)

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In connection with what was said just now about Germiston, allow me to quote from the Asiatic Enquiry Commission's report. It states: "At Germiston Asiatics are prohibited by the terms of the titles to stands from residing or trading in the township. But the Municipality has established an Asiatic bazaar about a mile outside the town, in which there are a considerable number of Indian residents, principally hawkers, and a few shopkeepers. The business carried on is chiefly with the natives employed at the neighbouring mines, and those who reside in the adjoining native location. The bazaar appeared to be in a very neglected and insanitary condition. The Indians residing in it complained that, as regards lighting, sanitary and other arrangements, their wants receive little or no consideration from the Municipality. These complaints were fully confirmed by our inspection, in which we were accompanied by the Town Clerk and Location Superintendent." (*Mr. Bajpai.*) On another point, sir, a passage in the report is so opposite that we would quote it. It helps to show why we assume that evil consequences will follow from a policy of segregation. This is the passage: "The result of our visits of inspection to some of the locations or so-called bazaars, at present set apart for Asiatics in the Transvaal, was not such as to inspire confidence in a general policy of segregation."

680. How did it come about that in Constantinople, and in other modern cities, and in China also, European quarters are set apart?—With regard to China, of course, we can have a long discussion, but the reason is to be found in the establishment of extra-territoriality. As regards Constantinople, so far as I know, there is no legal restriction on a European if he desires to live outside areas occupied mainly by Europeans.

681. Is that the position as regards China?—Yes, but Europeans for the most part live together for the simple reason that they insist upon certain privileges not merely with regard to residence, but with regard to trial by particular courts and various other matters; in other words on the rights and privileges connected with what is known as "extra territoriality." The European finds that it is much better for him to confine himself to a particular area rather than spread all over.

682. Generally, even where there is no legal compulsion, it has become such a custom that it has become second nature to Europeans to drift away into the European quarter?—There is no objection to that, but there should be no legal restriction or compulsion. Take the Durban Berea; the majority of the Europeans reside there.

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683. The municipality or other authority must have set apart these areas. Take Constantinople, the Europeans could not simple have chosen the area where they are residing for themselves?—With regard to Constantinople I should again have to take you back into ancient history. You have doubtless heard of the “capitulations”. The Christians for purposes of protection preferred to live together in separate area.

684. At any rate there is no feeling of insult on the part of people to live in a particular area?—If a person of his own accord lives in a particular area, there is no objection, but if a man is compelled by law to live in a particular area, indoubtedly there is a feeling of insult. (*Mr. Paddison.*) The classic instance of voluntary separation is that of Abraham and Lot, where Abraham being the stronger man offered Lot the first choice as to where he should go. But suppose Lot had been compelled to go and live in Sodam and Gomorrah.

685. What difference is there between Europeans going to live together in area A and the Indians living in area B?—(*Mr. Bajpai.*) If you had complete equality between the races in regard to all matters, this so-called equality in the eyes of the law in regard to residence would have some meaning, but when such equality does not exist, it is a different matter. The Indian has not got the political franchise and he has no power to impress his wishes on the municipal or local body. He has no political rights in any sense. And if you compel him by law to reside in a given locality and the white man who can influence local bodies is allowed to live where he likes, that cannot be said to be equality, nor can anybody describe it as equitable. (*Mr. Raza Ali.*) There is nothing to prevent a Chinaman from living in a European quarter in China any more than there is any restriction on the Turks living in the European quarter in Constantinople. On the question of the number of Asiatic licences, you will find on referring to paragraph 17 of our memorandum that between 1921 and 1924 there was a decrease of 306, in the total Asiatic licences in the Transvaal. I refer you to that as showing that instead of the number of Asiatic licences having gone up it has gone down. The natural inference from that is that the position of the Asiatics is worse to-day than it was at the time of the Lange Commission.

686. *Mr. Marwich.*] What is the number of voters in India for the all India Assembly?—(*Mr. Bajpai.*) In the neighbourhood of $2\frac{1}{2}$ millions.

687. How many of those voted at the last elections?—I cannot tell you that off-hand. (*Mr. Raza Ali.*) My impres-
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sion is that the number who actually voted in the election of 1923 was between three fifths and two thirds. (*Mr. Bajpai.*) In fact in certain areas as many as 80 per cent. of the electorate polled their votes. (*Sir D. Sarvadhikari.*) With regard to election matters in this country, some people had to suggest that voters should be compelled to register their votes, showing that in all countries the average voter is not always very keen on exercising his right to vote.

688. What is the qualification for the franchise of this higher Assembly?—(*Mr. Raza Ali.*) The payment of rent of 72 rupees a year, or a land tax by a farmer of 50 rupees a year. That is in my province; of course, the qualifications vary from province to province. (*Sir D. Sarvadhikari.*) In many municipal areas the payment of a certain municipal tax is a further qualification.

689. Is not there a very strong movement in India to hold up the Government of that country as a satanic influence almost upon the whole life of India?—(*Mr. Raza Ali.*) I imagine that it is no longer a live question in India. I believe you refer to the movement led by Mr. Gandhi, but I do not know whether you now desire me to go into that matter. I know a lot concerning it, but suffice it to say that Mr. Gandhi launched the non-co-operation movement, which, in fact, was more a social and spiritual movement than a political one. That movement is over now. The people of India stood by the Government, and it was with their help that the Government were able to frustrate the movement of Mr. Gandhi.

690. I am merely referring to this matter to base the extent South African politics, in comparison with those movements, are affecting opinion in India?—(*Sir D. Sarvadhikari.*) That would be no basis. These are methods of political warfare known to all countries, and in India those methods are chosen with a view to getting terms from the Government. If general interest for the welfare of the Government did not prevail, let me assure you that the Government could not live for half an hour, any more than the Indian trader could continue in this country if there was general objection to him on the part of the Europeans, who deal with and patronize him most.

691. Which is the strongest influence at this moment upon politics in India, the Swarajist movement or the state of legislation in South Africa?—I can answer that by saying that I left India on the 3rd December last, when the South African question was uppermost in the minds of all thoughtful Indians of every type, official and non-official, rich and poor.

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692. What proportion of the population would you include?—That is a question I am not prepared to answer accurately. It is very large.

693. It is germane to the question?—The feeling is widespread. In all parts from which recruitment has taken place for Fiji, Mauritius, South Africa and other places the people are taking an interest in this question. The discussion of the question goes on in the villages from day to day and the people read out their papers to the villagers. (*Mr. Raza Ali.*) The feeling will perhaps be indicated by this. I represent, I think, the most aristocratic constituency in India, and some of my constituents are as influential as several Princes themselves. And there was such strong feeling in my constituency that when I was invited by the Government of India to come out to this country, although I am a busy man being a member of the legal profession, yet I thought it my duty to come out to this country to help in arriving at a settlement of this question. (*Mr. Paddison.*) If you really want to realize, let me inform you that Sir Darcy Lindsay and Sir Henry Stanyon came together as a committee to draft a resolution on this question which they brought up in the Assembly and it was passed unanimously. That I think you will admit is a remarkable phenomenon, and it is most extraordinary to us here that notwithstanding this tremendous feeling, the people of India were so anxious to arrive at a friendly settlement that that resolution has not been discussed in the Assembly. It has been held over in the hope that a calmer atmosphere will prevail and that we shall be able to get down to a real chance of friendship between the two nations.

694. Is it not a fact that a few days ago the Swarajists withdrew as a body from the Assembly?—(*Mr. Raza Ali.*) Yes, that is so. I will supplement that by saying that Pundit Mati Lal Nehru, with whom I was closely associated in politics before 1920, though he feels very strongly on the constitutional advance in India, in fact he feels so strongly that on Monday last he deemed it his duty to walk out of the Assembly, yet the same Pundit Mati Lal Nehru is working in co-operation with the Government on this question. While he refuses to go to the Viceregal lodge, he attended the meeting at the Viceregal Lodge the other day and took part in the consultation concerning the postponement of the resolution that has already been referred to until we can see what is going to happen to the Bill now before the Committee. As a matter of fact the Swarajists do not go so far as Mr. Gandhi. And I may say that Mr. Gandhi himself is for remaining in the Empire unless the Indians' position is made hopelessly intolerable by denying the status of equality to them

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695. Mr. Raza Ali quoted from the book of Sir Valentine Chirol. Do I understand you to say that you recognize him as an authority on Indian questions, or do you adhere to your evidence of the other day that he is not by any means an authority?—(Mr. Raza Ali.) I was quoting the extract from the book in reply to your suggestion that you recognize him as an authority, and I showed what your authority has to say.

696. Is he an authority worthy of quoting. I am asking your opinion?—Certainly Sir Valentine Chirol is a man whose views are entitled to every consideration.

697. I understood more than one member of the Deputation to deny the truth of his statement that certain caste organizations, "panchayals," had dealt with an infringement of caste laws in Calcutta in the manner mentioned in that book. Will you be surprised to hear that the same incident is mentioned in a book by Lord Ronaldsby who was at the time Governor of Bengal?—(Sir D. Sarvadhikari.) If a caste imposed a fine on any individual and that fine was realized it was a penal offence and the authorities in Calcutta have failed in their duty to bring the man to book.

698. How do you account for this one-time Governor relating this incident in his book of reminiscences as actually having happened?—(Sir D. Sarvadhikari.) He is wrong if he has referred to it as a caste matter. (The Hon. Raza Ali.) My reply was that the fine was not imposed by the Brahmins. There was an association called "Marwarie Association" of which association he was a member and it fined him. Your point was that the fine was imposed by the Brahmins. I told you clearly that the Brahmins had nothing to do with it.

699. If they were referred to in that they were referred to incorrectly because the actual text deals with the "Panchayal." My question must have been wrongly put?—(Sir D. Sarvadhikari.) Panchayal means an assembly of five. In this case different castes were represented on that body and it was more a commercial than a social matter. The people belonging to the different castes with whom ghee is an article of commerce as well as consumption, imposed a fine because it was a wrong that had been committed against the whole of the trade and the community. (Mr. Paddison.) May I state that I fail to see what the objection is to punishing your people who adulterate the food of the people. (The Hon. Raza Ali.) I explained the position and told you that they fined him 100,000 rupees.

700. Mr. Lennor.] A statement was made by the Secretary that there were only five residences of Indians on the Berea.

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How long did you stay in Durban?—(*Mr. Bajpai.*) Seven days, or including the 16th, the day on which we arrived, eight. Sir D. Sarvadhikari was not there.

701. What opportunities had you of seeing conditions of living?—As far as the Berea is concerned we were staying in one of the houses there and having meals at another house on the Berea. So far as Durban itself is concerned we inspected it and went about on foot and by motor and to Tongaat and Verulam. (*The Hon. Raza Ali.*) I took many drives along the various roads and I visited all the Indian houses on the Berea. The following are the five houses on the Berea: Mr. Moosa owns one house, Mr. Parakh owns two houses, Mr. Khan and Mr. Ibrahim own one house each. Mr. Parakh, we were told, purchased three sites; one he kept to himself and the other two he sold at a large profit to Europeans.

702. Did you make any enquiries into the penetration from the foot of the Berea upwards?—Mr. Moosa's house is not exactly on the Berea. It is near the tramway line where the Berea area commences.

702a. At the foot of the Berea right away round from Umgeni to Umbilo a large number of working people have their own properties there. Did you make any enquiry into the advance to property ownership on the part of the Indians there?—I know the quarter, it is not included in the borough. The condition of the roads is not very satisfactory beyond the borough. I do not remember whether I saw any houses there. (*Mr. Paddison.*) You mean the other side from the sea. There are a large lot of Indian houses there. That is where Mr. Singh's house is. (*Mr. Bajpai.*) We were in that area and spent half a day there.

703. You want more than half a day for that?—If you will give us six months we will visit every place in the Union. (*Sir D. Sarvadhikari.*) I should like to mention with regard to Mr. Marwick's question as to the interpretation of the term "Varna," that I find that Mrs. Besant, who is an authority on these things, translates "Varna" not as "colour," but "caste." It cannot be colour. Lest objection be taken to Mrs. Besant's translation as a metrical one, I wish to add that I have consulted Max Muller's prose translation, to be found in the Public Library here, and the translation is "caste" and not "colour."

704. *Mr. Marwick.*] In reply to my question the other day, the Secretary said it was "colour"?—But I put him right.

705. *Mr. Reyburn.*] Mr. Andrews laid stress on South Africa sending a deputation to India to try and allay feeling there. Do you agree with that?—(*The Hon. Raza*
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Ali.) We strongly support that suggestion. We have been coming out to this country since 1913, but, unfortunately, up to now, no people from South Africa have gone to see our part of the world. We like you to see our country, to see how we live, to see what our buildings, cities and conditions are, and to have first-hand information and judge the situation for yourselves. We extend the hand of fellowship to you and it is for you to grasp it or not. (*Mr. Bajpai.*) In the memorandum we presented to the Imperial Conference in 1921, we made a suggestion that there should be an interchange of visits of representatives between different parts of the Empire.

706. *Mr. Marwick.*] In regard to the evidence, I notice you mention here that several Europeans including bankers and large wholesale merchants said that the standard of commerce of the Indians was as high as that of any other race. Can you give us the names of any of these Europeans so that we can get their evidence?—(*Sir D. Sarvadhikari.*) We regret we are not allowed to do so. (*Syed Raza Ali.*) We are not free to do that. We saw them on the strict understanding that whatever took place between themselves and ourselves was strictly confidential so as to have a free talk. That is binding upon us, but if we have their permission to disclose their names we would only be too glad to do so.

707. It is not only the names, I desire to have their evidence. If they are willing that you can give their names you must give them as willing witnesses?—We have not that power. If you want them to give evidence you have the power to summon any witness you like.

708. Have you examined the insolvency figures in regard to the compositions with creditors in Natal?—(*Mr. Bajpai.*) Yes. I cannot say that we made inquiries regarding individuals, but we did get figures from Pretoria with regard to the Union as a whole—from the Director of Census. If these figures are required I can produce them.

709. In Natal in the case of composition with creditors they are not returned as insolvent?—I do not think we went into those figures, but at pages 29 and 30 of the report "Asiatic Population of the Census, a Statistical Survey," you have the figures of Asiatic insolvencies till the end of 1923.

710. I think the figures will not bear out the statements here as I am familiar with them?—Individual experiences are rather apt to loom large in one's estimate of a problem. I am prepared to substantiate what we have said in regard to the commercial morality of the Indians with the figures of insolvencies supplied by the Director of Census.

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711. Does that include composition with creditors, because that is the most popular form of dealing with liabilities?—We will get it for you if you give us the name of the authority whom we should see.

712. *Mr. Alexander.*] In the Report of the Select Committee of 1919 (S.C. 11—19) you will find a memorandum by certain wholesale merchants testifying to the manner in which the Indians carried on their business at that time in the Transvaal?—Yes, that is the report of the Select Committee.

713. Some questions were put with regard to this question of Gandhi and others. Would it not be correct to state that in India you have got two public opinions called the official opinion and the unofficial opinion?—(*The Hon. Raza Ali.*) Yes, that is so.

714. Would it be correct to say that the Government in concluding arrangements with South Africa would find it impossible to carry it out unless they consulted the unofficial public opinion led by leaders there?—Just so. It would be impossible for the Government to consider any settlement of this question without consulting public opinion. There is a Standing Emigration Committee consisting of members of both Chambers of the Legislature and if any action is proposed to be taken the Government has to consult the Committee and the Legislature.

715. You won't be justified in regarding Gandhi as the unofficial leader of the opposition?—In a way.

716. Do you know of any other countries where the leaders of the opposition use hard words about the Government of the day?—Yes, what about South Africa itself.

717. It was suggested by one of the witnesses that some Indians whose names are not mentioned expressed themselves in favour of the Bill. They have their organisations here?—They are very well organised in the Transvaal, Natal and Cape Colony. I believe that they considered this matter at a conference and passed a resolution unanimously condemning the Bill. To my knowledge there is not one Indian who is in any way in favour of the Bill.

718. I have the figure here, 56,000 unmarried Indians. How many of these are under 14?—(*Mr. Bajpai.*) I find there were 35,427 below 14, and 42,616 below 19 in 1921. These were males.

719. What proportion of those of younger years are girls?—As against 35,427 males below 14 you have 33,727 females; as against 42,616 males below 19 years of age we have 39,835 females below the same age.

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720. Can you tell us how many have been introduced into this country, Indian women and children since 1911, and then 1917-1918 and then since 1921 to show whether there is a tendency to increase or decrease?—I should say that the tendency was on the decrease. I have got the report to which we have referred.

721. Take 1911 first?—Since 1911 I find that the number of people introduced into this country is 4,360 males and 1,848 females of all ages. If you take 1916-17 as the starting point the figures are smaller still; about 3,000. As regards 1921, 1922 and 1923, the figures are 600 for 1921 and in the neighbourhood of 500 for the two succeeding years.

722. Does this show they have been steadily going down?—Yes, I should be inclined to say so.

723. It was not only in 1911 that restrictions began, they began in the Cape in 1902, the Indian had to complete the education test?—Exactly.

724. In Natal in 1903 and in the Transvaal in 1907?—There are various immigration restrictions in regard to Natal. You can go back a little earlier; but the Bill to prohibit Asiatic immigration on the ground of economic disqualification dates from 1913.

725. Any Asiatics who came into the Cape since 1902, or the other provinces since the date of their immigration laws would have completed the education test the same as the European before being allowed in?—Quite so.

Dr. John Edward Holway, Director of Census, and Mr. Andries Gustaf Erland Pienaar, Secretary of the Interior, examined.

726. *The Chairman.*] We want to gauge the Indian problem as far as figures can help us. Can you tell us how many Indians are altogether in the Union?—(*Dr. Holway.*) The total number of Indians with the last census was 161,339.

727. And Asiatics?—165,731.

728. How are they distributed between the Provinces?—Indians in the Cape 6,498, Natal 141,336, Transvaal 13,405, Orange Free State 100.

729. Asiatics include non-Indians; how many are Chinese?—Chinese in 1921 were 1,828.

730. It is sometimes said that these statistics are not correct?—In what respect?

731. It is sometimes stated that these Indians fearing legislation do not give correct figures, and it is said that this is especially the case with Indians who have come into the country illegally?—I do not know any specific cases. If they do come to the notice of the Census office corrections would

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be made in the forms. It is of course possible that some people may do this. We are ultimately dependent for correctness upon the veracity of the people who make out the returns, but there is a certain amount of check. First of all the enumerator has to take the form and go through each item before he goes away with the form; so that if he does his work properly that is the first check. Secondly, when it comes into the office the religion given is a check to some extent, and the birthplace in conjunction with that is an absolute check. If a man who is a Buddhist born in India returns himself as a German you will naturally enquire into that to find out whether there is any discrepancy in one of these three descriptions. It is not of course impossible that a certain number may have been put in wrongly, though in the total figure it would not make much difference.

732. How many of these Indians in the country were born in South Africa?—For the Union the figure was 102,323. For the Provinces: Cape, 2,730; Transvaal, 4,833; Natal, 94,465; O.F.S., 92; and 203 did not specify in which Province they were born.

733. That would mean that both in the Cape and in the Transvaal the majority of Indians were born in India. It is only in Natal that the South African born Indians are in the majority?—There is a small number that were born outside India and not in the Union. Still I do not think that that figure is important. They are from places such as South-West Africa, Basutoland, and Mauritius.

734. If there are 7,000 Indians in the Cape and there are 2,000 of them born in South Africa, the Cape Province has clearly a majority that was born oversea?—I have a statement showing the birthplaces of all Asiatics according to the Provinces. In the Cape the total was 7,696, and of these 3,544 were born in India. These are not Indians alone; 508 were born in China; but 3,500 out of the 7,600 of the Cape Asiatics were born in India. In the case of the Transvaal, the total is 15,991, and the total born in India 7,311. Of course small numbers are born elsewhere. There are 40 born in other British possessions and 656 in Syria. These figures are also available for purely Indians, but the great bulk of the Asiatic population is Indian.

[See also Statement No. 4 in Minutes of 11/3/26.]

735. *Mr. Duncan.*] Do you include Syrians under Asiatics?—There was a great deal of trouble about that in 1921, but they were classified as Asiatics.—I do not know that you can [S.C. 9-'26.]

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get away from the fact that they really are Asiatics, but in the next census they will be classified as "Asiatic, White."

736. *The Chairman.*] Of the 161,000 Indians in the country, how many are minors under 21 years of age?—84,753.

737. Have you any idea how many of these 84,000 minors have been born oversea?—I have no cross tabulation of age according to birth place. It is possible by making a special tabulation of the 1921 census to get some idea. It was not taken out on account of the cost.

738. What is the rate of increase of the whole population per annum?—It would change from period to period.

739. It is taken for granted that the normal rate of increase is two per cent. per annum. Between 1911 and 1921 it is a little over 19 per cent?—It does not follow that that is a general rate of increase and must be the same for the next ten years.

740. During that period it was about two per cent. per annum for the Union?—I think I can give you the exact figures. Emigration and immigration have also to be taken into account. That is not a natural increase.

741. I am talking of the natural increase?—It is impossible to get that, because if you want to get that you have to get on every death certificate a statement, when the deceased came into the country, if he was not born here, and for that information you must go through the deaths of all the years between which you are making your calculation.

742. We can say that the European population of the country has increased by two per cent. per annum from all causes?—Yes, it is 19.06 for the 10 years; or at the rate of 1.76 per year. That is for the Europeans. For the whole population the rate was 1.49 per annum, and for the Asiatic population .86 over that period.

743. That means an increase of a little over 8 per cent.?—Yes; 8.89 per cent. over a period of 10 years.

744. To what would you ascribe the smaller rate of increase of the Indian population as compared with the European population?—The most important reason is the enormous disparity during the greater portion of that period between the males and females. With the European population the number of females is almost equal to the number of males—about three or four per cent. difference, as far as the Indians are concerned; at the 1911 census there were 171 males to every 100 females. In 1921 that position had very materially changed, and there were 142 males to every 100 females. That means that the increase is materially retarded. Further,

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while the European population during 1911-1921 was increasing by immigration the Indian population was reduced by emigration, assisted emigration chiefly.

745. The reduction of the proportion of males to females from 171 to 100 to 142 to 100 in ten years could not have occurred by natural causes?—That was, I imagine, chiefly by immigration of Indian women, but I have not gone into the question.

746. Is it a fact that the number of Indian women in the Transvaal Province has more than doubled during the last ten years?—That is a fact. (The numbers were respectively 1,998 and 4,046.)

747. Can the Secretary for the Interior give us any figures with regard to that?—(*Mr. Pienaar.*) Not for the provinces, I can give the figures for the whole Union.

748. Is it a fact that during the ten years period the number of females in the Transvaal has more than doubled?—Yes.

749. I understand that the male Indian population of the Cape Province has decreased during the ten years period?—(*Dr. Holway.*) Yes, there was a considerable decrease in the Cape Province, it is 13.02 per cent.

750. Can you ascribe that to any particular cause?—No, I have no information as to the cause of that. (*Mr. Pienaar.*) I have no idea as to the cause.

751. It is a strange phenomenon that the Indian population has increased in the rest of the Union and decreased in the Cape Province?—I cannot explain that unless they were repatriated back to India. (*Dr. Holway.*) Or moved to other provinces; there may be migration from the Cape to the other provinces. (*Mr. Pienaar.*) We would have known about that. I think it is merely a matter of emigration.

752. Is it possible that these circumstances might have something to do with it. A large number of Indians in the Cape Province come in illegally and as Indians are in the habit of visiting India from time to time, especially those with wives and children oversea, that they may not have tried to get certificates of identity and when once away in India they could not return. I have heard that stated as the cause. Do you think it might have contributed something?—(*Mr. Pienaar.*) It is possible, but we have no definite information on the point.

753. *Mr. Reyburn.*] Would not that apply to the other provinces too?—No, it is only in the Cape.

754. *The Chairman.*] Have you any figures as to the number of Indians who are coming into the country?—I have it [S.C. 9—'26.]

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for the period 1913 to 1924. It is a total of 7,361, those are only children under 16 and adult women.

755. Is that over a ten year period?—They are new arrivals over the 12 year period.

756. That would be an average of how many per annum?—About 600.

757. And they are mostly women and children?—They are only women and children. There were 2,068 women and 5,293 children.

758. So under these circumstances would you say that the problem in South Africa would be accentuated by the introduction of women from India and the establishment in South Africa of permanent homes and rearing children in the country?—(*Dr. Holway.*) The tendency would be for the Indian population to increase more rapidly than during the ten years 1911 to 1921.

759. And also tend to make the Indian population more permanent?—Undoubtedly. (*Mr. Pienaar.*) The introduction of new arrivals shows clearly that the males are in preponderance. From 1918 to 1924 there were 2051 boys introduced as against 358 girls and 751 women. So it is a matter of two to one boys to the women. That is for the Transvaal only, we have not got the figures for the separate provinces. It shows that only the boys are introduced and the women and daughters are left in India where the home domicile is maintained, and the boys are introduced for the commercial domicile. (*Dr. Holway.*) Perhaps we ought to put it slightly differently. Since 1911 there has been a tendency, undoubtedly, to introduce more women as the period went on, but under the Act of 1914 the tendency to introduce boys has gone up even faster than before. There has been the tendency to increase both. If you introduce two boys to one girl as in this case the result would still be that the number of women would be larger in relation to the total male population.

760. As the law now stands, referring to the Indian Relief Act, any unmarried male Indian in the country now would be able to introduce at least one Indian woman from India?—(*Mr. Pienaar.*) That is so.

761. What would that potentially mean as far as the Indian women are concerned taking the population as it is now?—That would about equalise it, because there are about 58,000 males who would in the course of time be able to introduce women from India as the Act stands at present, and if that were allowed and they brought their women folk to come

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and open the domestic domicile in this country it would about equalise it as far as population is concerned.

762. Under the Indians Relief Act the introduction of women from India could go on indefinitely?—Yes.

763. Any Indian born here would be free to introduce a women from India?—Quite so.

764. And that can go on indefinitely?—We have cases where they introduced more than one. After divorce they go back and fetch another wife.

765. We often hear that the Indian problem is one for Natal and the Transvaal. Let us take the different centres. I think I am right in saying that on the Witwatersrand area there are 38 Indians to every 1,000 Europeans?—(Dr. Holway.) That is Asiatics, the figure is 38.6 in the municipal areas.

766. Let us take another centre in the Transvaal, Potchefstroom, there it is 27.3 per 1,000 Europeans?—That is correct.

767. Now let us take Kimberley in the Cape Province. In Kimberley and suburbs it is 50.1?—It is 50.3. In the Kimberley municipality 52.1.

768. In Port Elizabeth and suburbs it is 50.8?—That is right.

769. Take another centre in the Transvaal—Pretoria and suburbs. There it is 38.7?—That is correct.

770. According to these figures would you say that the Asiatic problem is a more urgent one in Kimberley and Port Elizabeth than in Pretoria and the Witwatersrand and Potchefstroom?—Yes, the proportion is larger.

771. Let us come to repatriation?—(Mr. Pienaar.) The voluntary repatriates from 1914 is 19,609, indentured Indians are 12,116, altogether 31,725.

772. What was the sum paid during that period for voluntary repatriation?—£172,704 from 1914 to date. The expense for the indentured Indian is borne by the Indian Bureau Fund and not by the Government.

773. Can you give us an idea as to whether these figures for repatriation are falling off and what has been the cause. What is the maximum ever reached?—The maximum is in 1921 and the figure is 3,212, of which 2,927 are voluntary repatriates. In the following year the repatriates fell slightly to 2,300. In 1923 it remained about the same—2,716, and it fell down to 1,063 for 1924.

774. That was shortly before the bonuses were increased?—That was after the time that Mrs. Sarojini Naidu was in this country and advised the Indians not to accept repatriation.

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775. You ascribe the falling off to her visit?—That is one of the reasons, and the other reason is the floating population had been then exhausted. We have only been able to repatriate the floating labour class under this scheme.

776. Had the increase of the bonus any effect?—Yes, it had. In 1925 there was an increase of 400 over the previous year and for this year I expect we will have a higher figure. I do not know what that is due to.

777. Do you think there are a large number of Indians coming into the country illegally?—I am sure they do. We have recently carried out several raids in Cape Town alone and have now been able to send away 18 of the men we have arrested. That is as a result of three raids. They come in through the Transvaal and Delagoa Bay. They come right down to Cape Town, as a matter of fact Cape Town is regarded as their Mecca when they come to the Union, where the restrictions are not so great as in Natal and the Transvaal. They cannot face Natal legislation or the Transvaal regulations and make for the Cape.

778. As far as our seaports are concerned are the measures taken to prohibit them effective?—Fairly effective. There may be a few cases that elude us, but only a few.

779. *Mr. Coulter.*] Do they come from Rhodesia?—Not so much. It is across the border from Delagoa Bay at Komati-poort.

780. Don't they land at Beira and make their way across Rhodesia?—Very seldom.

781. *The Chairman.*] What is your impression, is there an influx of Indians especially in Natal from the rural areas into the towns. They came originally to South Africa as agricultural labourers in connection with the sugar plantations?—*(Dr. Holloway.)* I would not have any particular impression of that, I have only been occasionally in Natal. I can see whether the census report of 1911 gives the distribution between urban and rural areas.

782. That has a direct bearing on the question in how far the Indians are actually encroaching as far as occupation is concerned on the province of the European. If they flock to the towns they must change their occupation?—Yes. As far as the Transvaal is concerned it is clear from the figures that there has been an encroachment in this way. The number of Indians has increased enormously since 1911 and a very considerable proportion of Indians there are in commerce.

783. *Mr. Lennox.*] I would like to know whether the Director can give the actual population of the borough of Durban, and the Indian population, and what is the Indian population within a radius of five miles of the borough of Durban. Say

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from Pinetown and Isipingo how many Indians are surrounding the borough town and how many in the borough?—With in the Durban municipality there is a total of 16,893 Asiatics or 356.7 per 1000 Europeans. In Durban and suburbs it is 837.4. That is 10 Europeans to 8 Indians roughly.

784. I want the Committee to be impressed with the fact that we are fighting a very serious problem on our part?—Perhaps if I give a few more figures of distribution it will give a better picture. The greatest preponderance is in Durban and suburbs, 837.4; then at Ladysmith (N.) it drops to 481.5; Pietermaritzburg Municipality 390; Pietermaritzburg and suburbs 385; Durban Municipality 356; Newcastle 248. Then outside Natal you come to deal with forties and fifties per thousand Europeans. There is a very big gap between the Natal municipalities and those outside Natal. The next figure is 50.8 for Port Elizabeth.

785. *Sir Ernest Oppenheimer.*] Would not the statistics of the Cape Colony, which deals with 7,000 Asiatics, be more unreliable than that for other parts of the Union through inter-marriage and describing themselves as coloured. I found people attending political meetings for coloured and when addressing an Indian meeting I found the same people and challenged them and they said their mothers or fathers were Indians. So the figures would become unreliable?—A person may classify himself on one side or the other side as circumstances suit.

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PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Sir Ernest Oppenheimer.
Mr. Duncan.	Mr. Reyburn.
Mr. Lennox.	Mr. Rood.
Mr. M. I. Malan.	

Mr. Andries Gustaf Erlank Pienaar and Dr. John Edward Holway, further examined.

786. *Chairman.*] Have you the statistical information which you were asked to prepare at yesterday's meeting?—*(Dr. Holway.)* Yes. The following is the information set out under different heads:—

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CERTAIN STATISTICS RELATING TO ASIATICS IN
SOUTH AFRICA.

1. PROVINCIAL DISTRIBUTION, 1921 CENSUS. (INDIANS ONLY).

	Males.	Females.	Total.
Natal	80,074	61,262	141,336
Transvaal	9,359	4,046	13,405
Cape	4,845	1,653	6,498
Orange Free State	68	32	100
Union	94,346	66,993	161,339

2. URBAN DISTRIBUTION.

Asiatics in the Principal Urban Centres—Census 1921.

Urban Centres.	European Population.	Asiatics.			Proportion of Asiatics per 1,000 Europeans
		M.	F.	T.	
Durban and Suburbs	57,095	27,239	20,572	47,811	837.4
Ladysmith (N.) ..	3,221	895	656	1,551	481.5
Pietermaritzburg Municipality ..	17,492	3,903	2,927	6,830	390.5
Pietermaritzburg and Suburbs ..	17,998	3,963	2,981	6,944	385.8
Durban Municipality	47,358	10,428	6,465	16,893	356.7
Newcastle	2,057	302	210	512	248.9
Kimberley Municipality ..	17,653	630	290	920	52.1
Port Elizabeth and Suburbs ..	25,982	869	451	1,320	50.8
Port Elizabeth Municipality ..	23,935	792	416	1,208	50.5
Kimberley and Suburbs ..	18,288	630	290	920	50.3
Boksburg	12,416	424	196	620	49.9
Pretoria Municipality	36,675	1,154	539	1,693	46.2
Johannesburg Municipality ..	150,286	4,437	1,777	6,214	41.3
Johannesburg and Suburbs ..	151,836	4,450	1,779	6,229	41.0

3. AGE DISTRIBUTION (ALL ASIATICS).

	Males.	Fe-males.	Total.	Proportion per 100 to Total				
				Each sex.		Persons.		
				M.	F.	M.	F.	T.
Total under 21 years.	44,539	41,910	86,449	45.76	61.28	26.87	25.29	52.16
Total 21 years and over..	52,797	26,485	79,282	54.24	38.72	31.86	15.98	47.84
Total ..	97,336	68,395	165,731	100.00	100.00	58.73	41.27	100.00

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4. BIRTHPLACES (ALL ASIATICS).

Residence.	Number Born						
	In British South Africa.		In India.		Elsewhere.		Total.
Natal	93,937	66	46,784	33	928	1	141,645
Transvaal	6,779	42	7,311	46	1,901	12	15,991
Cape	3,008	39	3,544	46	1,144	15	7,696
O.F.S.	218	55	14	3	163	42	395
UNION	103,942	62	57,653	35	4,136	3	165,731

5. INCREASE OF FEMALES 1911-21. (INDIANS ONLY).

	Total 1911.	Total 1921.	Increase per 100.
Natal	52,871	61,262	16
Transvaal	1,998	4,046	103
Cape	1,016	1,653	63
O.F.S.	20	32	60
UNION	55,905	66,993	20

6. OCCUPATIONS (INDIANS ONLY).

(Indians, 15 years of age and over—Census 1921).

Occupation.	Natal.		Transvaal.		Cape.		Union.*	
Agriculture and Fishing ..	20,802	26	291	3	77	2	21,176	22
Commercial	5,710	7	4,324	49	2,337	48	12,374	13
Personal Service, Clerks, Professional, etc. ..	35,685	45	3,527	40	1,575	32	40,827	44
Industrial Transport and Communication	9,399	12	584	7	843	16	10,830	12
Indefinite	8,099	10	124	1	77	2	8,300	9

787. Sir Ernest Oppenheimer.] Yesterday you told us that the increase of Asiatic females was largely due to the introduction from India?—I think Mr. Pienaar gave figures in regard to the immigration over a certain number of years showing an outstanding preponderance of Indian females.

* Including Orange Free State.

NOTE.—(1) Occupation tables are also available for all Asiatics, see pp. 11-14 of Census Special Report No. 14, *The Asiatic Population of the Union*.

(2) Information on certain other points raised in Committee is only available at the Pretoria Office, and has been wired for.

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788. I have tried to see for myself how the figures compare. I might be wrong in my conclusion because I do admit it is difficult to follow. I understood that you said yesterday that the increase since 1911 was largely due to the immigration from India?—(*Mr. Pienaar.*) The immigration of Asiatics?

789. The increase of Asiatic females since 1911 to 1921 was largely due to the immigration of women from India?—I did not say that. I did not refer to Asiatics at all. I referred to the introduction of Indians only and said that there was a distinct preponderance of males in that figure for the Transvaal. Separate figures for the other provinces are not available.

790. I find that only 1,848 females born outside the Union came into the Union during those years. You feel that the increase of females is largely due to immigration from India?—(No answer.)

791. You said that 7,361 women and children had been introduced into the Union between 1913 and 1924?—Yes.

792. Were they introduced for permanent residence in the Union?—Yes.

793. Could you possibly give us these figures for 1911 to 1921, because all the other figures the Committee has before it are for that period?—I can only give them from 1913, as being the year the Immigration Act came into force.

794. Can we conclude that no male adult Indians came in at all during this period?—Not legally.

795. So really our immigration laws do prevent the influx of Indian males?—Only adult males.

796. *Mr. Lennox.*] I would like to ask what method was adopted to obtain the statistics which have just been put in. How do you collect the statistics in a population like Natal?—(*Dr. Holway.*) At the population census, I take it, you mean?

797. Yes?—Each area is divided off into enumerators' sub-districts sufficiently small to allow an enumerator to get round that sub-district in four or five days. He visits every house of every description, and where the people are capable of filling in the details required from them they themselves fill in the schedules. In cases where the people are not capable of filling in the details, the enumerator asks them the relative questions and he himself fills in the schedules. These schedules are checked by the supervisor, who is usually the magistrate of the district, and then sent up to Pretoria for checking and tabulating purposes.

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798. These statistics are obtained by the official personally?—He has to go round personally. Wherever possible the official leaves the form at the house for the purpose of having the details set out therein filled in by the head of the family. Of course, the official does meet cases where the head of the family is not capable of filling in the requisite information required, in which case it is his duty to ask the questions and fill in the schedules himself.

799. Are you satisfied that it is a reliable census or return?—It is about the most reliable you can get short of getting the man up before a court for the purpose of cross-questioning him. It is the most reliable practicable.

800. Do you know anything of the conditions under which these Indians live? Have you any returns about that?—No.

801. Any returns about their dwellings and mode of living and that sort of thing?—There is information about dwellings, but I do not quite know what you mean by mode of living.

802. Well, I mean their homes; whether they are sanitary or insanitary in the construction of houses because I know exactly how they do live, but I want to know whether you have data in regard to it?—You could not get statistical data about that unless you had some person to take that up who would know exactly what was meant by sanitary or insanitary. If you took a census of that kind throughout the country, which would require about 4,000 enumerators throughout the country, each one would have a different idea of what sanitary means, and you would not get comparable figures. That is not a subject which lends itself to statistical measurement; it wants an expert official to go round and report on conditions in any particular area, and such information would be more valuable than any statistics that could be prepared. (*See* Q.862.)

803. Within a borough the Asiatic is under the control of the municipality. There is really a road dividing the borough which is the boundary, and on the other side of that road the municipality has no control. Health boards have been established, but they have hardly had sufficient time to work, and there is no control, and the Indians beyond this boundary live under different conditions to what they live in the borough. I want to know whether the Census Department has any information how these people live?—As I stated before that is a thing which is hardly capable of statistical measurement, and the Census Department has no local officers who could collect

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information of this kind. A staff is collected for the short period of the census by appointing people who apply for work, but there is no staff to carry out an investigation of that nature.

804. Since 1921 when the census was taken I suppose no official has been round these districts?—No official of the Census Department.

805. *Mr. Alexander.*] In regard to the voluntary repatriation scheme, is the amount that is given as a bonus to those leaving the country sufficient to attract any of the Indians who are in better positions, such as merchants?—(*Mr. Pienaar.*) It has certainly not done so so far.

806. The bonus is not enough. What does it amount to to-day?—£10 per head, and limited to £50 per family.

807. That would not attract Indians holding good positions in this country?—No.

808. Is it not possible for the Government to adopt a sliding scale bonus and induce those holding these better positions to return to India?—Unfortunately I cannot answer that as it is a question of policy.

809. Do you think you would get better results if this sliding scale were adopted, from your point of view or the Government's point of view?—At present I do not think the repatriation justifies the bonus.

810. In what way?—I do not think we are getting sufficient repatriates. It is questionable whether you will be able to hold out a big enough inducement to get that class you refer to to return to India.

811. You referred in your evidence to the question of a man at present divorcing his wife and bringing another wife from India. Under the Indians Relief Act, 1914, if an Indian has any children in the Union he cannot bring in another wife?—That is so.

812. Has any such case happened where a man has divorced his wife and brought in another?—There have been some such cases.

813. How many? About half a dozen?—Yes, about half a dozen.

814. With regard to the tendency on the part of the Indian population to get married out here, is it not a fact that in Natal the vast majority who get married do not bring their wives from India? Can you give the Committee any statistics during the last 10 years relating to this—statistics showing how many got married locally and how many got their wives from India?—We have not those figures.

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815. Did not the Census Department issue a publication in 1924, being statistics relating to Asiatics in the Union? Would not that contain that information?—No information as to whether they married here or introduced their wives from India.

816. Do you know how many wives were introduced during that period?—Yes.

817. Can you give the Committee the number of wives introduced for the purpose of marriage?—I can give you the number of females introduced, but I cannot say whether they were introduced for the purpose of marriage. The number of wives introduced is 2,068.

818. In 10 years?—From 1913 to 1924.

819. That is 11 years?—As a matter of fact I think we can regard the adult women as all being married women before they came here.

820. I am told that of 5,000 Natal born Indians who wanted to get married only 300 introduced their wives from India out of that 5,000?—In most cases they would go to India and get married there and bring their wives out.

821. I am told that very few are introduced in that way?—We have not the figures.

822. Dr. Holway, you are speaking of the question of the possibility of concealment yesterday. Any man who conceals information can be criminally prosecuted?—(Dr. Holway.) Yes.

823. Can anyone who does not fill in the form given to him be prosecuted?—Yes.

824. You exercise what check you can. If it is forged the man can be punished?—If you know they are doing that you can get the information without prosecuting.

825. It is a check upon doing the Census Department down that a man knows if he does it he is liable to prosecution?—That is true.

826. Briefly, you said you are sure a large number of Indians come in illegally. How is it a better check is not kept? Surely if the Government knows people are coming in illegally it is possible to provide means to check that?—(Mr. Pienaar.) We cannot unless we have a cordon of police on the border; we cannot do it unless we have the assistance of the police force.

827. Have you tried to co-operate with the Government on the other side in this matter?—No.

828. Is it not possible for you to do so?—It is. That would be the only means to stop it.

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829. To co-operate with the Portuguese Government?—
Yes.

830. If you find that a man is coming in illegally you have the right under the immigration laws to send him out?—
Yes, but they do not always come in through the ports.

831. But if they come in from overland you can get rid of them under the immigration laws?—We can only do so after we find them.

832. Do you not get information about illegal entrants from outside the Department?—This is not always so. We only get that information in rare cases.

833. How then do a number of immigration cases start by correspondence that so and so has entered illegally?—There are very few. By our own efforts we have recently been able to collect about 18 or 19.

834. Can you tell the Committee how many have been sent away as the result of information given to you by Indians themselves?—I cannot tell you.

835. *Mr. Reyburn.*] When does the next census take place? (*Dr. Holway.*) On the 4th of May this year.

836. It is suggested that the figures are incorrect in regard to the number of children Asiatics have. Are you satisfied the figures are fairly correct?—I do not see any chance to avoid all mistakes—the difference in the final figures would not convey anything to your mind. If you say 165,000 or 166,000, the impression that is conveyed to the mind is exactly the same. You cannot in such a large amount distinguish between 1000, and even thousands would be an outside figure for omissions.

837. They would not amount to more?—I think you can take the figures as substantially correct.

838. In the statistical statement you put in in regard to occupations, the number of Indians occupied in agriculture is shown. These were introduced as agricultural labourers?—I do not say that. Some of them no doubt were introduced as agricultural labourers.

839. The bulk of them were introduced as agricultural labourers?—I think the bulk in Natal were introduced, but you cannot say that all these people were introduced in that way; some of them would have come in mostly for commercial purposes.

840. The indenture system in 1860 was for agricultural labourers?—Yes.

841. This return in regard to occupations shows the position is quite different. There are only 22 per cent. of the Indians in the Union acting as labourers?—That is labourers in agri-

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culture. 44 per cent. are engaged chiefly in personal service as waiters.

842. 78 per cent. of the Indians in the Union are not engaged in agricultural labour?—That is right.

843. In view of that is it possible in any voluntary repatriation scheme to get rid of that 78 per cent. who are not agricultural labourers?—(Mr. Pienaar.) No. Unless we hold out a very much bigger inducement I do not think it is possible.

844. So that the prospects of the voluntary repatriation scheme now are very poor?—It is going down.

845. Is there any prospect of increasing it without a very large bonus?—No.

846. In the second statement put in by you in regard to the urban distribution of Asiatics in the principal urban centres, you give the total number of Asiatics in Durban and suburbs as 47,811. Would it be possible to give the figures in regard to the urban areas of the Durban suburbs alone?—(Dr. Holway.) It would be possible, but it would require a re-tabulation of all the cards dealing with the Durban suburbs. It cannot be done by taking the figures as tabulated at present and make additions and subtractions.

847. In view of the fact that you have Durban separately?—We could make an estimate. We would have to take the population of Durban and of the suburbs of Durban and take a comparable figure, and that figure may be subject to a serious margin of error. The correct way would be to re-tabulate Durban's suburbs.

848. Mr. Rood.] I take it that most of the Indians coming into the Union over the border come by way of Mozambique Province?—(Mr. Pienaar.) Yes.

849. The same way as the natives come?—Yes.

850. They could be arrested at Komati Poort?—They do not always come through the Poort.

851. In order to prevent them coming in over the border you would, as stated in reply to a question by Mr. Alexander, require a whole police force?—Yes.

852. Do many come in by way of Swaziland?—We have the co-operation of the Swaziland authorities, but even then they do come through.

853. Mr. Lennox.] What areas do you include in the suburbs of Durban?—(Dr. Holway.) I cannot tell you straight away. One would have to have the map in front of one on which the census was taken in order to be able to give that information.

854. Does it go to Zululand?—Not so far as that. A good deal of the South Coast is in fairly intimate touch with Dur-

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ban as far as that is concerned. One would have to take the map of the census.

855. *Mr. Alexander.*] Referring again to your figures in regard to Indian occupations. You show the agriculturists. Do you show the clerks?—The clerks are included in the third group, “personal services, clerks, professional, etc.”

856. Would those clerks be running businesses of their own?—It applies to any person whose main source of income is from some commercial pursuit.

857. If he was a commercial assistant?—He would be included.

858. The fourth group is those occupied in industrial transport and communications. Would that include a number of working men?—Undoubtedly.

859. So the percentage you might get by any voluntary repatriation scheme is not only representative of the 22 per cent. agriculturists. There are a small amount under each head?—I think the third group, personal and professional service, would give you your chief new recruiting ground. There would be a very small number of actual professional men. The great majority of that 40,827 Asiatics employed in personal service, clerks, etc., would represent hotel waiters, and personal servants.

860. Men not in receipt of very large wages?—Yes.

861. The fifth group under the occupations is “Indefinite” under which you show 9 per cent. of the Asiatic population of the Union. Have you any idea what the persons who fall under that 9 per cent. do?—That would include all sorts of occupations and would comprise people who returned descriptions which could not be placed under any other heading.

862. Would any of them be wealthy, or would a large number represent humble occupations?—I think there would be a certain percentage because, speaking from memory, the people who are put into that class are those who are so illiterate that they give an unsatisfactory account of their occupations. I think the third group, comprising 44 per cent. of the total population, would represent the chief group from which any voluntary repatriation scheme could draw recruits. With regard to the question asked me just now by Mr. Lennox in regard to statistics relating to Indian dwellings to which I replied that there was no information of the sort he required, I have looked the matter up and now find that the only statistical information we have published about the dwellings is the number of occupants per dwelling. That means all sorts of dwellings from tin shanties upwards, and the information is given only for the urban areas. The figure for people living in their own dwellings is given for various areas in Dur-

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ban. It is 2.88 persons per own owned dwellings; for people living in rented dwellings it is 2.73. The average for all dwellings is 2.59. That is in the towns.

863. *Mr. Lennox.*] For census purposes I am asked to sign a declaration as to how many people slept in my house last night. The Indian has one room in which he eats and sleeps?—We do not work on one room; we work on all the rooms in the country. If the Indian has a party of friends who are incapacitated from going home that night, a certain number of other rooms will show a smaller quota per room. You have all the Indians in the area and all the rooms occupied by the Indians so it is a fairly correct figure.

864. *Chairman.*] A fairly large number of Indians live round about the town. Are those included in the figures for Durban?—Urban for the purposes of census means any area which has some form of local government, including health committees and so forth. Outside the fringes of these you have no unit to work on and you would simply get it mixed up with the rest of the rural population.

865. *Mr. Rood.*] In group three of your table relating to Asiatic occupations you give the number employed as clerks, etc. What percentage of that number are assistants in commercial businesses?—We do not know. They are all coded as commercial. There is no further classification to commercial.

866. *Mr. Lennox.*] Of the Asiatics you show as being employed in pursuits there would be a large number employed with industrial undertakings. In your figures you have included the Indians working on the sugar estates and plantations and they would come in under the fourth group, "Industrial"?—It depends whether they are working in the sugar mills or whether they are working in the plantations. If they are working on the plantations they would be returned as agricultural, and if working in the mills they would be returned as industrial. For the purposes of focussing that figure I may tell you that the Bantu average population per room—that is all rooms—for Durban was 1.91. On the other hand you have to remember that the Bantu's room is generally a very much poorer affair than the Indian's. The Indian presumably has a room built of something more durable than the Bantu hut, but there was more over-crowding in the Indian quarters than in the Bantu.

867. *Chairman.*] In Durban you say there was more over-crowding in the Indian quarters than in the Bantu quarters?—The figure for the Bantu is 1.91 for dwellings owned and [S.C. 9-'26.]

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rented—all dwellings—in Durban. The "Coloured" was the same and the Indians, for all dwellings, 2,59.

868. In group three of your statistics relating to occupations, "personal service, clerks, professional, etc.," you show 35,685 Asiatics being employed in this group in Natal. I do not quite understand that. How many Indians are employed as waiters, how many are clerks, and how many are professional men?—I think I can give you that. It is 436 professional Indians in Natal. The figure of 35,685 is made up of 261 public administrations and defence; 436 professional, and the 34,988 chiefly includes personal service—waiters, domestic servants and so forth. The others are put in so as to simplify the table.

869. The figures you have given refer to the whole Province of Natal?—Yes.

870. *Mr. Reyburn.*] I have worked out a calculation here which I would like you to go into and give me your opinion. It is as follows: If Durban and suburbs has a population of 57,095 Europeans and Durban alone has 47,359, then the suburbs alone have 10,737. Then, if Durban and suburbs has 47,811 Asiatics and Durban alone has 16,893, the suburbs alone have 30,918 Asiatics. The suburbs have 10,737 Europeans and 30,918 Asiatics. To work out the proportion of Asiatics per thousand Europeans 30,918,000 is divided by 1,073 which gives a result of 2,881. The proportion of Asiatics per thousand Europeans is therefore 2,881?—I will look into that.

Messrs. John Robertson Hartshorne and Everard Brande, examined.

Mr. Andries Gustaf Erlank Pienaar, further examined.

871. *Chairman.*] What are your positions?—(*Mr. Hartshorne.*) I am the Registrar of Asiatics and Principal Immigration Officer in the Transvaal. (*Mr. Brande.*) I am Principal Immigration Officer of the Cape Province.

872. *Mr. Hartshorne,* you were Secretary to the Asiatic Enquiry Commission in 1921?—(*Mr. Hartshorne.*) Yes.

873. And as such you have gained a good deal of experience with regard to the Asiatic question in South Africa?—Yes.

874. You have visited many places and you have got a very good idea of the conditions in the chief centres?—I have a good idea of the conditions, especially in the Transvaal, because, in connection with my duties as Registrar of Asiatics I am called upon in cases of complaints against Indians to investigate those complaints and to see that the Indian gets justice. I have also visited a good many of the smaller cen-

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tres in the Transvaal. I accompanied the Asiatic Enquiry Commission to all the centres it visited.

875. What is your general impression? Have matters changed very much in regard to the Indian problem in South Africa since 1921?—No.

876. You think the conditions now are more or less the same to what they were then?—More or less the same.

877. There has been no change?—Undoubtedly no change.

878. In regard to the Indians still coming into the country, are they more or less of the same class as the Indians here?—I personally see every Indian boy who comes into the Transvaal. I see personally at least 80 per cent. of these boys and I should say they are of exactly the same type as the Indian we have here. Their fathers accompany them, and I see their fathers also. In the course of a year I probably see about a thousand Indians and interview them personally, and I should say they are of the same type as these we have here.

879. Do you, Mr. Brande, think that the Indians coming through Cape Town, or landing at Cape Town, are more or less of a better class?—(Mr. Brande.) Just the same.

880. Are there a large number of Indians going back to India from time to time—I do not mean permanently going back, but going back just on a visit?—(Mr. Hartshorne.) I have those figures. We tabulated those figures, but unfortunately, being down here I was called to give evidence, without having those figures at my hands. There is, however, a good number travelling back, and my recollection is that we are losing a good many Indians by that process every year. More go out than come in. We issue about 3,700 certificates of identity a year, and taking that and the number of Indians who come back, I think, we lose about 100 a year. I should say that about 80 per cent. of the Indians whom I examine have land in India; they have a small plot in India and they own the house thereon, and their ultimate idea as far as I can ascertain is to go back to India. They go back at 48 or 50 years of age and stay in India and only come back whenever they have a new son they wish to introduce. We sometimes find that they have been away for about 15 years, and then they return just for the purpose of introducing their sons. Their domicile is undoubtedly in India.

881. The position is that they are domiciled in South Africa for trade purposes only?—They have this Transvaal registration certificate which enables them to come back and they come back merely for the purpose of getting domicile for their son. The son being of the commercial class, there is no ques-

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tion that he is coming here eventually for commercial purposes.

882. You think in that way the registration according to the law in the Transvaal is abused?—It is not abused; it is taken full advantage of.

883. Rather too full?—It gives them rights which they take full advantage of.

884. It was never the intention of that law in the Transvaal that registration should be used for that purpose?—The Indians themselves recognise that registration in the Transvaal is for their benefit, although in 1906 when it was first introduced they resisted it as strongly as they could. The Indians in the other Provinces would prefer to get such a document because of the rights it confers upon them—the rights of going away and coming back, as I say, after 15 years.

885. Does your experience confirm this view that a good many Indians go back to India and do not return?—(Mr. Brande.) Not so very many. Most of them return.

886. For what purpose generally do they go back to India?—They say they go back to visit their relatives. That is the general reason given for their going back.

887. As a rule, do they return soon or do they stay away for a considerable period?—Generally return within three years.

888. Why do you mention three years. Is there any regulation in regard to the time within which they must return?—That is the period of the duration of the certificate of identity.

889. It is only issued for three years?—Yes.

890. Say, for instance, that they remain away longer than three years and they can establish their identity apart from the certificate of identity issued by you, would they have the right to re-enter the Union?—If they can prove that they did not intend to stay away. In certain cases we manage to defeat them on the question of domicile.

891. Are there many Indians going back for purposes of study in India?—There are a very few boys.

892. And from the Transvaal?—(Mr. Hartshorne.) A good many. They come to the Transvaal for the purpose of getting the registration certificate and stay a few months and then go back to India and stay in India for years. There is a good deal of traffic in that direction.

893. On what terms can an Indian domiciled in the Transvaal or in Natal enter the Cape Province?—(Mr. Brande.)

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Only by passing the education test laid down in section four (2) (a) of the Immigrants' Regulation Act, 1913.

894. They must comply to an education test?—Yes.

895. What is that test?—They must be able to read and write to the satisfaction of the Minister.

896. Do you find that there is a tendency on the part of Indians to migrate to the Cape Province?—A tremendous attempt. We have stopped it lately to a certain extent by insisting on this test of being able to read and write to the satisfaction of the Minister. There are a large number of Natal Indians in the Cape to-day.

897. If an Indian had lived in, say, the Transvaal and acquired domicile there, and came to the Cape Province and lived here for some years after which he went to Natal, he would practically have domicile in all those different provinces?—Only if he entered the Cape legally by passing that education test.

898. So it comes to this that an Indian who acquires a certain amount of education would be free from this restriction of inter-provincial movement?—Yes. (*Mr. Hartshorne.*) An Indian would not be able to come to the Transvaal from the Cape or Natal. He can come from Natal to the Cape on education certificates.

899. There would be no restriction on moving from the Cape to Natal and from Natal to the Cape?—There is no restriction, apart from his being able to read and write to the satisfaction of the Minister, from Indians from the Transvaal or Natal entering the Cape. (*Mr. Brande.*) We are at their mercy as the law stands to-day.

900. I have heard it stated that quite a large number of Indians enter the Cape Province illegally and are still resident here?—That is so.

901. At what time more or less did they enter?—They have been entering from time to time. There is still an agency at work. They come mostly from Delagoa Bay. I can give you a list of those who have been caught and dealt with during the last two or three months.

902. How many have been caught and dealt with?—24 have been arrested.

903. How do they enter the Cape Province?—By motor cars and trains.

904. Where do they land?—At Delagoa Bay generally.

905. They come through Swaziland?—Some go to Barberton and take the train from there. I have a case which is not finished yet, and of which I could give you particulars to-morrow, if you desire. It will interest you very much.

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906. Apart from the Indians coming to the Cape Province illegally now and recently is there some period that you know of when they entered on a fairly large scale?—No.

907. Immediately after the Anglo-Boer war a large number entered?—A lot entered from two ships. That was the first Indian invasion we had from India.

908. At the beginning of the Great War did any large number enter?—I was not here at the time. (*Mr. Hartshorne.*) There was a clerk in the immigration office in Pretoria engaged in illicit traffic and there is no doubt that at that time a good number of Indians did come in illicitly in collusion with him. It cost them approximately £100 per permit, and I think about 400 or 500 came in about that time between 1914 and 1916. There has been no great influx to my knowledge, and I have been connected with the Department of the Interior from the inception of the Immigrants' Regulation Act in 1913, and I think I can say that there has been no tremendous organised attempt to get Indians in illicitly. My friend does not agree with me. He thinks that we do get a good many in over the Swaziland border. The Secretary for the Interior is also under the same impression in that respect. Why I am of opinion that there is not many coming over the Swaziland border is because it costs everyone who is introduced by that means, motor car, £90, and there are very few people who are able to find that money. Not only that, the police in Swaziland get a special reward of £2 for every Indian arrested. If they can catch a batch of five in a motor-car they get £10 for doing nothing; they are very keen to catch these Indians coming over the border illicitly. Then we have another system whereby an informer is given £5 for every Indian he gives away and from this system we have had results. I disagree that there is a large illicit migration over the borders of Swaziland. There is some undoubtedly, but we have had success in stopping them; we have stopped two motor cars in the last two months containing five Indians in each case. There is an organisation at work, but I do not think they bring over a hundred a year. (*Mr. Brande.*) In this particular case which I mentioned, which is not yet finished, the man was a motor-car driver. I have his Bombay motor driver's certificate. We have heard that this sort of thing has been going on for years. I do not say that they all come through Swaziland but that they come through Delagoa Bay.

909. The impression of both of you is that in spite of the immigration restrictions in South Africa, this country has a great attracton for Indians?—(*Mr. Hartshorne.*) There is no question about that. They are smuggled into the Union by stewards on the trains; they are concealed in trucks and they even walk over the borders and come in in every way they

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can. They like to remain in the Transvaal as that is the best place where they can make money. To them it is better than any other place. (*Mr. Brande.*) In addition there are deserters from ships. We know of a man who is harbouring these prohibited Indians but we cannot prove it.

910. As the law stands at present you cannot do anything to any Indian who helps another to get into the country illicitly or who harbours an Indian. The Act says "knowing him to be a prohibited immigrant." You think that if we introduced an amendment to the law to the effect that any Indian who introduces another illegally, knowing that his entry is forbidden, could be deported.

911. That should have a good effect?—So long as you have the words "knowing him to be a prohibited immigrant" the law is useless.

912. Assuming the onus is on the Indian?—(*Mr. Pienaar.*) You must remove that word "knowing." It is proposed later on to recommend this alteration.

913. I have heard it stated that quite a large number of Indians entered the country illicitly and that the Minister of the Interior at the time condoned their entry into the country. Is that so? Do you know anything about that?—(*Mr. Brande.*) Yes, there were some condoned.

914. On a large scale?—It ran into pretty big figures.

915. It was stated to me that it was discovered that there was a very large number of Indians in the Cape Province who entered illicitly and then it was intimated to them that if they came to the Immigration Office and owned up they could stay in the country?—That was so. They had a certain time in which they could come in and report and if they could prove that they had resided here three years prior to the promulgation of the Immigrants' Regulation Act of 1913 we would not take steps against them. That did not bring in many. The average Indian who has come in illicitly is being blackmailed the whole time he is here. He has to pay to any man who knows he is here illegally. (*Mr. Hartshorne.*) Under that scheme we got about two hundred Indians and those were introduced specially by agents in the Transvaal from the Cape and fraudulent evidence was manufactured to get the condonation. I can say that at least one hundred of that two hundred came from outside and got condonation on manufactured evidence.

916. What is your impression—is there a laxity on the part of the police to trace prohibited immigrants?—(*Mr. Brande.*) I hardly know how to put it. One would imagine that a policeman would notice a strange Indian in a small village and report to somebody. They never report to me.

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917. Your impression distinctly is that the police are lax?—With the exception of the Suspect Staff here in Cape Town, my impression is that the police are useless in dealing with a matter of this kind.

918. I think recently you caught an Indian who entered the Union illicitly living at French Hoek?—That is so.

919. How long had he been living there before he was caught?—I cannot tell you from memory, but he was there for some time and we sent out our own man with two of the Suspect Staff and got that Indian.

920. The local police did not discover the fact that he was there illegally?—No. (*Mr. Hartshorne.*) You cannot get a policeman to interest himself in this matter of prohibited immigrants. If we send our own men we get the Indian nine times out of ten. The local police should report the presence of any new Indians because we make all the new Indians go and report to the police office so that the police can get an idea of these people in their districts who are legally there, but I suppose they fail to report those Indians who are there illegally because they have so many duties to perform. They do not in many cases realise the importance of the Asiatic question. We have such a small staff and we are fully occupied in doing the ordinary routine work that we cannot bring sufficient pressure on them.

921. With regard to the class of educated Indian immigrant who is allowed to enter the country for the purpose of teaching, how many are allowed in during a year?—Ten in the Transvaal.

922. They get special permission from the Minister under the Act?—Ten can come in. Six are nominated by the British Indian Association, and the Department of the Interior nominates four. Since 1921 we have had none in at all, because there has been so much fraud and deceit and intrigue by the people who make these nominations that we have refused them all. The Indian who is able to pull the strings gets his relatives in India put up as candidates. We find that out and report it, and the candidate is not allowed in. (*Mr. Pienaar.*) I have the figures here. 109 letters of exemption have been issued in the Transvaal to educated entrants. Of these there are still 79 to-day, the others have been cancelled or the holders have left the province. So there are still to-day 79 educated entrants.

923. They have been admitted for a special purpose?—The figures I have just given refer only to the Transvaal. (*Mr. Hartshorne.*) There are very few in the other provinces.

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924. If there are 79 in the Transvaal I daresay there are some in Natal?—(Mr. Pienaar.) In Natal there are 22, and less in the Cape.

925. And they are admitted for special purposes—religious purposes?—Teaching purposes.

926. What is your experience—do they stick to their profession?—Not in all cases. We have had several cases recently where they have broken the conditions of their service; they have engaged in commercial and clerical work. When they do this their certificates are cancelled.

927. Sir Ernest Oppenheimer.] Indians cannot go to the Transvaal except from the Cape?—(Mr. Hartshorne.) They can visit the Transvaal on paying a deposit of £10.

928. Mr. Lennox.] I understood you to say that you handle about a thousand Indians a year in the Transvaal?—Quite a thousand.

929. Those would be newcomers?—We get about 300 children every year.

930. That would mean that you would handle 700 adults?—Those that I examine come for all kinds of permits.

931. What class of Indian would these comprise?—All of the commercial class—dealers, store-keepers and hawkers.

932. They have come from overseas or adjoining provinces?—They come from the Transvaal for permits to go away or for business connected with the Department.

933. Those are what you handle. What class of Indian labourers?—The great unwashed.

934. Do you include Chinese and Japanese under the term "Asiatic"?—We have about one thousand Chinese in the Transvaal.

935. Do the thousand you handle include Chinese and Japanese?—Only Indians.

936. Indians from India?—Yes.

937. No Chinese or Japanese?—We have only about half a dozen Japanese.

938. With regard to these Indians who come to the Cape from Natal, what occupations do they follow?—(Mr. Brande.) They are mostly waiters and hotel servants.

939. They are got from Natal principally as waiters for hotels?—Yes.

940. Not for other occupations?—Very little else.

941. Almost entirely as waiters?—Yes, connected with the hotels in various capacities.

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942. The hotels are adopting the Indian waiter in preference to the European?—They have been dropping off to a certain extent because we stopped them.

943. How many fines have been paid on account of desertions from steamers with Indian crews?—I cannot say from memory I think about £400 this year.

944. That would represent fines for four deserters?—Yes.

945. I thought you said a considerable number were deserters from ships?—I was not referring to the present time.

946. How much did you take last year by way of these fines?—I can get the figures for you if you wish me to. Last year was fairly free of deserters; they started again this year.

947. A statement was made by you that a large number of these Indians were deserters from ships?—I did not say there was a large number.

948. So far as this year is concerned, you have only had four?—I think it is only four this year.

949. The owner of the ship from which they deserted is fined £100 for every deserter?—Yes, and that £100 is returned if the ship can prove that the man has left the Union within the six months.

950. How many prove that?—We arrested one the day before yesterday, so the owners of the ship will get back part of their fine, but the expenses were so heavy that they will get back very little.

951. What do you do with that man whom you have just arrested?—He is in gaol at present.

952. After that, what will become of him?—He will be deported.

953. Can you tell me why those prohibited Indians referred to by the Chairman had their illegal presence in this country condoned? You made a statement about it?—I was asked a direct question in regard to the method. I submit that that is a question I cannot answer because it was the policy given to me. (*Mr. Hartshorne.*) In 1913 there was this passive resistance and during the war period everybody wanted peace and it was part of that scheme.

954. Is it not necessary for an Indian to pass the Immigration Restriction Officer at each port of entry in the Union?—It is necessary for everyone, not only Indians, to pass through that officer.

955. There is a special embargo on Indians. Do you not take special precautions with regard to Indians entering the ports?—We not only pass him but we take his finger prints and find out in the office whether he is legally in the Transvaal.

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956. What is the custom in the Cape?—(Mr. Brande.) Nearly all our Indians go to Durban. The papers are sent to us, and when the Indian reports to us we compare prints of the man in whose name the permit was made out.

957. You have a restriction officer on each ship that comes into port?—We have four officers here and Durban has more.

958. You take every precaution?—We take every precaution we can. We get very few Indians landing here; they mostly land in Natal.

959. Mr. Reyburn.] You said something about Indians entering the Union illicitly from Swaziland. You do not believe there are many coming from Swaziland?—(Mr. Hartshorne.) I am certain there are not many.

960. Are there many coming through Delagoa Bay?—They would go through Swaziland if they came by motor car, but this is rather an expensive means of getting into the Union. Some walk over the border.

961. They may come by rail?—They might come up as far as Ressano Garcia. The reason why I do not think an Indian would come through Swaziland is that in all probability he would only have about £5 in his pocket and could not afford a motor car. I feel quite confident in my mind that the traffic is not large in that direction.

962. You said that Indian boys who are coming into this country to-day are of the same type as the Indian we have here?—Yes. All the boys we get are undoubtedly being introduced for commercial purposes.

963. I think you also said the position has not changed since the Asiatic Enquiry Commission reported?—I have not noticed any change.

964. It has not grown any worse?—No.

965. There is no more encroachment by the Indian to-day than there was then?—Not in the Transvaal. I can only speak of the Transvaal.

966. Can you say anything in regard to the Cape, Mr. Brande—is there more encroachment to-day, and has the Asiatic position developed for the worse?—(Mr. Brande.) Undoubtedly. Their method of living is extremely bad. In our search parties occasionally they describe to me the most filthy conditions.

967. Are they encroaching commercially any further than they were?—I cannot say. I can only judge from outward appearance that they seem to be.

968. Mr. Rood.] You said that Indians coming to the Union illicitly might go to Barberton. Would they not have to come through Ressano Garcia?—(Mr. Hartshorne.) They would have to cross the river there and that is guarded [S.C. 9-'26.]

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for customs purposes. The immigration officer has got a horse and visits these places regularly at least once a week and possibly more. I do not think we get many that way; it is far easier for them to get through by way of Delagoa Bay.

969. Those that you do arrest—can you rely on what they tell you as to how or where they entered?—Officially, we never rely on anything an Indian says. We check the statement as far as possible.

Monday, 15th March, 1926.

PRESENT:

The MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.

Mr. Coulter.

Mr. Duncan.

The Rev. Mr. Hattingh.

Mr. Lennox.

Mr. M. L. Malan.

Mr. Marwick.

Sir Ernest Oppenheimer.

Mr. Reyburn.

Mr. van Hees.

Mr. Vermooten.

Mr. Robert Geoffrey Maitland de Norman, Secretary of the Colonial Born Indians Association, Cape Province, examined.

970. Mr. Duncan.] I see you are Secretary of the Colonial Born Indians Association and General Workers' Union?—Yes. These are two separate associations.

971. Is the association you represent a South African association?—Yes. We have not affiliated as yet with the whole of South Africa. We have been formed all over South Africa and have branches in Johannesburg and Natal.

972. You are speaking as the representative of the Cape Peninsula?—Yes, but I wish to speak from the position of the South African born Indians of the whole of South Africa. Our objects are exactly the same. I wish to speak on behalf of the South African born Indians although I have only authority to speak as far as my own organisation is concerned.

973. Chairman.] What is your occupation?—My personal occupation is bookkeeper and broker and commission agent.

974. You were born in South Africa?—Yes, in Durban.

975. Have you ever been in India?—I went there in 1920 on a nine months' business visit.

976. Have you any children?—Yes.

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977. Have any of your children been sent to India?—No. They are very young. My eldest is only 6 years old.

978. Are the members of your Association only Indians born in South Africa?—Yes, but Indians born in India can become honorary members.

979. You are not altogether separated from the other Indians in the country?—We have only one gentleman, a professional man, who is honorary member of the Association, otherwise all the members are born in South Africa.

980. You are speaking only on behalf of the Association of the Cape Province?—Yes.

981. How many members have you?—In the Cape Peninsula there are 300 registered paying members.

982. And in the Cape Province altogether?—I cannot give the exact figures as we have between 2,000 and 3,000 Indians.

983. Do you think practically all the Colonial born Indians belong to your Association?—Yes, the majority do.

984. What proportion do you think are the Colonial born Indians of the Cape Province of the total number of Indians?—That is difficult to say. As far as the Cape Province is concerned, most of the Indians that come from India, especially those of the Mohammedan faith have intermarried with the local people known as Malays and their children call themselves Malays. The members of our Association as far as the Cape is concerned are descended from pure Indian parentage. It would be difficult to give the ratio because some have registered themselves as Cape Malays. The ratio of the children whose parents are pure Indians are about one to three.

985. You think according to the requirements of the Census it would be correct for the children of an Indian by a Malay to call themselves Malays?—Not strictly speaking. The children have drifted from one place to another and have nothing to do with Indians at all.

986. You think the census figures are not a good index of the position?—No.

978. What connection is there between your Association and the Colonial Born Associations in other parts of the country. Are they federated?—No, but there is a movement on with that object in view. There will be a conference held next month for the purpose of forming a federated body for the whole Union.

988. There was a conference at Durban of Colonial born Indians?—Only Natal. We were asked to attend, but it was a conference of Natal Colonial born Indians only.

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989. Can you give us an idea of the different Indian Associations in the Cape Province. There are the Colonial born Indians to which you belong?—Yes.

990. And I believe the Cape British Indian Association?—You have in Cape Town the Cape British Indian Union. This has no following outside Cape Town or the Cape Peninsula. Then there is the Cape British Indian Council, which has connections all over the Cape Province.

991. The Council is affiliated with the South African Indian Congress?—Yes.

992. Is not there a United Indian Association?—I think so, but I cannot tell you how many members they have. I think they think they are a small association.

993. Have you any idea of the membership of the other associations?—No.

994. You think there are a fairly large number of Colonial born Indians belonging to the other associations?—We are in a peculiar position here, some of the Colonial born Indians are members of both the Council and of my association.

995. Do a large number of those belonging to your association belong to other associations as well?—I do not think in the Cape Peninsula.

996. To some extent the Colonial born Indians associations are a smaller circle within a larger circle?—You may take it in that way. Hitherto he (the Colonial born Indian) has never worried about politics, but always left it to the Congress, but there is a feeling to-day that as sons of the soil, they have to wake up and organizations are being formed all over the country. I have here a handbill from Port Elizabeth, where a meeting is being held to-night with the view of forming a Colonial Born Association.

997. Have you any statement that you wish to hand in?—I simply drew up a memorandum in response to the request of the Clerk of the House which has been circulated amongst members and which mentions the points on which we wish to give evidence.

998. Do you wish to make any statement here on those different points?—Yes. The first point is segregation as it affects the South African born Indians. We maintain that segregation as proposed in the Bill will not solve the question which the European population think it will solve for the simple reason that it is quite evident that in the whole of South Africa the Indians born in the country have quite a different outlook from their forefathers. Their outlook is entirely South African. They have adopted Western civilization. As far as allowed to they have received a certain

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amount of education in this country. They go in for sport the same as the Europeans do, in fact, they do everything in the footsteps of the European population. Consequently if you are going to segregate us in different places you prevent us from developing and becoming useful citizens in the country. In 1914 it was agreed that no more Indians migrate to this country in any form, either free or indentured. In time to come these people who have arrived from India will die, and then you will have left here an entirely South African population. In many cases it has been proved that the South African Indian, where given the opportunity, rises up to the standard of civilization which is desired by the European population. By segregating us, if it is the intention to eliminate the alien or foreign civilization, you are going to keep that very civilization very much alive. In our opinion we can solve the question by giving us every opportunity to adopt your civilization and develop in that civilization and allow us to progress with the other sections of the community. But if you are going to segregate us you are going to retard our progress instead of encouraging it. I am instructed to say as far as we are concerned segregation will in no way assist South Africa in solving the problem. Take the case of the Cape Malays for instance, their forefathers came from the East, but having been in the Cape Province with the liberal policy of the Cape and being given opportunities, although they still adhere to certain eastern customs as far as their religion goes, in other matters they have entirely adopted western methods. We maintain the same opportunity should be given to us in South Africa, and we have every right to ask for it. We want the equality of opportunity which is given to other nations and then the European will find that we will not be a danger but an asset. To segregate us or send us back to India would place us in a difficult position because the outlook of the Indian leaving South Africa is different to that of the home born Indian in many respects. If you are going to send us back you are going to place us under great disabilities because we will not be in the position to compete with the people in India. We would not be able to compete on the labour market of India because our manner of living is entirely different. In regard to the competition of South African born Indians in the industrial field a lot has been said in regard to the cheap worker. We have it said in Durban especially in the printing trade and furniture making trade that the Indian is an economic danger to the white man. Our contention is that it is not his fault that he is considered cheap labour, it is entirely due to the regulations or rules of the trade unions

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not admitting him as a trade unionist. Take the Cape Province, a few years ago exactly the same complaint was heard against the coloured man, but as soon as the trades unions took a broad-minded policy and admitted the coloured men, this disappeared and the coloured man draws the same salary as the European workers. It will thus become a question of efficiency and the master will be at liberty to employ whosoever he likes. In Natal and the Cape, where a lot is said about the cheapness of Indians I would say that the European has to bear a lot of the blame himself in this matter. If these men, who are competent tradesmen, were admitted to the trades unions, they will be placed in the same position as the European and will have to be paid the same wage, and it will be in the hands of the employer whether he will employ Indians or Europeans. He would have to pay them the same salary and the question of the economic danger of the Indian community being cheaper labour will disappear. A lot has been said about the low wages paid by municipalities. Members of Parliament in the House and outside make a great fuss of the fact that the Durban corporation employs so many men on a meagre wage. The Indian would not object to have his status raised and be paid a higher wage. Is it fair to blame them for accepting a low wage, and not blame these people who pay the low wage. The same thing happens on the railways. Under the regulations under the Wage Act European witnesses are entitled to be paid 8s. 6d. per day, but the payment for every other class is 2s. 6d. Take the case of the court interpreters in Natal. An Indian has to speak three languages competently and sit before a Board of Examiners and pass an examination. The commencing salary for an Indian is £100, but the European commences with a salary of £300 for interpreting in one Indian language. Can you blame us for not living up to a high standard. The Government of this country, both the present and past, are also to blame for placing the Indian on a lower economic standard than the European. Take the case of the conditions on the sugar estates in Natal. The conditions there are deplorable. Even to-day, under the Wage Act, farm labourers are excluded and they have no remedy. If legislation is brought about where the owners of large estates and coal mines would be compelled to pay better wages, that economic danger of cheap competition would disappear. We maintain the only way to solve this problem is by legislation, compelling every employer to pay a minimum wage, and that in the skilled trades all men be admitted to the unions, no matter what nationality or colour or race, and be paid at the same wage as the European.

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Then comes the third heading. In regard to voluntary repatriation we say that we would like to see more Indians repatriated voluntarily, but not compelled to do so. We maintain that the bonus is not sufficient. When a man has lived in South Africa for a number of years his position is changed and his outlook is changed. Some have lost their caste and lost touch with their people and would find it a difficult problem to go back. The bonus of £10 is hardly sufficient for him to buy land and get on. He has lived a different life out here. If the bonus was increased more Indians would volunteer to go back and it would assist in solving the present question. It has been said in the House that many South African born Indians have gone back under this voluntary scheme. We want it pointed out that these people who have been called South African born Indians are the children of the parents going back, and they had to go with the parents. Not a single Colonial born Indian has ever gone back on his own.

In regard to the disabilities suffered by South African born Indians in travelling from one province to another we want to stress the point with regard to any Indian born in South Africa. If, for instance, I want to go to the Transvaal I have to go to the Immigration office and deposit £10 and get a permit before I can proceed even if only a temporary visit. It is very hard on educated men born in this country to suffer these disabilities. I can give the case of an Indian who has lived nine years here and has married a coloured girl and has got children. Three weeks ago he got a telegram saying that his mother was very ill at Durban. He went to the Immigration office and asked for some document to enable him to come back to the Cape Province to enable him to resume his duties and he was told that if he went to Natal he could not come back again. This is a very difficult state of affairs. We maintain we are in the same position as the Cape Malays or the coloured people. They do not carry a permit. I wrote to the Minister when the first Areas Reservation Bill was introduced and asked certain questions in regard to the status of Colonial Born Indians, and in this I refer again to the letter written by General Smuts to Mr. Ghandi of the 30th June, particularly in reference to the South African born Indians. My letter is dated the 24th September, 1925, to the Minister of the Interior, and the questions I asked are these:—

- (a) Whether in administering the New Act the Government will extend the facilities (as mentioned in section three of the said letter) to South African Born Indians.
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(c) Whether South African Born Indians would be allowed free egress and ingress between the Provinces of the Cape and Natal as at present, subject of course to them satisfying the respective Immigration officers as to their *bona fides*.

(d) Whether it is the intention of the Government to apply sub-section (e) of section *seventeen* of the proposed *Areas Reservation and Immigration (Further Provision) Bill* to Indians now in Natal and now resident in the Cape Province. In regard to the foregoing paragraph my association desires me to point out that a vigorous application of the section of the Act referred to would mean considerable hardship on a large number of our members who have intermarried among the Cape coloured and Cape Malay people. Gen. Smuts on the 30th June in writing to Mr. Gandhi said: In administering the provisions of section (4) (1) (a) of the Union Immigrants' Regulation Act, No. 22 of 1913, the practice hitherto existing at the Cape will be continued in respect of South African-born Indians who seek to enter the Cape Province, so long as the movement of such persons to that Province assumes no greater dimensions than has been the case in the past; the Government, however, reserve the right, as soon as the number of such entrants sensibly increase, to apply the provisions of the Immigration Act.

The Minister replied to me as follows:—

(a) No.

(c) No.

(d) The object of the amendment is to abolish dual domicile. Indians born in Natal can, under the existing law, obtain a domicile in the Cape Province and the Indians born in the Cape Province can acquire a domicile in Natal. In each case the right to return to the Province in which they were born is maintained. The amendment will prevent the establishment of dual domicile in such circumstances.

I think it will be very hard if the Minister intends carrying that out. For instance, if an Indian comes here and acquires domicile here and has his people in Natal, it will be difficult for him to go there and come back again. If this is the object of the law I say it is a grave injustice.

I now want to refer to the amendment moved by Col. Creswell in 1924, to the Class Areas Bill introduced by the late South African Party Government. We agree with that amendment. We maintain the question is an economic question and if in the commercial field the Indian is a competitor,

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I think that can be easily solved by having a minimum wage. Another point is this that to-day without segregation the Indian is sufficiently hampered in the commercial field. The question of the issue of licences is entirely in the hands of the municipalities and the position is that it is an impossibility for any Indian born in India—and for the matter of that, for any Colonial born Indian—to get a licence to trade. We maintain that this question of the Indian being a competitor in the commercial field is really a bogie. Personally, I find it cheaper to deal with a European grocer than an Indian grocer. I could take members along and point out hundreds of cases where European shopkeepers are selling at a lower rate than the Indians. In regard to the salaries paid by the Indian storekeepers they compare very favourably with the salaries paid by European storekeepers. Taking the figures given in evidence before the recent Economic and Wage Commission, it will be seen that the Indian pays better salaries than the majority of European storekeepers in Plein Street. I have made careful enquiries and the lowest salary paid by Indians is £6 per month plus board and lodging, washing, shaving and such sundries which amounts to about £15 per month. That compares favourably with the wages paid in many large European shops in Cape Town where the European employees are paid even as low as £3 or £4 per month. It has been proved in evidence before the Commission that European typists are only drawing £3 10s. or £4 per month. I do not think it is the case of the Indian paying the lowest wage that he is able to compete with the European, but it is because he is a keen business man. Anyone doing business as a broker can tell you how large commercial houses are always keen on cutting figures down very fine, sometimes an eighth of a penny, in order to meet competition. One firm is always cutting another. When I talk about Indian competition, it is simply a matter of keen business men. Under existing conditions in the whole of South Africa he has no opportunity whatever of extending his business. I know a case in Ladysmith where the municipality refused to transfer a licence from a father to a son. The father had admitted the son to a partnership and wanted to transfer the licence from himself to the partnership, and it was said that when an Indian died his licence should die with him. It is even difficult to transfer the licence from one to another and it is allowed only under very rare circumstances. I have watched matters closely for the last three years and do not think that there is a single case where an Indian born in India has been granted a

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licence in Cape Town. We maintain the question can be easily solved by legislation in similar terms to the amendment moved by Col. Creswell in 1924 to the Class Areas Bill. I would like also to mention that the position of the Indian born here would be a difficult one under the Bill as proposed. The majority of the Colonial born Indians are employed by Europeans, and it is not their fault that they are not paid the same salary as the Europeans; the fault, to a great extent, lies with the different trades union organizations by not admitting them to the unions and compelling the masters to pay the same wage as to the Europeans.

999. The Indians in the Cape Province have, as far as you know, come mostly directly from oversea, or their fathers came directly from oversea to the Cape Province or migrated to the Cape from the other provinces of South Africa?—In the majority of cases the original Indians came direct from oversea.

1000. You were born in Durban. Are there a large number of Indians in Cape Town or the Cape Province in the same position?—The majority are those who came to the Cape Province direct.

1001. A large number of these came out direct just after the Boer war and also at the beginning of the World War?—No, I think most of them came here before the old Boer war or directly after. It was just about that period.

1002. A lot of Indians entered the Cape Province or the Union illegally?—I believe so. I believe the police are finding them every day.

1003. At one time, owing to circumstances, a very large number of illegal entries were condoned in the Cape Province especially—about 400 or so?—I think that is about the figure.

1004. The Indians in Natal can be classed into two divisions according to their origin in India, the one class coming from Madras and the other from Bombay and Surat and thereabouts. Are the Indians in the Cape Province generally Madrassies or descendants from Madrassies or mostly Bombay?—It is very easily defined. The people from Bombay in the Cape Province considerably predominate. In Port Elizabeth and Kimberley they are very few. In fact, the members of our association are descendants of people from the Madras Presidency. In Kimberley you have a fair number, and in Port Elizabeth and East London the majority of traders are from Madras.

1005. That would mean as far as religion is concerned they would be mostly Mohammedans?—Exactly.

1006. And belong to the trading class?—Yes.

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1007. You recognize that the majority of Indians in the Cape Province are born oversea?—Yes.

1008. Do the Indians that come to the Cape Province still speak the Indian language?—Those who come from oversea.

1009. And those born here?—Hardly.

1010. I daresay they can all understand Indian?—No.

1011. That would be strange, seeing they were born in homes where the Indian language is spoken?—Yes, but they do not understand their own language. In the Cape Province they speak either Dutch or English, because in the majority of cases they have intermarried with Malay women.

1012. Are there any schools specially for Indian children in the Cape Province?—There is one in Salt River.

1013. At these schools are any Indian languages taught?—No, only Arabic, because that is a Mohammedan school and they teach it in order to be able to read the Koran.

1014. Do many Indians in the Cape Province send their children for study to India?—No, I have only known of one or two cases.

1015. A good many Indians in the Cape Province visit India from time to time?—Yes, on temporary visits.

1016. What do you think of the mission of Dr. Abdurahman?—My organization objected to their going to India, on the grounds that we maintain that this question should be thrashed out in South Africa first.

1017. What do you mean by saying in South Africa first?—If we fail here we may appeal to the world as far as that is concerned, or to the British Empire, but we ought to lay our case before the European people in this country first.

1018. You recognize that fear on the part of the European for the Asiatic menace on account of the economic competition on his part, and that that competition is due to the mode of life of the Asiatic. That is the contention?—That is the European contention.

1019. Assuming that that is so, do you think in one generation or in two generations, as far as that is concerned, there will be a marked difference between the South African born Indian and the Indian born oversea?—There is that difference to-day, it is very evident if you will only look for it, because a good number of South African born Indians rise to the same scale as the Europeans.

1020. Do you think that any stranger visiting a part of Cape Town where a good many Indians live would be able to distinguish between Indians born here and those born oversea?—In the Cape Province they live a very good life, even those born oversea, simply because of the liberal policy of the Cape, and they live entirely a different life to the majority
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of Indians in Natal. Even the Bombay trader has changed his mode of living in the majority of cases. I would like to take you to several houses, without preparation, to show you that the Indians have absolutely changed their mode of living.

1021. *Mr. Fordham.*] Is that applicable to the majority?—Yes, as far as the Cape is concerned. In many cases we are given no opportunity to spend our money. I lived in Portuguese East Africa and there you have no distinction, a man is treated according as he is civilized. My extras there every week amounted to £3 or £4, but here I do not spend 10s. because I do not know where to spend it. I cannot take my wife and children to a respectable place, and have to remain at home and my money does not circulate.

1022. Is it not a fact that they are living at a much lower level than Europeans. They run a small business and the front portion is used as the business premises and the back portion is crowded out with the Indian community?—A man has, perhaps, a small shop and can hardly make a living, and he may be occupying his back room. You have your sanitary inspectors, why do they not enforce the law? We have no objection to the laws being enforced.

1023. *Chairman.*] You are speaking about repatriation. You have no objection to voluntary repatriation?—I am in favour of it.

1024. Do you think it will make a difference of feeling on the part of our European community in South Africa if the number of Indians can, in that way, be considerably reduced?—I do.

1025. In connection with that, you are also in favour of the restriction of immigration from oversea?—Yes, that is agreed upon.

1026. Just recently I deported several Indians from the Cape Peninsula. There was a strong agitation to have the deportation order cancelled. What is the feeling among the members of your association with regard to a case of that nature. Do you always join the other Indians in trying to keep other Indians in the country?—We maintain that in 1914 we came to an honourable agreement that must be carried out on both sides. If there is any Indian here who entered after 1914 illegally, then the law must take its course and we have no objection to these men being deported.

1027. With regard to the inter-provisional migration, what you claim is the right that all Colonial born Indians should have free movement within the borders of South Africa between province and province?—Yes, as far as the Transvaal, Natal and the Cape Province are concerned.

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1028. You recognize that seeing that there are 102,000 Indians born in South Africa the result of that would be, if it is conceded, that the Indians would be able to spread themselves all over South Africa, and the Cape Province and the Free State would lose the protection they now have?—I maintain that after your Indian population—the oversea population—is reduced then the South African born Indian would be placed on the same level as the Cape Malay. He would not be an economic danger if treated on an equal basis, as far as the industrial field is concerned, he would have to be paid the same wage as the European.

1029. The hypothesis is that the Indian population should be considerably reduced. If they are not reduced under existing circumstances and you grant free movement to all South African born Indians it would mean that there would be a danger of the Cape Province or the Free State being flooded?—I would say that you apply the education test if you like. That is what the late South African Party Government did. Any Indian desiring to enter the Cape Province from Natal had to pass the education test to be admitted.

1030. It is very meagre, it is only the capability of reading and writing. It is not very severe, and application of the test would not be a good test of the mode of living?—You could take each case individually on its merits, if you like.

1031. I think you will recognize that even before Union or before the passing of the Immigration Regulations Act of 1913, Indians—and even South African born Indians—did not have the right to migrate from one part to another?—Except in the Cape Province, where educated Indians were admitted on passing the education test.

1032. That is the case now?—According to this Bill it is the intention to prevent that. That is what we object to.

1033. You were claiming the right of South African born Indians to have that movement?—Exactly.

1034. He did not have that freedom of movement before Union?—Except in the Cape Province. Even Indians from India were admitted to the Cape before Union on passing the education test.

1035. What do you think of the exemption clause in the Bill?—It is very vague. It does not indicate who is going to be exempted. It is entirely in the hands of the Cabinet whom they are going to exempt.

1036. Do you wish it to be amended?—It ought clearly to define whom you are going to exempt. From our point of view you may exempt a man because he comes here with say £20,000 capital or a man who owns a lot of property, yet a

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man may be a barrister and because he does not happen to have capital you will not exempt him. It is entirely in your hands whether you exempt him or not.

1037. *Mr. Reyburn.*] Is your association confined to the Cape Province?—We are a Cape Province Association and I am representing the Cape Peninsula branch to-day.

1038. How many members have you outside the Cape Peninsula?—The number, I think, would be between 2,000 and 3,000.

1039. You mentioned the trades Unions?—Yes.

1040. Why do not the Indians form their own trades unions?—Then the position would be this—if the Indians formed their own trades unions and tried to get the same wage as the Europeans are getting they would have no opportunity because they would get no support from the white trades unions. It is the same in the Cape Province. Take the printing trade, if the coloured people formed their own trade unions they would have no hopes of getting a billet. If anything happened they could not compel the European trades unions to support them. Take the furniture trade in the Transvaal, they have admitted 200 coloured workers in Johannesburg.

1041. Why do you need the white man's assistance?—I will give you a case in point. In Johannesburg during 1916 or 1917 there was a building workers strike. The Cape coloured men were not admitted into the white unions, but the trades unions went to them and asked for their assistance and they agreed. They struck work and supported the white workers, but when it became a question of giving them strike pay the white trades union turned round and said: "You are not members of our union," and they did not pay them. Well, you cannot have it both ways, you cannot expect these men to assist you in order to protect your standards when you do not want to give them any assistance at all. If you want to maintain a civilized standard of labour the only way is to admit every man into the trades union and leave it to the masters to employ whom they like. By having separate unions you have the danger of an Indian trade union working at a lower wage, then the white man will ask how can he compete with that again.

1042. Is there an Indian trade union in the Cape Province?—The Indian artisans are a small number and they are all affiliated to the other trade unions.

1043. Is there any movement or desire to become trades unionists?—Yes if admitted. The waiters are now forming a hotel employees association. There again Indians are not

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employed in hotels because they are cheap. They get paid a higher wage than many Europeans. I know of only one European establishment employing Europeans that pays a good wage, the other places do not pay anything like a decent wage.

1044. You suggest that the bonus should be increased?—Yes; at least so as to enable a man returning to India to start on his own. If he has a family you must give him something like £100.

1045. Would that attract any colonial-born Indians?—I doubt it very much.

1046. Is there no possibility of colonial-born Indians accepting voluntary repatriation?—I doubt it.

1047. Does your Association support the attitude taken up by Dr. Abdurahman in India?—No.

1048. Do you agree with his speeches?—No.

1049. Have you said anything or done anything to dissociate yourselves?—Yes, we passed a resolution when the S.A.I. Congress was sitting here, and a copy of the resolution was forwarded to the Minister and he wrote that he appreciated our attitude.

1050. *Mr. Fordham.*] You said that the Indian or the South African-born Indian would not be able to compete in the labour market of India?—Because the position in India is so different. The labour classes are not developed to the same standard as the South African-born Indian, and their outlook is different.

1051. Whom would you blame for the conditions?—We blame the Government for the conditions existing.

1052. You do not blame the trades unions?—The trades unions are only a new thing so far as India is concerned.

1053. They have been going ahead the last few years, you do not blame them?—The trades unions there are all Indian trades unions. You must not forget the position is quite different there. The trades unions did battle a long way. They have not the opportunities they have here.

1054. The Indian returning cannot compete with the local Indians because the local Indian lives on a lower scale?—His outlook is entirely different. In many cases you find the South Africa-born Indian does not speak his mother tongue and that would interfere with his labour in many cases.

1055. We have the Indian competing here. What do you suggest—that the trades unions must adapt themselves to the lowest standard or build up a higher standard?—Yes, the latter. With regard to the position in the Transvaal there is
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generally a very strong prejudice against non-Europeans by employers and if admitted to the Unions the coloured men would find difficulty in getting employment. In the Cape you have a different state of affairs.

1056. Here you have purely coloured trades unions?—No. There is one trade union.

1057. You have No. 1 and No. 2 Unions?—Yes.

1058. And you have different minimum rates of pay?—That is only as far as the building trade is concerned.

1059. Is it not a fact that it has been the policy advocated by the coloured leaders of these movements to compete below the minimum rate of Europeans?—No.

1060. They advocated that your artisans should be satisfied with lower pay?—Unfortunately for you all the leaders of these trade unions happen to be Europeans. Mr. Stewart is a leader and Mr. Bermann is another, and they are responsible for these divisions being formed.

1061. Is that also the policy of Dr. Abdurahman?—He is not a Labour man and I am not concerned with him. As far as politics are concerned I am in disagreement with him. I want to see one standard of wages established for all the people.

1062. Your people protested against being brought out on strike simply on account of not receiving strike pay. A large number of European artisans receive no strike pay. It is to better their condition?—The coloured men were asked to help the Europeans to get a better wage, but you would not take them into your unions and you gave the white men strike pay but refused to give them anything.

1063. If the European standard is advanced 4d. per hour the coloured man and Indian also advance?—Why should not he advance to the same amount? There I blame the trades unions for not admitting them to the unions. The moment you accept them they will be drawing equal pay and this thing would disappear.

1064. We find that they do not observe the conditions set down?—That is a question.

1065. We have protested over and over again. These particular shopkeepers employing Indian artisans are paying something less than half the wage that should be received by a European artisan?—I suppose you would do the same thing if you got the chance to get cheap labour. The only cure is to admit every capable tradesman into the trades unions.

1066. *The Rev. Mr. Hattingh.*] With regard to inter-marriage between Indians and Malays and Cape coloured—do you know more or less how many members of your associa-

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tion are married in that way?—As far as our members are concerned, I do not think there are more than 50; the majority are unmarried men.

1067. About 50 of your South African-born Indians have inter-married?—Yes.

1068. And the overseas Indians, are they also inter-marrying?—Yes, the vast majority, especially the Mohammedans.

1069. Is there a tendency to drift away from their religion generally and adopt the religion of the Malays and the coloured population?—The majority of our members are Christians. The trader class are Mohammedans and when they marry Malays there is no change in religion.

1070. Do you find the Hindus marrying Malays?—No, very few.

1071. Are there any Hindus in the Cape?—A good number. In the case of the Hindus they marry the Cape coloured women and they more or less adopt the wife's civilization and the children in most cases are baptised as Christians.

1072. Even if the father remains a Hindu the children take on the Christian religion?—Yes, they follow the mother's religion.

1073. Is there a practical possibility of the Indian in the Cape being absorbed with the Malays and the coloured people?—A very great possibility.

1074. If there is segregation in the Cape would that maintain the Indian as a race?—I doubt very much, because the majority have inter-married and they do not speak the mother tongue.

1075. The children consider themselves Cape coloured and Malays and not Indians?—Yes, the majority do not speak the father's tongue, they speak Dutch and English.

1076. As a race, would they call themselves Indians or Malays?—There is a doubt; some would admit that they are Indians and others would call themselves Cape coloured or Malays.

1077. With these Indians is there any desire to marry Indian wives?—Not at all.

1078. They prefer to marry the people of the province?—They marry the local people.

1079. *Mr. Alexander.*] You referred to the question of domicile. You are under the impression that in the Bill the South African-born Indian from Natal would have the right of returning to Natal if he went to another province?—That is what the Minister says in his reply to me.

1080. Does not he refer to the old law?—I have already read what he says in his letter.

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1081. That means under the present law. Read section *seventeen* of the new law, which says:—

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

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

So you have misread that letter. That seems to mean under the present law the South African born Indian can return, but under the new law he cannot return?—Yes, that is what it means.

1082. You said that under the new law a Natal-born Indian in the Cape Province can give up the Cape Province and return to Natal?—That is what the Minister said.

1083. It is clear from the letter that a South African born Indian from Natal, if he went to the Cape Province, cannot return to Natal?—Yes, I know that. The point I raised was in regard to the Indian born in Natal acquiring a dual domicile. Under the new law that is done away with. My point was this, whether the present system existing, where the South African born Indian has free intercourse, whether that would be maintained.

1084. You want the present system maintained?—Yes.

1085. You referred to a condonation on a large scale. Was that during the war when an immigration trial took place here and the Government said that if those who had come into the country illegally confessed they would be condoned?—Yes, I believe that is the case.

1086. Besides the illegal entrant, men convicted of certain offences may be deported, and it is left to the Minister to say

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whether the circumstances of the case, whether it be for a first offence or not, warrant deportation?—Yes.

1087. Do you draw any distinction in asking that a man should not be deported between what the community regard as a serious case and what they do not regard as so serious and in spite of which he may remain here and be a respectable citizen? Have you taken part in these cases?—No.

1088. If the bonus were increased to £100 would that attract men of the trading class?—It might. It might help to put him on his feet if he lands back in his own village.

1089. What would be the effect on voluntary repatriation if this Bill went through? Would it make the Indians eager to assist the Government to reduce the numbers at all?—I doubt whether they will assist the Government at all.

1090. They would make it a point of honour not to go back even if they desire to go back?—That is my candid opinion.

1091. With regard to the question of trades unions, have any leaders advocated that coloured men should not join the white unions—any of the coloured leaders?—Not to my knowledge.

1092. Has Dr. Abdurahman advocated that coloured people should form their own trades unions?—No. His sentiments have been that the coloured men by joining the white unions would find that preference would be given to the white men if they were to demand the same wage.

1093. These coloured men who have joined the trades unions here, have they been followers of him or not?—I believe many of them are supporters of Dr. Abdurahman in the political field, but as tradesmen they are compelled to join the unions.

1094. They have made common cause with the white unionists and receive the same pay?—Yes.

1095. In connection with the strike in the Transvaal, money was collected here for the coloured men concerned and sent up to the Transvaal to them?—I believe that is so; I was in Johannesburg at the time.

1096. You know that money was sent up from here?—I believe money came from all over the country. I know that the white trades unions refused to give these people any strike pay at all, and when these coloured men went back to work they were forcibly pulled off by the white trade unionists.

1097. You think if this Bill were not proceeded with at all it would be possible in consultation with the Indian community in South Africa and with the Government of India to arrive at a peaceful method of settling this dispute?—I do think so.

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1098. And succeed in reducing the number of Indians?—I think there is every hope.

1099. *Mr. Coulter.*] I would like to ask you whether you can explain something that arises out of the figures disclosing an increase in the Indian population in South Africa in 10 years from 1911 to 1921. The total increase is 12,000. The increase of the South African born was 40,000, putting it up from 60,000 to 100,000, and the decrease of the non-South-African born Indians was 27,000. That shows that the rate of increase was something like 67 per cent. Is that a natural increase?—I am afraid I cannot enlighten you on that point.

1100. Do you suggest these figures are wrong?—I know the percentage in comparison with the Europeans is very small, as the Minister pointed out in introducing this Bill.

1101. *The Chairman.*] Were you here during the influenza epidemic?—No I was not in South Africa at the time.

1102. Have you any idea of the number of Indians that died at that time?—No. (*Mr. Pienaar.*) In the Cape Province 75 Indians and 11 Chinese died.

1103. *Mr. Coulter.*] Are you able to make any suggestion as to the rate of increase?—It may be natural. You have a large Indian population in Natal.

1104. You think that rate may be maintained in the next ten years?—I doubt it very much.

1105. I cannot understand why it should be so great. I thought you might have considered that point?—I did not look into the official figures for that.

1106. You spoke about the possibility of a conference?—I did not say anything about a conference. I was asked whether, if this Bill was not proceeded with, there was any hope of reducing the number of Indians in consultation with the Government of India, and I said yes.

1107. That would take the form of a conference?—It may take any other form. It may be between the Minister and the Government of India.

1108. Whatever form it takes are you in agreement with it?—Yes, provided the two Governments can come to an understanding.

1109. You think it would be practicable to make the present position stationary so far as the acquisition to rights to land is concerned pending that conference?—I should say let things remain as they are to-day. In the Transvaal nobody can own property and there is a general tendency not to sell land to Indians in the European areas. It is difficult for Indians to obtain new trading licences, so where does your difficulty come

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in? The European population are not going to suffer more than they are to-day.

1110. There is a tendency to lease land?—I think the Indians are very small property buyers as far as the Cape is concerned.

1111. Talking about the prospects of an agreement between the two Governments of arriving at a settlement in this matter, do you think if it was arranged to withdraw the inter-provincial restrictions once the Indian born population had returned to India voluntarily, that it would be acceptable as far as the Indians generally are concerned?—I do not say that they must be compelled to leave the country. Many have married here and have no ties in India at all. Even those men born in India would be strangers there.

1112. Do you draw a distinction between the rights of the South African born Indian and the Indian born?—The law does it to a certain extent.

1113. Do you consider that as a South African born Indian you are in a better position?—In some instances I am, in others not. There is a tendency in some municipalities to issue trading licences to South African born Indians and to refuse them to the home born Indian.

1114. Does your knowledge extend beyond the Cape Peninsula?—Right through the Cape Province.

1115. Do you think that new licences are entirely being withheld to-day?—Absolutely, whether South African born or otherwise.

1116. And the transfer of licences?—Sometimes they are issued, but in many cases they are refused.

1117. Is there any difficulty in regard to removal licences?—Yes, there would be under the new Bill.

1118. At the present time is there any restriction?—I believe one or two have been refused in certain districts. A little while ago an Indian applied to remove a licence to Long Street and it was refused. That was in respect of a fruit shop.

1119. *Mr. Marwick.*] I understood you to say that the Indians could not be accused of spending less or of being on a lower economic basis than the Europeans?—Yes. What I maintain is this, that in certain respects they are on an economically lower basis than the Europeans, but that is not their fault.

1120. Would you be surprised to learn that the evidence before the Asiatic Enquiry Commission showed that by comparison the wages paid by the Indian shopkeepers were very much lower than the wages paid by the Europeans?—That is evidence tendered by Europeans.

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1121. That is extracted from the pay sheets of Indian storekeepers themselves?—Many Europeans lose sight of this—that the Indians supply board and lodging and other essentials to their assistants.

1122. Let me quote an instance in the evidence given before the Asiatic Enquiry Commission. The verbal evidence of an Indian trader was to the effect that he paid from £10 to £30 per month plus free board and lodging. An examination of his books showed that he had seven Indians and he paid them £77, which included wages, board and lodging?—I do not say there are not cases like that; you have bad cases in every class.

1123. It is the only case which the Commission found it possible to investigate in order to compare the verbal statement with the books?—I keep books for Indians and for Europeans as well, and I can tell you in many cases the Indians pay a higher wage than Europeans, and the evidence before the Wage and Economic Commission proved that.

1124. Would you be in the position to produce some books illustrating that point?—It may be possible; I may see these merchants.

1125. How do you dispose of the evidence before the Asiatic Enquiry Commission that an appeal for higher wages at Potchefstroom was rejected on the ground that it was impossible owing to the Asiatic competition?—There is a tendency to say that because an Asiatic has got a shop a European cannot put up a shop next door. The Europeans do not pay such handsome wages as they wish to make out.

1126. How do you dispose of the evidence before the Asiatic Commission that the ruling wage in Potchefstroom was £25 per month for European shop assistants in 1914?—I doubt whether any shop assistant got £25 in 1914. Even the heads of department's in Cape Town do not get £25 per month.

1127. I am only quoting the evidence that was given before that Commission. How do you account for the fact that in the published table of the comparisons issued by the Cost of Living Commission in regard to Pretoria and Durban it is said that the most notable feature of the table is the low percentage ratio of expenses to turnover as compared with the European firms. This was not the Asiatic Commission?—I want to make it clear that I am not defending the Indian storekeeper who pays a miserable wage; you find that in every class.

1128. I am questioning you as to the existence of this disparity?—I am not boasting, but I live quite up to the standard of any European in this country, but take my ratio of

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expenses and you will find it very low simply due to the reason that I have no opportunity to spend my money.

1129. I am speaking of business expenses, we are not concerned with personal expenses, but the cost at which he runs his business. That is where the charge of unfair trading comes in?—The Cost of Living Commission might be correct. Many of the Indian shopkeepers of the trading class do not pay high salaries, but you find the same happens with the Europeans. You will find in Cape Town Europeans are competing successfully with Indians, and probably the richer the trader the worse he is, and you find that in every class. I do know some of the firms in Durban. Before 1914 the Indian shopkeeper exploited the Indian employees, just as the European exploited their Indian or European employees.

1130. The period 1914 to 1917 was the peak of high expenses and high profits?—Yes. The Durban firms you mention might be respectable firms, but I do not say that they pay good wages. May I make one point. I have no objection if the Government introduce legislation compelling the large shopkeepers to pay higher wages. The Government would be conferring a blessing on all the Indian assistants in the country.

1131. In regard to offences under the Shop Hours Act. It is not an unfair conclusion to come to that Asiatics are more often the offenders against this Act than other traders?—That is quite true.

1132. You will agree, too, that the purchase and occupation by Asiatics of property in a good area will immediately depreciate the value of that property?—Yes, that comes from the Europeans themselves. I do not see why, if I buy a property next to you, your property should depreciate in value.

1133. I am not going for the moment into the reasons. I say for the moment it is so?—Perhaps it is so, but there is no reason for it.

1134. How do you argue away the evidence of the medical officers of health of Pietersburg, Pretoria and Middelburg, who give as justification for segregation the difficulty of ensuring compliance with the sanitary standard by Indians with whom they came into contact?—I do not think you will experience any difficulty if the law is enforced. Take the case of Kimberley. There was a report that plague had broken out in Boshof in 1916. The regulations of the Council were explained to the Indians, in which I assisted the municipality, and we found that they complied with them immediately. In Durban in 1911-1912, the Colonial born
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Indians formed themselves into a Health Committee and did all they could to assist the municipality.

1135. In Durban, the worst areas, from a sanitary point of view, are those inhabited by Indians?—In many cases I do agree with that, but I would also like to mention that these barracks of the railways and the municipality in Durban are very insanitary places.

1136. I know these barracks pretty well. They are badly built?—You can put it that way, but that is not the way to uplift people by housing them in badly built places.

1137. Is not your accusation rather that the structural comfort is defective, but the sanitary services are rendered?—Perhaps it is.

1138. You mentioned the difficulties the repatriated Indian would experience in India owing to the caste system. How would that affect him?—That is the system prevalent in Madras among the people who live right in the interior. They believe that any man who has left his district has lost his caste, and these people belong to this class.

1139. In what way is it a disadvantage to them?—Because they will not be received in their circles.

1140. Would it entail any actual separation territorially?—It may be. In some cases these people have left for family reasons and in other cases they have run away from home and it would be hard to expect them to return. They may not be reconciled with their families.

1141. What would be the material disadvantage of a repatriated man going back?—Perhaps he will not be received by the village. He may be excommunicated from the village.

1142. Have you visited India?—Yes.

1143. Did you find there any vigorous caste system or were you gladly received?—My associates were mostly amongst the European people. I lived in the European area and I visited these different places.

1144. Did you visit any of these areas in which these people were isolated as undesirables?—That system is prevalent in India in the country, but in the towns it is dying out. It is in vogue with people who do not come into contact with the cities at all.

1145. Where it prevails it entails complete segregation?—There is a sort of segregation there.

1146. Would that actually forbid you as a high-class man from shaking hands with, or even greeting the low class man?—Not exactly greeting, but possibly they will not sit and eat together.

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1147. There is a much more strict exclusion than exists between the Indians and Europeans in this country?—In the interior you can say it is practically the same.

1148. To what particular nationality or race do you belong?—To-day I am a Christian, but we belong to the Naidu class.

1149. What is the origin of your present name Norman?—Christianity.

1150. In regard to the suggested breach of faith of the Smuts-Gandhi agreement, can you speak of the conditions in the Transvaal. I am referring to matters affected by the agreement such as land ownership and trading in the Transvaal. Have you an intimate knowledge of that?—I have a certain amount of knowledge. As far as we are concerned when the settlement was arrived at we understood that the Indian community accepted the restrictions on immigration and that those living here would be treated fairly.

1151. Was not that immediately followed up by infringements by the Indians in connection with the purchase of land. You remember the case of Ritch who held the land in trust for the Indians to the extent of two millions?—Yes, and I believe many of the Indians are sorry for it to-day.

1152. Was that an infringement of the agreement?—Yes.

1153. *Mr. Lennox.*] I want some more information in regard to intermarriage with Malay women. The total number of Indians in the Cape is 6,498?—Yes.

1154. How many of that number would be males and how many females?—You have very few Indian females, I do not think there are 1,000 pure born Indian females.

1155. Would that number include children?—I could not give you any information about the figures of the Indian population.

1156. You say that many Indian men have married Malay women?—Yes.

1157. How many Indian men have married Malay women in the Cape Province?—I have not got the figures.

1158. What do you think?—The majority of the Mahomedans have married Malay women.

1159. Have any of your caste married Malay females?—No.

1160. There is a considerable percentage who have married Malay women?—Yes.

1161. And do the women become Indians?—No, all the Malays are Mahomedans and the Indians who marry them are the same.

1162. Would these Malay women be included in this Indian population?—No.

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1163. What would they be classed as?—Cape Malays.
1164. The husbands as well?—No they would be classed as Indians. If these people travel to the Transvaal the husband would not be admitted unless in possession of a temporary permit.
1165. *The Chairman.*] Is it customary to class the children as Malays or as Indians?—Some do and some don't.
1166. *Mr. Lennox.*] What will be the effect upon these people if this Bill becomes law as it stands?—If the Bill becomes law the wife will have to live in one place and the husband in another.
1167. That is because the husband is an Indian?—Exactly. Strictly speaking the children are Indians.
1168. The husband would have to go to the Indian quarter and the wife would have certain rights?—Exactly. She has rights under this Bill and she has rights under the law introduced by the previous Government in 1924 where the Cape Malays are exempted from the operation of the Asiatic law. She will be entitled, for instance, to hold property.
1169. If this Bill becomes law the Malay wife can claim exemption?—Yes.
1170. I think you said in the course of time many of the Indian population will die and therefore the Indian population would be lessened?—The remaining population would be all South African born Indians.
1171. You do not say it would lessen the population of the Indians?—It would.
1172. According to the returns 102,000 were born in South Africa?—Yes.
1173. And according to the census the population is 161,000?—Yes, according to the figures the Minister quoted last year when introducing the Bill he pointed out that the ratio Mr. Marwick quoted was not correct. The percentage is very low.
1174. As a matter of fact the Indian population has largely increased because the births have exceeded the deaths?—That may be, but the fact remains that the percentage in comparison with the Europeans is not so great as maintained by many people. You are getting an increase but they are all South African born Indians.
1175. I understood you to say that many Europeans successfully compete against Indians?—Yes.
1176. Is that the experience at the Cape?—Yes.
1177. It is not the experience in Natal?—It may not be.

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1178. Where the European traders traded largely with natives they have been eliminated from the towns. As general dealers the European has been eliminated from the country side. You know that?—Yes, but how is it that a certain class of European traders can compete with the Indian traders?

1179. I am talking about the retail man. It is a fact that many Europeans have had to close down because of Indian competition?—It may be and it may be for some other cause, but the excuse is always given that it is due to Indian competition. That is the European opinion and I do not feel inclined to agree with it.

1180. In Natal the Indian trader in the country lives on the premises, he is not required to keep up the standard of living that the European has, nor the education and clothing of his children. The Europeans expenses are very much higher than the Indians?—The reason that he does not send his children to get educated is because they have not got the same facilities that the Europeans have. We have no objection to legislation being brought forward for Indians to pay the same standard of wage.

1181. Another point you made was that the Indian children here do not speak the Indian language?—That is so in many cases.

1182. How do you account for that?—For the simple reason that their associates are different. They intermingle mostly with the other classes of non-Europeans and speak Dutch and English.

1183. That is not the case in Natal?—In many cases it is. For instance, I speak three or four different languages because I was in an attorney's office in Natal and was an interpreter, and I know that in the majority of cases you find that the Indians in South Africa do not correctly speak their own language.

1184. They live with their people and speak one tongue?—They speak it in a way, but they speak English better than they do their own language.

1185. I do not think that is the general experience?—But I know what I am talking about.

1186. What connection had Dr. Abdurahman with the deputation that went from Durban?—That is beyond me. He is not a member of the Indian Association. I understood he was asked by the Indian Congress to lead the deputation.

1187. Did the Indians that went from Natal go with him?—Yes.

1188. And they have been meeting together?—Yes.

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1189. You dissociate yourself and your association with Dr. Abdurahman?—Yes.

1190. Had you any connection with the Durban members of the Deputation?—No. I believe the Natal Colonial born Indians also objected to this deputation.

1191. Whom did they represent?—The large majority of Colonial born Indians in Natal. Some members of the deputation are also Colonial born Indians.

1192. Then the Natal Colonial Born Indians' Association does not represent Indian opinion in Natal?—It does not represent the whole of the Indian opinion.

1193. Only a portion?—Yes.

1194. How much?—I could not give you the figures. I do not know what their membership is to-day.

1195. It is only a small portion?—I am talking about the Natal Colonial Born Association.

1196. You call yourselves the Colonial Born Association of South Africa, Cape Town?—Exactly.

1197. What connection have you with this deputation that went to India?—None whatever.

1198. What portion of the Natal Indians are associated with your association?—The Natal Colonial Born Indians are associated and we work together, but we have not federated as yet.

1199. Had they anything to do with the deputation that went to India?—They also protested in the same way that we did.

1200. They did not represent you in any way?—No, they did not.

1201. There is a clause in the Bill prohibiting the sale of land in European areas to Indians?—Yes.

1202. Have you any objection to that?—I object to the clause because as matters stand to-day no land is being sold to Indians in European areas.

1203. Have you any objection to that being legalised?—Why should it be legalised? I am telling you it is the position to-day.

1204. Do you accept that position?—I cannot do otherwise. I cannot buy land when it is refused to be sold to me.

1205. If you had the chance to buy it perhaps you would?—Perhaps I would invest my money. I say again, by preventing the Indian from investing his money you are not doing the country any good. You complain that they send their money to India, but you drive them to do that. If the Indian buys shares in a company an outcry is raised that it is an Asiatic company. I can only buy property in slum

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areas. There is no opportunity given for investment of my money.

1206. Cannot you find an investment outside the European residential areas. You are not prevented from investing in other parts?—They may not be so attractive and give such good returns.

1207. *Mr. Duncan.*] You spoke about the prohibition of inter-provincial migration?—Yes.

1208. What would be the effect on the other provinces outside Natal if this were removed?—A certain number of Colonial born Indians may migrate to the different provinces, but it would not take place in large numbers. They have not done it in the Cape so far, although they had opportunities.

1209. Do you think there is any risk of the Transvaal and the Cape being flooded by Indians from Natal?—Not at all.

1210. On what ground?—Because the majority of the Colonial born belong to the working class in Natal, some of them have their family ties and have small houses and are not going to give up all this and come into new spheres.

1211. You said a number of Indians in the Cape were Madrassies?—Yes.

1212. How did they come here?—They came here under the old Cape Government.

1213. Direct from India?—I believe some landed at Durban and came to the Cape to trade. These are not indentured Indians, they are free people who came to Natal about 1896.

1214. They belonged to a different class who came out to be indentured?—Yes.

1215. Is it common for Indians in the Cape Province to go to India to be married?—Not that I know of. I think they all get married here.

1216. Is the Indian population here fairly well divided as between men and women?—I think so. You will find the majority of women are not Indians, they are Cape Malays and Cape coloured.

1217. Even outside the Mahomedans?—Yes.

1218. You do not know how the children are classed?—No.

1219. *Sir Ernest Oppenheimer.*] I understood you to say that you can quite understand that the European population were in favour of seeing voluntary repatriation increase?—Yes.

1220. You also said the Indians realize it would be to their own benefit if it was brought about?—No, I gave the views of our organization.

1221. You think if there is a chance of getting better rates for Indians it would accelerate voluntary repatriation?—Yes.

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1222. You know in introducing the Bill the Minister made it clear that if there was any delay whatever was done would be retrospective. Would the Indian community see any grievance in the fact?—That is a very difficult question. The South African Indian Congress hold different views. We want to make it clear that segregation is not going to solve the question.

1223. I am not speaking about segregation. I said the Minister made it clear that if any delay occurred whatever was necessary to do would have a retrospective effect. Would that be accepted, say with regard to the purchase of land?—It is difficult to say. Speaking for my people, we belong to the working class and are not interested in the purchase of land, we are not of the property buying class. I cannot tell you what is in the minds of the other people.

1224. The country requires the Government to do something, and legislation is delayed. Whatever we are to do must be done as from to-day?—I cannot speak as to that, the people I represent are not anxious to buy property.

1225. *Chairman.*] As far as your section is concerned there is no objection?—It would not affect us at all, and we cannot say how it will affect other people whether you make the purchase of land retrospective or not.

1226. *Sir Ernest Oppenheimer.*] You would not raise an outcry?—I do not think it is such an important point as far as we are concerned.

1227. We know from figures from the Census department that the number of males is far greater than the females here. If the immigration laws are made stricter still for the immigration of females do you say it would mean that the Indians would inter-marry with the coloured people here?—They may.

1228. Would it accelerate intermarriage?—Practically all these people are married. As far as my people are concerned there is no intention on their part to go to India to marry.

1229. They either go to India to get wives or marry here amongst the coloured people who, under our laws, are classed as Europeans?—If a man's outlook is entirely South African, he is going to intermarry. If he looks upon South Africa as a temporary home then he is going back.

1230. As far as wages are concerned, you are in favour of the Indians joining trades unions and insisting upon getting the same wages?—Exactly.

1231. Realizing the prejudice against colour, you say that, the result may be that the Indians would be unemployed?—We are prepared to take that risk.

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1232. In bad times particularly the Europeans would remain in employment and the coloured man would be out of employment?—Yes.

1233. In regard to trading you say the laws are sufficiently strict and new licences are difficult to get?—Absolutely.

1234. In all the provinces?—Formerly in the Transvaal it was not so, but now under the new Ordinance it is the same there now. In Natal it is a difficult thing for a Colonial born to get a licence. In Durban, Mr. Kentridge, the member, had in his employ an Indian clerk. When Union came about there were changes in business, and he applied to the municipality to get a licence for this man and the man could not get a licence. In Cape Town or the Cape Province there is a tendency to issue a licence to a Colonial born Indian.

1235. The law gives sufficient power to prevent Indians from trading?—Yes, and the municipalities are taking every advantage of it.

1236. *Mr. Duncan.*] About the acquisition of land. You say even in the Cape the Indians have difficulty in obtaining land. Is there a local restriction?—No, but there is a tendency among the Europeans not to sell land to certain people, and they will not let a house to an Indian or coloured person to live in certain localities.

1237. Even if the Indians have sufficient money to buy houses there is the difficulty of obtaining one?—Yes, in certain areas.

1238. The acquisition of land by Indians in the Cape is not an increasing factor?—Not at all.

1239. *Mr. Coulter.*] Take Hanover Street, is it not a fact that a large number of business premises are in the hands of Indians?—Yes, in that district.

1240. And there is an increasing tendency for them to buy there which has not been stopped by this Act?—There is not an increasing tendency to buy.

1241. If an Indian who is married to a Malay or coloured person in South Africa desires to return to India, what is the status of his wife and children, are they accepted as any caste?—It all depends upon cases. The Mahomedans have no caste at all; the Christian has no caste at all, but the Hindus have a caste and very few of them have intermarried here.

1242. Although Indians who are Mahomedans have married in this country to non-Indians it would have no effect in India among their own people, either on the wives or the children?—No, in most cases they do not take the [S.C. 9—'26.]

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wives to India because they do not understand the language. Some of these men have never been to India since they landed in this country. Most of these people in the Cape and Natal are small store keepers.

1243. On religious grounds there would be no objection?—No.

1244. *Mr. Alexander.*] You said just now that holding of land by a trustee in the Transvaal in trust for Indians before the Act of 1919 was a breach of the Smuts-Gandhi agreement?—I referred to the land being bought in the name of Ritch.

1245. How is that referred to in the Smuts-Gandhi agreement?—I believe there was an understanding.

1246. Have you read the Smuts-Gandhi letters that passed at the time?—Yes.

1247. Will you find any reference there?—No. I was referring to a case where the Indians went out of their way to purchase land in the names of Europeans. The Smuts-Gandhi agreement did not refer to it.

1248. It was then according to law?—Yes.

1249. And the law was altered in 1919?—Yes. I wanted to prove that in certain cases the Indians evaded the law.

1250. *Mr. Duncan.*] They evaded prohibition in a perfectly lawful manner?—Yes. Before I close I would like to mention that I am instructed to say that we have noticed in an interview given by Mr. J. W. Godfrey, a member of the South African deputation to the Indian paper "Swarajia," referring to the Government of India deputation, stated that he was of opinion that they would achieve nothing by coming out here and that it was only a waste of money. My association has instructed me to say that they appreciate very much the work being done by this deputation out here. We think that they have done a lot of good, and we think, on the other hand, that the deputation that went from here to India achieved nothing, but the Government of India deputation have done a lot towards bringing about some sort of understanding between the Union Government and the Indian community.

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[Mr. R. M. Cooper.

Tuesday 16th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman.)

Mr. Alexander.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Pearce.
The Rev. Mr. Hattingh.	Mr. Reyburn.
Mr. Lennox.	
Mr. M. L. Malan.	

Messrs Robert Mullan Cooper, Mayor of Krugersdorp, and *Wynand Gerhardus Delpport*, Town Councillor of Krugersdorp, representing the Municipality of Krugersdorp and the interests of the Transvaal Municipalities, examined.

1251. *The Chairman.*] You represent the municipality of Krugersdorp?—Yes.

1252. Have you a written statement that you wish to put in?—Yes, we have prepared one.

1253. In addition to that do you wish to make a further oral statement?—I wish to put this evidence in as the evidence on behalf of our council.

1254. Do you wish to supplement that with any further statement?—Yes. The following is the written statement :

The number of Asiatics in the South African Republic appears not to have called for special legislation until the year 1885. In that year it became necessary to pass legislation with regard to them, which is contained in Law 3 of 1885, which Law proclaimed them (a) Incapable of obtaining Burgher rights in the Republic and (b) Incapable of owning fixed property in the Republic.

This Law also provided for the registration of those Asiatics who settled in the Republic for the purpose of carrying on trade or otherwise, and also gave the Government the right to assign streets, wards and locations for them to live in.

The above Law was extended by Volksraad Resolution, Article 14 of the 12th August, 1886, and Article 138 of the 16th day of November, 1890, and put into practical effect by Government notice No. 208 of 25th April, 1899, under which all Asiatics who had not at that time complied with the terms of previous Laws should before 1st July, 1899, proceed to dwell and carry on business in the streets, wards, [S.C. 9—'26.]

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and locations thereto appointed according to Law. They were further prohibited from obtaining Licences for business in streets other than those appointed under above mentioned Laws. Asiatics outside Townships were ordered to remove their businesses and residences to within such appointed streets, wards, or locations within a Township before the 1st July, 1899. The last three paragraphs of such Government Notice dealt with claims to exemptions. Sub-section (c) of Article 2 of Law 3 of 1885 was repealed by the Asiatic Law Amendment Act No. 2 of 1907, which provided for the registration of every Asiatic in the Transvaal, that fixed property in the Transvaal acquired by an Asiatic before the taking effect of Law No. 3 of 1885, and registered in the name of such Asiatic, whether before or after the taking effect of such Law might be transferred by such Asiatic to another Asiatic by testament or other inheritance.

This was followed by the Asiatic Registration Amendment Act No. 36 of 1908 which made special provision for the registration of certain property in Pretoria, registered before the year 1885 in the name of a deceased Asiatic being registered in the name of his heirs. The provision of Law No. 3 of 1885 rendering Asiatics incapable of being owners of fixed property is still Law in the Transvaal, as also its provision for assigning streets, wards and locations for their residence.

Under the Gold Law of 1898 coloured persons are defined to include Asiatics, and this Act authorises only white persons to hold licences under its provisions and expressly prohibited any coloured person being a licence holder and being connected with the conduct of the gold fields except as a workman in the service of whites.

The Gold law of 1908 under Section 7 created the Mining Districts of Johannesburg, Boksburg and Krugersdorp, as a separate class and grouped them under the denomination of Class (a). The area comprising the Mining Districts of Pretoria, Heidelberg, Klerksdorp, etc., was denominated as Class (b). This Act again confined the right of holding any licences under its provisions to white persons of the age of 16 years and upwards (Section 32), and under the terms of Section 130 expressly prohibited any right being acquired under this Act by a coloured person, also prohibiting the holder of a right under Law 15 of 1898 or under the Gold Law of 1908 from transferring or sub-letting or permitting to be transferred any portion of such right to a coloured person, and from permitting any coloured

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person other than the bona fide servant of a white person to occupy or hold ground under such right. Under Section 131 of the Gold Law of 1908 no coloured person shall be permitted to reside on proclaimed land in the district denominated Class (a), i.e., Boksburg, Germiston, Johannesburg and Krugersdorp, except in Bazaars, Locations, Mining Compounds, or such other place as the Mining Commissioner may permit. Under sub-section 3 of 131 it is provided that nothing contained in that section should 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 the premises. Under Section 3 of the 1908 Gold Law coloured persons were defined to include Asiatics or any other person who is manifestly a coloured person.

The policy of the Transvaal Laws has consistently been to prevent residence by Asiatics amongst the white population. The Laws above referred to have expressly forbidden Asiatics from acquiring landed property in the Transvaal, and the provisions of the Gold Law so far as Witwatersrand Gold Fields are concerned, expressly prohibit their residence in the townships except in the capacity of servants of some white person.

The policy of the Government of the late South African Republic is clearly reflected in Law No. 3 of 1885 with its amendments and special reference should be made to the First Volksraad Resolution of the 3rd and 4th November, 1896, where it was recommended that the Government should be instructed to "apply Section 3 of 1885 since the influx of Asiatics in South Africa was increasing daily, and in a very alarming degree and not only in this South African Republic but also causes serious anxiety in other States and Colonies in South Africa."

Under Crown Colony Government which existed between the years 1902-1907, the same policy undoubtedly existed. Instructions have been issued by the Government to Receivers of Revenue against the issue of General Dealer's Licences to Asiatics for exercise in Townships. The Receiver of Revenue for the district of Pietersburg in the year 1903 refused the issue to Asiatics of General Dealer's Licences for exercise in that town. The case of *Habib Motan v. the Government* (reported 1904, T.S.C. 404), resulted in the decision by the Supreme Court of the Transvaal that an Asiatic was entitled to such licence to [S.C. 9-'26.]

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trade and the Government was ordered to issue such licence. There was a noticeable increase in the number of Asiatic applications for licences following upon this case, and the number of Asiatic traders from that time onwards increased at a considerable rate. So far as the effect of that decision in Krugersdorp is concerned the following figures illustrate the position.

As on the 31st May, 1902, there were 14 Asiatic Licences between Langlaagte and Randfontein on the West Rand. At the end of 1904 (the decision of the Motan case referred to above being delivered on the 31st May, 1904), the number of Asiatics holding licences had increased to 45 within the same area in that year. Their progress since that time is illustrated by the following table and annexure A:—

Krugersdorp and Luipaardsvlei	82	15	51	148
Randfontein.. .. .	7	—	2	9
Burghershooop and District Township	67	18	36	121
	<u>156</u>	<u>33</u>	<u>89</u>	<u>278</u>

The licences set out in the foregoing tables do not include those issued for the area of Roodepoort, Maraisburg and Florida, but it can be stated that within the Krugersdorp Magisterial Area there are being exercised at the present time ninety-three (93) general dealer's licences. As will appear later in this Memorandum were it not for the power vested in the Council under the Local Government Ordinance of 1902 and exercised by it, it is a fair comment to make that the number of these licences would be at least double.

In so far as Krugersdorp is concerned, in the year 1902 an Asiatic named Chotabhai carried on business in quite a small way. In the year 1904 he took into partnership M. M. Dadoo. At that time they carried on business on Stand 422, Commissioner Street, Krugersdorp, but some time later removed to the premises at the corner of Rissik and Commissioner Streets, Krugersdorp. At this time a certain firm of white tenders carried on a large grocers and general business on much more commodious premises situated upon the opposite corner of Commissioner and Rissik Streets. This business had been established for years previously to the year 1899. This firm continued to carry on until the year 1912 when they were compelled to surrender their estate in favour of their creditors and the business was liquidated. The failure of this firm was stated to be directly due to the unfair competition by Asiatic traders around them.

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In the year 1907 another firm of white traders carried on business on the premises situate on Stand No. 170 in the same vicinity now registered in the name of M. M. Dadoo Ltd., and upon which premises M. M. Dadoo carries on his present business. The business now being referred to was amongst the first to be established in this town. In the year 1907 the business was assigned for the benefit of the creditors and subsequently, in the year 1910, was sequestered. This failure was attributed to Asiatic competition. In the liquidation of that estate the premises were purchased by Mr. H. S. Polak of Johannesburg on behalf of Asiatics. The premises were let to furniture dealers, Messrs. Gordon & Co., occupied by them for about 18 months and afterwards and since occupied by M. M. Dadoo who still carries business thereon.

At that time business was being carried on by another white trader on Stand No. 172, Commissioner Street, but in the year 1914 this trader gave up business and sold his premises to M. M. Dadoo Ltd.

All the above businesses were carried on upon premises situate in the same block of stands at the store referred to above, where the original business of Chotabhai & Dadoo was carried on, and at the present time Dadoo Ltd. is either the owner or occupier of the whole of this block of stands with the exception of the stand on which the Standard Bank premises are erected.

Now, under the provisions of the Local Government Ordinance of 1912 the granting of licences, where under food and drinks were sold for human consumption was invested in the Municipalities of the Transvaal. Section 90 of that Act set out certain grounds upon which Councils might refuse to grant licences. Under Administrators' notices No. 412 of the 17th October, 1913, the granting of Grocers' licences was placed within the jurisdiction of this Municipality, and the granting or refusing of them came within the provisions of Section 19 above referred to. Since the beginning of the year 1914 and up to the beginning of the year 1919 some 102 applications for licences of the nature just referred to were dealt with by the Council. Of these, 75 applications were refused, 8 were granted, 5 withdrawn, 1 applicant left the district, 3 were referred back to the licence committee, 2 held over, and 7 applicants did not appear. Of the above applications, 78 were marked as new, and of these 36 of the applicants resided in the Municipal area and 39 came from outside the Municipal area. These figures refer to new

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applications and do not include Asiatic businesses established at the beginning of the year 1914, which licences were renewed automatically by the Council and since that time departmentally by the Councils officials.

In view of the provisions of the arrangement alleged to have been made in the month of April, 1914, between Mr. Gandhi, acting on behalf of the Asiatics resident in South Africa, and General Smuts, in his capacity as Minister of the Interior, the 39 new applications above referred to were indirect contravention of the terms of such arrangement, so far as the same are known to the Krugersdorp Council. A noticeable contravention arose in the case of the firm of Mohamed Ismail & Co. This firm has carried on business in Klerksdorp for many years past. In the year 1914 and in subsequent years they apply to this Council for a grocer's licence unsuccessfully, but the Magistrate of Krugersdorp, in September, 1918, ordered this Council to issue such licence in their favour.

In the year 1903 a site for an Asiatic Bazaar was selected by Government at Krugersdorp, situate and abutting upon Commissioner Street near the present situation of the Police Barracks. This site was declared a Bazaar area by the Crown Colony Government then in existence. No Asiatic however has resided therein at any time. Another Asiatic Bazaar was afterwards laid out abutting upon Commissioner Street, Burghershooop, and remained in existence until the year 1912 when the same was closed. This Bazaar was closed in terms of Ordinance 17 of 1905, and upon the closing thereof compensation was paid by the Council to any Asiatic disturbed in his occupation. Previously to this time a new Bazaar was laid out, defined on the portion of the farm "Paardeplaats," upon which Krugersdorp is built and abutting upon the main trunk road known as the Sterkfontein Road in a position which was especially desirable from a health point of view and favourable for trading purposes. The Bazaar consisted of 100 stands, each 50 x 100 feet. No application for a site has however been received by the Municipality, and the Asiatics appear to have used their compensation money to start their business in various parts of the town. At the present time Asiatics and white people occupy premises adjacent to each other, noticeably in that part of the town known as Burghershooop, and upon that part of Krugersdorp abutting upon the Market Square and Pretorius Street. The Council is of opinion that this indiscriminate occupation by Asiatic and white people is undesir-

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able from a sociable point of view as well as from a public health point of view. It is pointed out the conditions of living of Asiatic traders are extremely undesirable from a white man's point of view. Their usual method is either to live upon the premises on which they carry on their business, or herded together in tin shanties on stands.

A noticeable instance of this sort is that of the employees of M. M. Dadoo Ltd., who are resident on Stand 170. The chief sanitary inspector of the Krugersdorp Municipality has reported on this subject in the following terms:—
“ With reference to the residence of Asiatics in the various Townships in this Municipality there can be no doubt that their inclination towards congregation in buildings and rooms which are invariably of poor construction, their proneness to conditions which are generally insanitary in the extreme renders their presence in Townships a menace to the health of white population.

Although public health regulations may enable a Municipality to cope with these circumstances to a degree the Bye-laws do not go in far enough and the sanitary staff is continuously required to repeat frequent inspections in order to control the conditions of their dwelling, storage of food-stuffs and insanitary conveniences, etc.

Comparing the residence of Indians with that of Europeans from an aspect entirely outside that of public health it cannot be disputed that a considerable loss of revenue is incurred to the Municipality ; for instance, in one case in Krugersdorp some 15 males are accommodated on one stand and which is debited for only two sanitary services. In the case of an European establishment of equal dimensions, the majority of these assistants would undoubtedly be married and would thus occupy dwellings and probably contribute some four or five hundred per cent. more in the way of municipal charges, light, water and sanitation.

The Council is much concerned for the future of the town owing to the rapid progress of the Asiatics in this Municipality. The progress of Asiatic traders between the years 1904 and the present time has had a marked effect upon the white traders of the town, and it requires but small imagination to foresee the time when the various white traders will be pushed out owing to the unfairness of the conditions under which trade competition is carried on. To illustrate this point it is only necessary to refer back to the business above referred to carried on by M. M. Dadoo, Limited. In this business there are employed 14 or 15 shop [S.C. 9—'26.]

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assistants most of whom are unmarried men, or men whose wives are not in South Africa. They are paid wages very much less than the average white shop assistant is paid, their method of living together as above referred to causes not only frequent inspection and concern upon the part of the Public Health Department, but also a considerable decrease in the revenues from municipal services, which would be rendered to a corresponding number of white employees. Such people if they were white persons would either occupy premises with their families if married, or be resident at a boarding house conducted by white persons. They would contribute to the activities of the town by the purchase of goods usually consumed by Europeans; they would dress differently; and, as fourteen or fifteen European individuals residing in Krugersdorp, would contribute to the revenue necessary for the upkeep and maintenance of the town. This view of the matter might not have the force it possesses were it not for the fear of the Council that the future progress of Asiatic traders will emphasise and increase those conditions to an extent which would eventually have an extremely detrimental effect upon the conditions under which this town is conducted. It has been very noticeable in the past that immediately an Asiatic occupies premises the value of surrounding properties steadily decreases. The Asiatic trader is gradually approaching the centre of the town, and when the time arrives, as in present conditions, it inevitably will, when the Asiatic trader ousts the white trader, the value of property in the centre of the town will become entirely depreciated, with a serious and irreparable loss in revenue to this Council. It will eventually mean that many of the central premises will become unoccupied. The rateable value of the town will then be depreciated to an extent which this Council fears will render efficient Municipal Government impossible. With the Council's experience, and under the Rating Ordinances of the Transvaal, it would be impossible to conduct and to maintain the municipal services and conveniences which have been established in this town upon the revenue received from assessment rates. The progress of Asiatics among small communities such as Krugersdorp is more noticeable than in large communities such as Cape Town, Durban and Johannesburg, and is more severely felt by the inhabitants. Public attention in the smaller communities is more concentrated upon this subject, and the undesirable conditions arising from a mixed population of white and coloured people are more emphasised. The

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Krugersdorp Council and the inhabitants of the town have, for many years past, expressed their complaint against this subject. So far back as the year 1904, and since, public meetings have been held, and the protest of the town embodied in resolutions against the system which permitted the increase of Asiatics in their midst. The Council has already moved the Supreme Court (Transvaal) to interdict the occupation by Asiatics of premises in the township. An order against such occupation was recently obtained, and it is the policy of the Council forced upon it by the intolerable conditions now obtaining in this town to take such proceedings as will result in Asiatics taking up their residence in the bazaar laid out for them in accordance with the laws of the province.

The Council further views with alarm the effect upon the rising generation of the increasing importance of Asiatics in its area. If and when the commercial activities of this town become monopolized by Asiatics employment for young white persons will either be unavailable or available under objectionable conditions. The Council emphasises this view, as it has been noticeable that sons and daughters of the older population are availing themselves of opportunities for commercial careers which have arisen in recent years on the Witwatersrand.

In conclusion, this Council expresses its protest against the continued breaking of the law by Asiatics in this town, being convinced that their increasing presence in this town menaces not only the public health, but the future progress of the town and its inhabitants.

The Council, on behalf of the community under its care, therefore records its grave protest against any amelioration of the existing laws with regard to Asiatics.

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[Messrs. R. M. Cooper and W. G. Delport.]

OCCUPATIONS OF ASIATIC POPULATION AT 31ST MARCH, 1919.*

	Krugerdsorp and Luipaardsvlei.	Burgershoop and District Township.	Randfontein.	Totals.
Hawkers and Pedlars	18	21	7	46
Grocers and General Dealers ..	13	14	—	27
General Dealers (Soft Goods) ..	1	4	—	5
Barbers	1	1	—	2
Tailors and Assistants	5	1	—	6
Bag and Bottle Dealers	2	—	—	2
Shoemakers	1	—	—	1
Shop Assistants	23	11	—	34
Fruit Dealers	4	—	—	4
Cooks and Chefs	7	—	—	7
Waiters	1	—	—	1
Cycle Dealers	1	—	—	1
Clerks	3	—	—	3
Butchers	—	1	—	1
Property Owners	2	—	—	2
Gardeners	1	6	—	7
Laundrymen	—	10	—	10
Brickmakers	—	1	—	1
Housewives	14	15	—	27
Children	51	36	28	64
Totals	148	121	9	278

(Mr. Delport.) I do not wish to add anything further to that.
(Mr. Cooper.) I would like to add a few further remarks.
I wish to speak on behalf of other municipalities also. I received a wire from Roodepoort on the same subject, as follows: "Kindly permit your deputation to act on behalf of this municipality regarding representations to be made to Select Committee on Asiatic Bill." I had no time to deal with this matter further on behalf of other bodies in the Transvaal before leaving, as the time given us was so limited. As far as I understand we are the only members from the Transvaal giving evidence before this Committee.

*An amended table was handed in by Mr. Cooper on Wednesday, 17th March, 1926.

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1255. Do you wish to explain the whole position as far as Krugersdorp is concerned?—Roodepoort is in a similar position as we are. It is entirely a mining area and all the Asiatic residents are there illegally. The same applies to Krugersdorp. All the laws since 1885 distinctly state that Asiatics and coloured people shall not be allowed to reside, trade or own property in our town. Notwithstanding all this these people have infringed the laws consistently from time to time. The white communities in these towns protest very strongly indeed, and would have protested stronger except that they had been led to believe that the legislature would take some action, but things have passed on from year to year with the hope that something would be done. There has been certain legislation passed but it is not effective. The white communities in these towns have established white townships and they are now being demoralised, and they object to live next door to coloured persons of whatever class they may be. If I have property it is well known that as soon as a coloured man comes into that locality the property diminishes in value. That is the same right through the Transvaal in all the Townships. We consider that these laws should not be allowed to be broken as they are being broken to-day. The Krugersdorp municipality have taken up a firm attitude in the past and relaxed on account of the promises made to put things right by legislation. We as a municipality are the local governing body and have refused certain licences from time to time. We refused one applicant, an Asiatic person, and he applied to the magistrate and his licence was granted. We had reasons for refusing it and the magistrate granted it. The whole policy of the Urban Areas Act is to clean our towns of slum properties and to maintain the townships essentially for the white community. We have established many years ago locations and bazaars for coloured persons and Asiatics to reside in, but they will not make use of them. The Government do not do their duty to my mind in enforcing these laws. These laws date right back to 1885 and they have the same object in view, and every amendment since then had the same object in view. The Government themselves and the people of this country realise it is not a good thing to have coloured persons and white persons next door to each other or in the same street or the same localities. There are specified localities in Krugersdorp. We have a stand 50 x 50 with four shops, and in these were four dealers, all Asiatics, with their families and children all living on this piece of ground, so you can imagine what the conditions were like—sanitary and moral,

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and all other conditions on so small a property. That sort of thing has been growing for years. Since before the Boer war this penetration has taken place. Some of the most valuable properties on the Krugersdorp East Market Square, which were looked upon as the most valuable properties in the town, and certain portions of Commissioner Street—the main thoroughfare—speaking from the property and commercial point of view, are absolutely ruined. The economic conditions will not allow the white trader to live next to the Asiatic and trade beside him. I do not know that I can add very much more, except that I have a few notes of comparison. I think if you look at these tables you will find that they are perhaps somewhat underestimated. The total figure of 278 Asiatics is very small when compared with figures in Natal, but you must consider that everyone of these is living in our township illegally, and we do not like it, and do not want it, and perhaps won't have it. If you take the increase in Krugersdorp from 1919 to 1926 it is 27. If something is not done now we do not know what might happen. Take the population according to the census of 1922 as a comparison and you will see that in the Transvaal we are 800 per cent. worse off than Natal as regards the trading side of the question, although I do not base my arguments principally on trading. If these Asiatics concerned were in their proper place I think the trading objection would fall away to the ground.

1256. *Mr. Duncan.]* What do you mean by their proper place?—In the bazaars. It is interesting to quote these figures. Perhaps we do not study figures sufficiently. In Natal, according to the 1921 census, there were 140,871 Asiatics, and the number of trading licences in Natal is 5,304. If you take that figure and work it out it is equal to 1 trading licence to every 26½ of the Indian population. If you take the Transvaal, according to the same census, we had 14,876 Indians resident in the Transvaal, and there were 4,269 trading licences in the Transvaal, and that works out to 1 to every 3½ of the population approximately. So I say the position is desperate and requires desperate action, particularly in the Transvaal. The Asiatics in Natal are of the labouring class and were brought there for that purpose. In the country districts of the Transvaal the condition can be described as deplorable. The position there I have seen myself and the commercial life there is monopolised by the Asiatic trader to the extent roughly of 73 per cent. These figures were given to me by a very good source and are correct. Most white people in the Transvaal request the Government to take more drastic

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action. You have young South Africans to-day, and we must look after them first. The young man has no hope and no opportunity of learning commercial life. Our little towns are commercially ruined. A number of well-established white traders have closed down. The white trader cannot live and trade beside the Asiatic or coloured trader. We know the white trader pays a standard living wage and the coloured trader pays practically next to nothing. I know cases where they pay £2 a month with food, or even 30s. a month and a certain quantity of rice. The enormous difference in the status of the one class and the other class does not allow them to live beside each other. With regard to licences, some time ago Krugersdorp took up the attitude that although we grant licences we did so consistently under protest, because the magistrate would simply override our ruling if we refused. In some cases the magistrate upheld our ruling. In Krugersdorp in most cases the magistrate overruled our decision, but in Potchefstroom, a similar place to ours, the magistrate upheld the decision of the council. We have made provision for these people to settle in the bazaars. If they do not clear out of the townships what will the position be. Recently I was in Benoni and investigated the matter there. The authorities tell me there is practically no coloured person in the township to-day, they have provided accommodation for them elsewhere in the locations. We have adopted the same policy and have borrowed enormous sums of money and have built suitable residences for our coloured people.

1257. *The Chairman.*] You are speaking of natives?—Yes. The native is a coloured person, and I can assure you this, that I would rather live next door to a kafir than an Asiatic, and I think eighty per cent. of the people in the Transvaal would say the same thing.

1258. *Sir Ernest Oppenheimer.*] And a coloured person?—Yes a coloured person too. I can give reasons for saying so. I do not know that I can say very much more. I have covered the ground as far as I know. It is a big subject and our time was very limited indeed. We first got a wire to appear on Thursday and then we were asked to appear on Tuesday instead, and that made a difference of two days in preparing our case. The position of Krugersdorp is the position of all the towns along the reef with the exception of Germiston, Benoni and Brakpan, because there the Gold Law is strictly applied. The Indians there have tried to evade all these laws made in the past to acquire land under somebody else's name or in the name of a limited liability company. It

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was tried at Brakpan and the people protested strongly and I think they wrecked the place, but the Indians cleared out. We were in a different position. There has been great penetration right throughout the Transvaal and people who refuse to abide by the laws are not a desirable type of people to have in this country. Why there should be any preference given to them we do not know and the Transvaal people do not understand it. The only reason why it has not been brought to a head very forcibly by putting it before the authorities is because we have been hoping that something definite would be done. There is a strong feeling in our district, and other districts, like Potchefstroom, and in desperation they are looking to the present Government to do something tangible. The past Government made promises in this matter until we were sick of promises and now we expect something to be done. Another thing, it must be above party politics.

1259. *The Chairman.*] You say a large number of the Indians in Krugersdorp are there illegally?—Yes.

1260. You mean they have come into the country illegally?—No, to Krugersdorp. The conditions of sale of land in the townships in the past precluded their living there.

1261. You mean that they were there illegally originally, or are they there illegally still?—They are there illegally still. The title deeds of land in our district prohibit any coloured person from residing, trading or living on that land.

1262. Is not it a matter for the police then. If you simply acquaint the authorities with the fact that these people are residing there illegally?—There have been certain negotiations taking place from time to time. I have quite a lot of expressions of opinion from Ministers and other people about vested interests of these people, but I fail to see how there can be any vested interests.

1263. I asked whether they were there illegally originally or still at the present time, because as you know under the law of 1885 coloured persons were prohibited from owning land. That law was contravened and when the Gold Law was passed in 1908 the vested interests which had been acquired illegally by these people were protected. Then the Gold Law was not strictly enforced after that, and again a large number of Indians acquired vested interests illegally?—That was all repealed in 1913.

1264. I think by a later law these vested interests were again made legal, in 1919?—Quite so, but even since then these people have the audacity to keep on applying for trading licences in the district. In 1919 we thought half a loaf was

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better than none, and we thought that the trouble would end, but month after month and year after year we were pestered to death with applications for fresh licences. These people will not abide by any law laid down.

1265. If any new rights have been acquired since 1919 in contravention of the law, that would be illegal and the only thing would be to put the law into operation?—It has been acquired in the form of limited liability companies.

1266. *Mr. Duncan.*] That is exactly where the Act would apply?—But it has not been enforced. What is the use of making a law unless you carry it out. The Minister concerned in this Bill knew in his own mind before he brought this forward that it was a serious question. He said “I am sorry I could not have a Bill ready before the end of the session because I realise, especially after having gone into the question, that the present Asiatic problem is a pressing one in the country and that delaying it further will not make the solution of the question easier for us.” That is the general position as it is known by the people of the country and they know that the position will get worse.

1267. Let us come to the question of trading. You know that last year an ordinance was passed by the Transvaal Provincial Council in connection with trading?—Yes and we have taken advantage of it to some extent.

1268. The first condition about which you complain in Krugersdorp is that such a large number of Asiatics have trading licences. Is that not due largely to the fact that the law with regard to trading licences in the Transvaal as it was before the passing of this ordinance, was a very easy one under which to get a licence?—Yes through the Receiver of Revenue. These people still remain among the residences of the white people, and according to the Bill they will be there for all time, and you will protect these vested interests which according to the public mind are not vested interests at all.

1269. You mean the magistrate has gone too far already?—If this Bill is passed in its present form we must keep these people where they are now. There is one provision that they will not be able to extend to other localities but be centralised in a certain position in the town.

1270. I have often heard it stated that Asiatics very often get trading licences which they do not exercise. Have you information on that point?—I do not know of one case yet where an Asiatic took out a licence and did not use it. There

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might be such cases but I am speaking from my own personal knowledge and experience.

1271. In a certain sense the proclaimed land in the Transvaal under that mining law would fall practically in the whole of the Witwatersrand. These areas have been protected under the Gold law. The acquisition of land and leasing of land has been limited and in that way indirectly the trade of the Indian has been limited. Has that protection of the mining areas had a bad effect as far as the trade of the Indian is concerned in the rest of the Transvaal. What I mean is this, has there been a movement on the part of the Indians from these areas to the smaller towns in the Transvaal simply because they could not get in?—Yes to a great extent these people when finding restrictions against them penetrated into the country districts. Some have been established for a good many years, but the penetration into the commercial life of the country has been more noticeable during the last 6 or 7 years. They have spread out since these laws were put into operation.

1272. Does it often happen that an Indian having a store in the mining areas will open a branch in the country towns?—By this new ordinance they can do so. We know of cases where one firm has several branch stores.

1273. Partly due to the fact that he could not get an additional licence in the same town?—I expect so. I do not know whether that point has ever been raised. If they get a licence at all we would put up a fight before granting it to the same person in the same town. There is a firm of merchants in Johannesburg who have a licence in Krugersdorp.

1274. *Sir Ernest Oppenheim.*] Do I understand you rightly that you want to make the Krugersdorp conditions apply to the smaller villages. You do not only object to the Asiatic but also to the coloured person who would be trading there?—I do.

1275. You say that the Bill does not help you in that respect?—Not exactly. According to the Bill as far as I read it, it seems Parliament is proposing to establish the illicit rights which these people hold in our town.

1276. What you would like to see is a Bill which would remove the existing people?—Into their proper place.

1277. A Bill that would remove to the bazaars even those persons who have rights?—Yes, the same as at Germiston and Benoni. There they have Asiatic bazaars where they all live and trade.

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1278. You say in spite of the law you have been pestered with applications for new licences?—Yes.

1279. Have you granted very many licences?—We refused about 13 or 14.

1280. I understand in the same period 102 applied for licences?—That is some years ago, between 1914 and 1919. We had power then to refuse.

1281. During that time you granted 8 of these 102?—That was in groceries. The Council was given authority to control the sale of foodstuffs. We granted certain licences where the sanitary conditions complied with our laws. The Revenue Department had to do with the general trading licences, we had nothing to do with them.

1282. Am I right in thinking that as far as you have given evidence you do not think that the Bill in itself as now drafted is going to help you as much as you would have liked?—Public opinion in the Transvaal will not altogether like it, and particularly Krugersdorp.

1283. Your objection is not confined to the Indian, it goes to the coloured person as well?—We have no other coloured persons. Personally I think the kafir is more entitled to a trading licence than outside coloured people, and that is the view of a good many people.

1284. *Mr. Duncan.*] Why?—Because the native in this country is an aboriginal of the country.

1285. That is an argument that might cut both ways?—I am just expressing the feeling that exists. If we are overburdened with coloured people in our own country why encourage coloured people from other countries to come here?

1286. What encouragement is given them?—We do not encourage them, we permit them to be here illegally in certain districts especially in our district.

1287. The trouble is not growing. It may be a serious one?—Yes, it is growing.

1288. You told us that the population increased 27 in the last 7 years. That does not seem to be a serious increase?—These figures we compiled recently, but I think they are underestimated. It may be half a dozen more but it is not less.

1289. I have compared the figures you have given us and the figures given before the Asiatic Enquiry Commission in 1919 and I find them practically the same?—(*Mr. Delport.*) There is an increase in the children.

1290. Take the occupations you have given in your table. They are all the same as in 1919, all the way down. The figures [S.C. 9—'26.]

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of occupations are precisely the same as they were 7 years ago?—Yes. But the children show an increase.

1291. That does not show that the competition of the trader is more serious?—It is more established.

1292. If it were the case that the white man is being eaten up and driven out you would expect to show an increase in the Indian trade corresponding to the decrease in the white trade?—*Mr. Delport.*) You have a decrease in the white traders. No less than nine firms have closed down since that time. (*Mr. Cooper.*) A number of firms were sequestrated. One firm—Blackwell & Co.—were a large firm at one time but they have now disappeared.

1293. *The Chairman.*] In your opinion the volume of business done by the Indian has proportionately grown when compared with the trade done by the European?—Precisely.

1294. *Mr. Duncan.*] Have you figures to show that?—No. Of course during the last two or three years the depression is noticeable along the Reef generally and the competition from this direction is keenly felt, more so than in previous years.

1295. That is not confined to European traders?—It has not diminished the licence holders on the other side.

1296. We have heard about the insolvencies of Indian traders?—Yes.

1297. In fact I have heard it brought up against them that they get insolvent?—I have no comments in that direction.

1298. I rather gather from you that it is the European traders who are closing down?—Many Europeans hang on until the last hoping that things will improve. I have several passages here which I can quote to refresh your minds. Even as far away as London at the Imperial War Cabinet. These are the words of General Smuts: “We are a white population on a black continent; and the settlers in South Africa have for many years been actuated by the fear that to open the door to another non-white race would make the position of the few whites in South Africa very dangerous indeed.”

1299. You say in your statement “As on the 31st May, 1902, there were 14 Asiatic Licences between Langlaagte and Randfontein on the West Rand. At the end of 1904 (the decision of the Motan case referred to above being delivered on the 31st May, 1904) the number of Asiatics holding licences had increased to 45 within the same area in that year. Their progress since that time is illustrated by the following table. Then follows a table of males, females and children at Krugersdorp, Luipaardsvlei, Randfontein, Burghershoop and District

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township, giving the total number as 278. You do not mean that these are licence holders?—No.

1300. But how does that compare with 45?—I explained our time was so limited we could not give the occupations of these people.

1301. If I read this statement with a view to criticising it I would come to the conclusion that whereas there were 45 in 1904 there are 278 now?—In Krugersdorp I think there were four only, not including Roodepoort, and Roodepoort is very bad.

1302. What do these figures mean—males, females and children. You are dealing with the total population?—I have not based my arguments on the commercial side of the question, these are only side issues.

1303. You are giving this to show how the number of licence holders have increased?—(*Mr. Delport.*) We show how the population has increased.

1304. Then you must compare the same thing with the same thing?—(*Mr. Cooper.*) If you go to the end of the statement you will find that.

1305. I am asking what the increase has been in recent years and the only figures show that there has been no increase?—There is an increase in population.

1306. An increase of twenty-seven; but the total number of licence holders and the total number of Indians exercising various occupations are precisely the same?—(*Mr. Delport.*) Does not that show the danger that there has been a natural increase during these years.

1307. But it shows no increase?—It shows an increase of twenty-seven. There were twenty-five children born during that time.

1308. That is during seven years. We know the sentiment of the people, and we know your feeling that it has become a serious question. What we are trying to get at is what has been the actual encroachment since the last Act was passed in 1919. Has it become so serious that we must urgently stop it?—(*Mr. Cooper.*) We show you that it is established more now than it was in past years.

1309. I asked for figures of the trade turnover, and you have not got it?—I have not got those figures available. They might also throw more light on the subject.

1310. Is any part of the town now occupied as a bazaar?—No. We have established two different positions for bazaars. The one was removed for health reasons and put in another position, and it is still unoccupied.

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1311. Is it in a position where they can carry on trade?—
Yes.

1312. *Mr. Lennox.*] Do I understand that the Transvaal law prohibits the acquisition of property by Indians in trading and residential areas?—Yes. All the laws of the Transvaal, right from 1885, had the same object in view.

1313. Therefore the traders do not own those properties?—They do not own it in their individual names, but under the Company Law.

1314. What are these companies?—Limited liability companies.

1315. For the acquisition of property which they lease to the Indians?—Yes.

1316. That means evading the law?—I think you only require two to form a company.

1317. Is this a method to evade the law?—Yes.

1318. In the case of Burgershoop, where you have a population of 121, you have no property owners there at all. You have fourteen grocers and general dealers, four general dealers and soft goods. How do they get these properties; do they rent them from Europeans?—Yes, in some cases.

1319. How far is Burgershoop from Krugersdorp?—About half a mile. It is all one municipal area. It is rather a scattered town.

1320. You are rather alarmed about the increase in traders in this population of 278. Have you any idea of the population of Natal? There are 5,304 traders. What percentage is that of the 140,000 population?—That is one trading licence to 26½ persons; but in the Transvaal it is one to every 3½ persons. Those are figures given to me, and I take it that they are accurate.

1321. What would be the European population of Krugersdorp?—In the vicinity of 14,000. That is the whole municipal area, Randfontein to Witpoortje.

1322. You have a population of 278 Indians in a population of 14,000 Europeans?—Yes, but they are mostly confined to the central area of Krugersdorp.

1323. They have not got their residences in the European Areas?—Yes, next door; that is the strongest point we want to put forward.

1324. Do they acquire property in the better parts of the residential area?—The parts they now occupy were at one time regarded as the best part of Krugersdorp, not only as a residential but as a trading centre. I remember passing through Krugersdorp twenty-five years ago and all these nice stores

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were flourishing then on that property, but most of the Europeans were squeezed out of business or became bankrupt. They did not get a chance to move, and you cannot go away from a building costing £10,000.

1325. *Mr. Duncan.*] You said before the Asiatic Enquiry Commission that there were 139 Asiatic trading licences at Krugersdorp, and the Commission could only find thirty-four shops?—That is a long way out.

1326. The Commission says “The Krugersdorp Chamber of Commerce said there were 139 Asiatic trading licences in Krugersdorp in April, 1920. That does not agree with your figure. On investigation it was found that the total number of Indian shops in Krugersdorp and Burgershoop were twenty-four. Then hawkers and pedlars were eighteen and twenty-one, so that means thirty-nine on to the twenty-four. That shows that the figure supplied by the Chamber of Commerce are inflated and unreliable.”?—We ought to be a better authority because several of these licences are issued by the municipality, and therefore we should know.

1327. *The Chairman.*] Has not the mistake come in because a good many of these Indians take out licences and do not use them?—(*Mr. Delport.*) That is the case.

1328. Have you the figures of licences issued?—In a number of cases licences have been taken out and never used.

1329. *Mr. Duncan.*] How are these figures compiled?—These were compiled by the Health Department on information received from the Treasury Department.

1330. It seems odd for the figures to be precisely the same as they were seven years ago, except in regard to the women and children?—I daresay some of these Indians have continued taking out these licences whether they used them or not. (*Mr. Cooper.*) The principle point to my mind is the natural increase, the fact that they have not diminished in spite of all the laws that have been passed to restrict them.

1331. Have you any knowledge of the increase in the European population for that time?—I think it has remained pretty steady for some years past.

1332. The Indian population to the Europeans is as one to three?—Yes, of the 14,000 population. (*Mr. Delport.*) That number includes men, women and children.

1333. I see in a statement from the Census Office a decrease is shown between 1921 and 1923 in general dealers’ licences in Krugersdorp to sixteen?—Of course we got these figures in a hurry before we left. Had we more time to prepare our case we could have answered you straight out. These figures have

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been given to us by the officials. Where they got the figures I cannot tell you. There may be a discrepancy, but I do not think so. The figures to-day are practically the same as they were in 1919, except in regard to the natural increase of children. That appears to me to be the argument, that the decrease in these districts is due to the Indians having extended their operations to the country districts.

1334. They leave the towns and go out into the country?—Yes. Because if you take the total number of licences issued in the Transvaal, I think we are safe in saying that they have not decreased.

1335. It is the case that the most serious complaint is that these people trade in the small country towns?—Yes, the country towns people have now got our trouble to contend with.

1336. *Mr. Alexander.*] You spoke of Transvaal laws dealing with trading by Asiatics. Can you point to any law in the Transvaal which prohibits the trading by Indians?—I do not know of any law.

1337. When you spoke of a law prohibiting them to trade in certain places what were you referring to?—The granting them of licences for positions where they should not be.

1338. What is the law which says they cannot get those positions?—The law reads quite clear to me, that is to say the intention.

1339. A law means a statutory provision passed by Parliament. Can you point to any law in the Transvaal prohibiting an Indian from getting a licence?—Section *three* of the law of 1885.

1340. That simply refers to Indians owning property. I am referring to a law prohibiting an Indian from having a trading licence?—I cannot say that there is such a law.

1341. In regard to this case of Beckett that you referred to. Are you aware that at the time the Act was passed there were negotiations between the then Attorney-General of the Transvaal, Mr. de Villiers, and the Imperial Government, in which the assurance was given to the Imperial Government that no right of any coloured person was being interfered with by that law?—I am not aware of that.

1342. The point was raised by the Indian community at the time and the British Government was given the assurance to which I have referred. You say the Indians have been evading certain things?—I still say so.

1343. Do you disagree with what the Attorney-General of the day in the Transvaal stated to the British Government?—I am not quite clear what is referred to.

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1344. The Indian community always contended that the law did not in any way interfere with trading rights; that it was simply a question of mining title and mining rights. Is not that contention borne out by what the Attorney-General in charge of the Bill told the British Government at the time?—Against that one might put the letter from Mr. Gandhi himself of the 7th July, 1914.

1345. It is in Mr. Gandhi's letter of the 17th July, 1914, that he quotes the note by Mr. de Villiers in the White Paper published in London, and he goes on to say "Certainly, prior to the passing of the Gold Law, no restrictions were, to my knowledge, placed upon the movement or the trade of British Indians in the gold areas"?—I think what is stated in that letter fell away owing to what was stated in other letters.

1346. I am merely pointing out that in that letter reference is made to the White Paper in which the assurance of Mr. de Villiers appears. Is not the position exactly the same as was stated in that Paper?—There was no law on the subject,

1347. There was no law passed dealing with trading rights. Do you know of any law which laid down that Indians were not to get any trading rights in municipalities?—The law was to prohibit the occupation of ground to trade on.

1348. Now you come to another matter. The Supreme Court of the Transvaal held that the law did not prevent them from having trading areas. Is there any case where it has been decided that an Indian cannot trade in a mining area. If so can you tell me what the case was?—Apparently that was decided in the case of Beckett.

1349. Apart from Beckett's case is there any case in which it has been laid down that an Indian is debarred from trading in a mining area?—There was a case in Brakpan but I do not know how far it went.

1350. It has never been decided in the Transvaal. In the case of *Habid Motan vs. the Transvaal Government* the Chief Justice went into the Transvaal Republican Law and at that it appeared that the law of the Republic simply dealt with the question from the sanitary point of view. (*Judgment of Chief Justice read, see page 49 of evidence given before Select Committee on Disabilities of British Indians in the Transvaal, S.C. 11—'19.*) Do you disagree with what the Chief Justice said, because he said there was no idea under the Republican Law of 1885 to prevent Indians from trading?—I have not made trading a strong point of my argument.

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1351. But as a matter of fact your chief objection is on the subject of the competition. You gave us the number of trading licences and you said that the Indians were illegally trading where they are?—According to the conditions of sale of the ground on which they are trading.

1352. If it is a question of conditions of sale, why are those conditions not enforced?—The principal objection is that they live in amongst the white community.

1353. Are you serious in asking people to believe that where these Indians are trading they are doing so illegally?—I would not stress the point.

1354. Coming now to the case of Beckett, the question of whether they had the right of trading in gold areas and residing there for that purpose was first raised in that case. Your municipality applied for an interdict against them?—Yes.

1355. Becketts did not appear to oppose the interdict; they consented to the application?—We won, and we had nothing more to say about it.

1356. I know that, but Becketts did not oppose the application?—That is so.

1357. The Indians whom you wished to be ejected were not given a chance to object to the application?—That is so.

1358. You applied for an interdict against Becketts preventing them from having Indians there; Becketts did not oppose, the Indian were not given a chance to object and they came to Parliament by way of Petition and Parliament passed the law of 1919 to protect their rights. You objected to the law so far as it protected their rights?—We objected for the reason that they were still living amongst the white community.

1359. You spoke about evasions by companies, and so forth, that was settled by the Act of 1919?—Yes.

1360. That cannot occur any more unless people break the law?—The portion dealing with a limited liability company can be extended to a very great extent.

1361. You cannot hold ground in trust for an Asiatic except by breaking the law?—Yes.

1362. Surely you have got the law and you can have the law enforced?—We have not done so, because the position as far as we are concerned is that if we do not grant the licences they simply go to the magistrate.

1363. I am speaking of evasions by having companies formed?—I have no records available in regard to any companies having been formed since 1919.

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1364. You say that if the Asiatics could be forced into these areas which are set apart for them, then the trouble would all disappear?—Yes.

1365. Their trade would also disappear?—Not necessarily.

1366. You mean that they would not compete with the white trader any more apart from the question of their trade disappearing?—They would not live amongst the white community.

1367. Is it not a fact that it is because the white people trade with the Indian people that these Indians are able to exist. Could they last one single day if the white people were to decide not to buy from them any more?—I think that speaks for itself.

1368. Is it not a fact that they live from the trade they have with the white people who prefer to deal with them. Take farmers even, do not farmers bring their produce to many of these Indian dealers?—Yes.

1369. Why do they do these things. You say these Indians are a terrible menace to the white men, yet it is the white men that keep their shops going for them?—Not altogether.

1370. Have you had any farmers coming to you and telling you that these people should be got rid of?—Any number. It is quite natural to understand the position that organisations must give evidence on the position as it exists. It is no good asking individuals to give evidence, but the bodies that are opposed to this question are not organised in sufficient form to do anything, so one must take the individual information as it is obtained.

1371. I thought agriculturists were the highest organised community in the world?—If you read the minutes of the Krugersdorp and district agricultural society you will find that they are very strongly opposed to these Indian traders.

1372. Yet they deal with these men?—The system is one that has grown up and the white traders who could not give the same facilities as the Indian have been squeezed out.

1373. But you blame the Indian and you don't blame the white man who deals with the Indian?—I don't blame him at all.

1374. Would you go so far as to ask for legislation that a white man should be prohibited from dealing with an Indian in trade?—One could not go as far as that.

1375. And you admit that if the white people did not deal with the Indian traders the problem would solve itself in time?—Owing to lack of organisation these people are not in a position to give an opinion.

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[*Mr. W. G. Delport.*]

1376. But they need not buy from the Indian traders. There has been a tremendous lot of agitation on this subject and I think your municipality organised an anti-Asiatic league with Mr. Philips as the Chairman?—Yes, that was in conjunction with Potchefstroom and other towns.

1377. What was Mr. Philip's position?—He is an attorney.

1378. He is a member of your Council?—No.

1379. Is he a Krugersdorp man?—Yes.

1380. He came down to the House in 1919 to give evidence on your behalf to give evidence before the Select Committee on Disabilities of British Indians in the Transvaal?—He came down as attorney for the municipality.

1381. With regard to this question of licences, an Ordinance has been passed in the Transvaal in which it is laid down that you can refuse a grocer's licence on the ground that a man is not a fit and proper person to hold a licence?—Yes.

1382. And when an Indian came along to you for a licence he was refused and when reasons were asked by the magistrate for the refusal you gave your reason that he was an Indian?—(*Mr. Delport.*) No, because he was not in the opinion of the Council a fit and proper person to hold a licence.

1383. You did not give any other reason beyond the fact that the man was an Asiatic?—His mode of living was such that he was not a fit and proper person to handle foodstuffs for consumption by Europeans.

1384. You and other municipalities made a rule of it to refuse licences to Asiatics, because you did not consider them fit and proper persons to have licences?—We did not only refuse Asiatics on those grounds; we refused white people also.

1385. If an Asiatic came to you to-day with an application would you be prepared to deal with his application on its merits?—Yes.

1386. Has a new man a chance in Krugersdorp to-day of getting a licence?—It all depends how the Council would consider the application.

1387. Since when have you granted new licences in Krugersdorp?—We have granted them in 1924.

1388. How many?—About seven or eight; I am not sure of the number; probably more.

1389. That is before this new law came into existence where they have to apply to you for a certificate?—That is so. After the Act came into force we have granted a licence to a man from Machadodorp.

1390. Have not you got complete control over the issue of licences under this new Ordinance?—It all depends how the magistrate views the matter.

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[Mr. R. M. Cooper.]

1391. If you do not give the man a certificate he cannot under the new law get a licence ; the magistrate has nothing to do with it ?—(Mr. Cooper.) The new law has not been tested yet.

1392. It has been tested in Balfour where they refused an Indian a licence ?—Has there been a ruling of Court on that ?

1393. Do you suggest that you have not got the power to refuse licences ?—We have now. As I said previously I am not so strong on the trading question at all.

1394. Are you prepared to let the Asiatics trade in Krugersdorp and live in the locations ?—Yes.

1395. You would be prepared to let them trade freely in the town so long as they reside somewhere else ?—No.

1396. You say trading is not your strong point ?—It is not the strongest point.

1397. Are you therefore prepared to let them trade in Krugersdorp provided they live somewhere else ?—I pointed out before that they should trade in their bazaars.

1398. You made the point that you do not stress the question of trade ; you stress the question of residence ?—Yes, principally.

1399. Would you therefore be prepared to let the Asiatics trade in Krugersdorp provided they live in bazaars outside of Krugersdorp ?—I would not agree to that.

1400. You would therefore object to their trading in Krugersdorp ?—We do not want them residing among the white community.

1401. They must not trade in Krugersdorp itself, but must confine themselves to the bazaars ?—Yes.

1402. I think you quoted from a speech by General Smuts just now ?—Yes, I quoted from a speech he made at the Imperial War Cabinet in 1917.

1403. Do you agree to this part of the speech he made : " The fear which formerly obsessed the settlers there has been removed ; the great principle of restricting immigration, for which they have contended, is in our Statute Book with the consent of the Indian population in South Africa and the Indian authorities in India, and that being so, I think the door is now open for a peaceful and statesmanlike solution of all the minor administrative troubles which have occurred and will occur from time to time " ?—I do not see how you can put the one against the other.

1404. You read a portion where he was referring to the trouble before, and he points out that trouble is now finished ?—If you go a little further . . .

1405. I will read to you from the speech of Mr. Burton. He said : " As far as we are concerned, it is only fair to say—
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[Mr. R. M. Cooper.]

and it is the truth—that we have found that the Indians in our midst in South Africa, who form in some parts a very substantial portion of the population, are good, law-abiding, quiet citizens, and it is our duty to see, as he himself expressed it, that they are treated as human beings with feelings like our own, and in a proper manner.” Do you agree with that?—We agree to a portion of it under certain conditions. Take the text of the resolution of 1921. In that the words appear: “The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances in a great part of the Union.”

1406. That refers to rights of citizenship, with which we are not dealing now. In Australia and other parts where there are comparatively few Asiatics they have admitted them to full rights of citizenship. It seems that General Smuts took up the position that apart from political rights everything else would be settled?—The position of Australia and New Zealand in this respect cannot be compared with ours.

1407. That is so. I am only referring you to the fact that the words you quoted refer to rights of citizenship, and not to other rights?—Yes, but still it says that the minds of the legislature in this country in the past has always been in the same direction, and they were to try and get the position rectified.

1408. If you look further you will find that General Smuts did not have in his mind what you stated. General Smuts: “They have all the rights, barring the rights of voting for Parliament and the Provincial Councils, that any white citizen in South Africa has. Our law draws no distinction whatever. It is only political rights that are in question. There, as I explained to you, we are up against a stone wall, and we cannot get over it.”?—The views expressed are very contradictory. I have quoted to show that legislatures had the intention of solving this problem to the satisfaction of the white people of the country. That is the impression one gets when one reads these speeches. Even if you go back to 1904 you will find what Lord Milner said on this matter.

1409. *Mr. Duncan.*] Do you maintain that the danger of 1904 was exactly the same as it is now?—I think it is worse now.

1410. Is it not so, that in 1904 there was practically no restriction in regard to Asiatic immigration, and in 1913 that was entirely prohibited?—That is so; but the Gold Law prohibited coloured persons of any class or kind living on mining grounds.

1411. Is not the difference between 1904 and the position to-day that to-day the immigration has been completely stopped?—Quite true.

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[Messrs. R. M. Cooper and W. G. Delport.]

1412. *Mr. Alexander.*] Are you not rather unfortunate in quoting Lord Milner, because he was imploring the Indian Government to allow Indians to come to South Africa, and Lord Curzon said: "The fact is that we are not in the least anxious for Indians to go to the Transvaal at all. The relief thereby given to our Indian problem is infinitesimal, and we only lay up for ourselves a crop of trouble for the future. Outside the Government of India itself, where the imperial sentiment is strong, I know of no class, community or individual in India who wants the Indian to have anything to do with the Transvaal. The bitter example of Natal is before them" ?—Yes. I should have referred to Lord Curzon. He must have seen all the dangers in the matter.

1413. *The Rev. Mr. Hattingh.*] Have you any coloured traders in Krugersdorp beyond Asiatics ?—No.

1414. Do you know of any coloured traders on the Reef except Asiatics ?—I know of none.

1415. So the real danger commercially is in regard to Asiatics ?—Yes.

1416. What part of Krugersdorp is occupied by the Asiatics ?—The centre of the town.

1417. Is that the best part of the town ?—It was. (*Mr. Delport.*) It is still.

1418. And that part has become a slum area ?—(*Mr. Cooper.*) The market was looked upon as the centre of the town, and the eastern side of the market has gradually become occupied by the Asiatic traders.

1419. If that area should be declared an Asiatic area would that very detrimentally affect Krugersdorp as a whole ?—It would. I think if the Asiatic were established in that particular quarter it would affect it to the detriment of those living in the neighbourhood.

1420. Is the municipality in favour of having Asiatics in some other part of the town ?—Yes, in localities set aside for them some years ago.

1421. A bazaar has been set aside for them within easy reach of the town ?—Yes.

1422. Have you tried to persuade them to occupy that area that has been reserved for them ?—(*Mr. Delport.*) We compensated the Indians in order to move away from their places of residence, but I do not know of any who went to that particular bazaar.

1423. With the inducements held out to them did any of the Indians leave ?—Not one has left up to the present.

1424. How long ago is it since you set that area apart for them ?—We set it apart in 1910.

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[Messrs. R. M. Cooper and W. G. Delport.]

1425. In that time not a single Indian went there voluntarily notwithstanding the inducements of compensation held out to them?—No.

1426. Did they know about the inducements held out?—Yes, we told them that we had a place set aside for them and we would compensate them for the value of their then places of residence if they would go to the bazaar. They have taken the compensation money but have not gone to the bazaar.

1427. Where did they go?—They came to the centre of the town. (*Mr. Cooper.*) A bazaar was laid out for them on the balance of the farm Paarde Plaats on which Krugersdorp is built. It is on the Sterkfontein road abutting on the main trunk road, and the position was especially desirable from a health point of view and favourable for trading purposes. The Sterkfontein road is a principal road leading through Krugersdorp from the North side. It is to my mind still a suitable position for residence and also from a trading point of view.

1428. From your experience do you think it will be possible to have voluntary segregation?—I am afraid not.

1429. Do the Indians in Krugersdorp live on the premises where they carry on business?—In the majority of cases, yes.

1430. They have not separate homes?—There are a few exceptions but generally they all live on the premises where they trade.

1431. Do you know how they consider themselves socially. Do they live on a level socially with the coloured or native or have they a higher status?—Judging by personal observation they live in the same social sphere as the native.

1432. In their businesses and in their homes?—Yes.

1433. You know that from personal observation?—(*Mr. Delport.*) I cannot say with regard to their homes, but that is the position with regard to their businesses.

1434. In what way do they associate with the poorer class of European?—They talk to the poorer class as if they are of themselves.

1435. And they do the same with the natives?—Yes.

1436. Do you consider that a social danger as regards the European and the native?—I consider so. The Indian is trying to bring the poorer class of white man down to the level of the native. (*Mr. Cooper.*) It is a case of the Indian bringing the poorer class of white man to the level of himself or the native. (*Mr. Delport.*) It mostly applies to the poorer class because the Indian is better able to influence that class.

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[Messrs. R. M. Cooper and W. G. Deport.]

1437. Are there any Indians in Krugersdorp who are married to European women?—Some of them are married to coloured. We have no data in regard to marriages with Europeans.

1438. *Mr. Reyburn.*] Have you any definite official statistics in regard to the penetration of Indians into white residential areas?—(*Mr. Cooper.*) In Krugersdorp?

1439. Yes?—We have not. As I explained at the commencement of my evidence our time was very limited and we could not prepare all the necessary data.

1440. Is it the case that houses which were previously occupied by Europeans are now occupied by Asiatics?—Yes.

1441. Have you any idea in how many cases?—If I give you figures I might mislead you, but if you require the information I can obtain it for you.

1442. I should like you to give me that information; that is your chief point, namely, the penetration residentially into European areas?—That is our point, and I will let you have the figures.

1443. *Mr. M. L. Malan.*] What do you think is the reason why white men deal with Indians in preference to dealing with white traders?—I cannot tell you that exactly.

1444. Is it because they can buy cheaper from the Indians?—That is part of the reason.

1445. Your information is that the European trader finds it difficult to compete with the Indian trader?—There is no question about that.

1446. *Mr. Alexander* referred to farmers trading with Indian storekeepers. What is your view, if the progressive farmers in Krugersdorp and district came here to give evidence, do you think they would be in favour of the segregation of Indians?—(*Mr. Deport.*) The Mayor of Krugersdorp held a meeting last Friday and a big number of farmers came in to attend that meeting, and a unanimous resolution was passed strongly supporting the Government on this policy.

1447. Your contention is that it is not only the commercial community but also the farmers who support this measure?—Yes. (*Mr. Cooper.*) We had a very crowded meeting at West Krugersdorp last week and in looking round the room I would honestly say that there were not more than three commercial men in the room. They were mostly small Dutch farmers and working class people. At that meeting a unanimous resolution was passed supporting this policy. We later had a meeting in Krugersdorp when another unanimous resolution was passed and at that meeting there were more of the

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[Messrs. R. M. Cooper and W. G. Deport.]

commercial community but not a very great number. The meeting consisted mostly of farmers and workers.

1448. *Mr. Reyburn.*] Are they people who deal with the Indians?—That is difficult to say.

1449. *Mr. M. L. Malan.*] You think then that the farmers—that is the Transvaal farmers—are interested in this Bill now before the Committee?—I think so. (*Mr. Deport.*) Undoubtedly they are. (*Mr. Cooper.*) I may say that judging by the attitude of the Krugersdorp and district agricultural society they are in favour because they have passed resolutions on the subject. I was Chairman of that agricultural society and I know for a fact that that is the position.

1450. *Mr. Fordham.*] Don't you think that the long credit that is allowed by the Asiatics is the inducement to the poor white man to trade with him?—It may be. (*Mr. Deport.*) In our area I do not think they give credit to the workmen. (*Mr. Cooper.*) I have not investigated that to any extent and it may be difficult to get reliable information on that point.

1451. Do any of the Asiatics in your town employ any European assistants?—Not one.

1452. Do you think that they pay anything like a reasonable living wage to the people they do employ?—We know for a fact that they do not.

1453. What is the class of labour that is employed on the various towns for building and alterations to buildings for occupation by Asiatics?—Coloured people.

1454. Have you at any time noticed the employment of Europeans on these buildings and alterations?—No.

1455. And the coloured labour that is employed would you consider that they conform to the recognised building standards?—Certainly not; the buildings speak for themselves.

1456. Have you noticed when an Asiatic comes to a particular part there is actual depreciation of property in that neighbourhood?—Without a doubt.

1457. Have you noticed also when an Asiatic takes a shop if there is a European next door to him, the latter's custom falls away?—He is wiped out in the course of a few years.

1458. What is the reason for that?—Economic conditions.

1459. I will put it to you this way. Don't you think that once the European customer finds that he is called upon to trade with a European whose shop is in close proximity to that of an Asiatic, he is rather afraid of being told that he is visiting Asiatics and he goes further afield?—The people do not want to trade with the Asiatic directly, in case their neighbours might say that they are visiting Asiatics.

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[Messrs. R. M. Cooper and W. G. Deport.]

1460. Have you tried any system of boycott?—No.

1461. To what extent has the Asiatics secured control of the market garden produce in Krugersdorp?—In production or distribution?

1462. Both?—In production I think almost nil; on distribution they have a big hold.

1463. I take it it is the general opinion around Krugersdorp that there should be actual segregation both in regard to trade and in regard to occupational or residential places?—Without question.

1464. *Mr. Reyburn.*] You say that when an Asiatic purchases property the property on the other side depreciates?—Yes.

1465. Have you a municipal roll?—Yes.

1466. Does your municipal valuator fully recognise that fact?—The property depreciates over a period of years. If an Indian buys now at the next valuation, three years hence the depreciation of that property will be reflected. I can give you a case in point. The Transvaal Hotel in Krugersdorp was one of the principal hotels in Krugersdorp some years ago. The Dutch Reformed Church was immediately opposite in the same street. This hotel was a prosperous hotel and is now in the slum area of Krugersdorp. To-day the place cannot be let, although it cost £12,000 to build. It has been offered at so low a figure as £3,250, without a sale being effected, and since I think it has been offered at £2,500 but a buyer cannot be got. Mr. Cook is the man who has the property in his hands and he is a very good judge of the value of property. There is a case of a Mr. Schneider who lived in a house for 30 years and that house in a good part would cost £450. It was sold for about £150 recently and that is because it is in a locality where Indians are. (*Mr. Delpont.*) At one time that particular building was used as the Standard Bank.

1467. *Mr. Fordham.*] If a Wages Act was brought into operation calling upon Asiatics to pay wages to their Asiatic assistants at the same rate as is paid to Europeans, would that be carried out?—I am afraid I could not say that.

1468. *Mr. Marwick.*] It has been suggested I think that your municipality unfairly refused licences on the ground that the applicants were Indians, do you agree with the evidence given before the Select Committee in 1919 by Messrs. Friedman and Phillips. Mr. Phillips stated "It is absolutely untrue that the Krugersdorp Municipality refused the Indians their licences because they were Indians and without making any enquiries"?—I agree with that.

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[Messrs. W. G. Delport and R. M. Cooper.]

1469. Do you agree with their further statement " Every individual case was carefully gone into. The Police always report and the Council have the Indians brought before them, and they consider the evidence placed before them, and they come to a conclusion on that " ?—(Mr. Delport.) That is correct.

1470. *Sir Ernest Oppenheimer.*] Were you a member of the Council at the time ?—Yes.

1471. *Mr. Marwick.*] Do you agree that there is not a case in which an Indian carried on business before 1914 where the licence was subsequently refused ?—That is so. In January, 1914, we refused an application for the first time.

1472. Since 1914, you have granted 8 Indian licences, while 78 have been refused, so you have actually increased the number by eight ?—That is up to 1919.

1473. In regard to the number of refusals is it not so that most of the applicants were trading in contravention of the Smuts-Gandhi Agreement. They were seeking to obtain vested right on mining ground ?—That is so.

1474. It has been suggested that it has never been illegal for anybody to trade on mining ground. In the case of Beckett did not Mr. Justice Mason grant an interdict restraining respondents from permitting the residence of certain Indians or coloured persons on the stands referred to ?—(Mr. Cooper.) That is so. That was the Order of Court.

1475. And if their residence was not permitted on these stands, I suppose it is a fair assumption that they could not trade ?—That is correct.

1476. There was no express prohibition against it, but there was an express prohibition against their residing on the stands ?—that is so.

1477. I think the statement you have laid before the Committee is word for word the same statement which was placed before the Select Committee of 1919 ?—Yes ; it covers the same ground.

1478. Are you quite certain that the figures in regard to licences have not been altered ?—No. I am certain that the population has increased by 27.

1479. Would it be possible to verify these figures, because I am not altogether satisfied that there can be no variation over a period of seven years ?—(Mr. Delport.) I may say that these figures are quoted in a letter from the Principal Immigration Officer, and it shows that during the year 1925, 93 licences were issued by the municipality. The general dealers' licences were issued by the Revenue Office.

17th March, 1926.]

[*Mr. R. M. Cooper.*]

1480. The correctness of your figures was questioned by the Asiatic Commission. Your statement was that there were 27 general dealers' licences in Krugersdorp, Luipaardsvlei and Burgershoop. Can you give us a definite assurance of the correctness of that figure?—(*Mr. Cooper.*) We can obtain the definite figures for you.

1481. *Mr. Alexander.*] In regard to insanitary conditions, have you not got strict sanitary laws in Krugersdorp?—Yes, we have the usual health bye-laws.

1482. How is it that they are not carried out against these people?—We do so.

1483. You can prosecute them and you can even get the Court to grant an order of ejection?—And we do.

1484. You have the power to deal with that?—Yes.

—
Wednesday, 17th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman.)

Mr. Alexander.	Mr. M. L. Malan.
Mr. Coulter.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Reyburn.
The Rev. Mr. Hattingh.	Mr. Rood.
Mr. Lennox.	

Mr. Robert Mullan Cooper, further examined.

Messrs. Thomas Mansfield Wadley, Alexander Eaton and Frank Horace Acutt, and *Col. George Molyneux, D.S.O., V.D.*, representing the Durban Town Council examined.

1485. *Chairman.*] I understand you have some information you wish to communicate to the Committee, Mr. Cooper?—(*Mr. Cooper.*) Yes. Since giving evidence yesterday I got into touch with the Municipal office at Krugersdorp with a view to verifying certain figures quoted by me, and have received the following wires: (1) Total number of Asiatics, Krugersdorp municipal area, 269, estimated that ninety per cent. resident in premises formerly occupied Europeans. (2) Number of Asiatics removed to premises formerly occupied by Europeans after first May, 1919 to date, forty-five. I have also drawn up an amended table of figures of the census of Asiatics within our municipality, which I wish to be put in lieu of the statement submitted by me yesterday. The table is as follows:—

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CENSUS OF ASIATICS, MARCH 12TH, 1926.
KRUGERSDORP MUNICIPALITY.

District.	Pedlars and Hawkers.	Grocers and General Dealers.	General Dealers. Soft.	Barbers.	Tailors and Assistants.	Bag and Bottle Dealers.	Shoemakers.	Shop Assistants.	Fruiters.	Cooks and Chefs.	Hotel Servants.	Cycle Dealers.	Clerks.	Butchers.	Property Owners.	Laundrymen.	Brickmakers.	Housewives.	Children.	Gardeners.	Trolley Drivers.	Mattress Makers.	Totals.	Chinese.			Indians.		
																								Males.	Females.	Children.	Males.	Females.	Children.
Krugersdorp and Luipaard's Vlei ..	20	7	1	1	11	1	1	28	2	5	2	2	3	-	-	1	-	15	49	-	-	-	149	3	1	-	82	14	49
Burghers Hoop and D.T. ..	19	7	2	1	-	5	1	3	3	-	1	-	-	1	-	-	-	13	60	2	1	1	120	8	2	7	37	13	53
Randfontein ..	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Total ..	39	14	3	2	11	6	2	31	5	5	3	2	3	1	-	1	-	28	109	2	1	1	269	11	3	7	119	27	102

COMPARATIVE TABLE.

March, 1919 ..	46	27	5	2	6	2	1	34	4	7	1	1	3	1	2	10	1	27	64	7	-	-	251						
March, 1926 ..	39	14	3	2	11	6	2	31	5	5	3	2	3	1	-	1	-	28	109	2	1	1	269						
Increase ..	-	-	-	-	5	4	1	-	1	-	2	1	-	-	-	-	-	1	45	-	1	1	-						
Decrease ..	7	13	2	-	-	-	-	3	-	2	-	-	-	2	9	1	-	-	-	5	-	-	-						

17th March, 1926.]

[Mr. R. M. Cooper.

17th March, 1926.]

[Mr. T. M. Wadley.]

Messrs. Thomas Mansfield Wadley, Alexander Eaton, Frank Horace Acutt and Col. George Molyneux, D.S.O., V.D., examined.

1486. *Chairman.*] You are the Mayor of Durban, Mr. Wadley?—(*Mr. Wadley.*) Yes. Mr. Eaton and Mr. Acutt are members of the Durban Town Council, and Col. Molyneux is the Licensing Officer. I wish to hand in a report by the special sub-committee appointed by the Durban Town Council in August, 1925, for the purpose of carefully considering and reporting on the Areas Reservation and Immigration and Registration (Further Provision) Bill. The report was considered by the Council at its meeting held on the 5th of February, 1926, and the recommendations of the sub-committee appearing at the end of the report were adopted. The report of the sub-committee is as follows:—

During August, 1925, this Council-in-Committee appointed a Sub-Committee for the purpose of carefully considering and reporting on the Areas Reservation and Immigration and Registration (Further Provision) Bill, and we now set out here under the report of the Sub-committee together with its recommendations:

1. The Bill has been very carefully considered by your Sub-Committee.

2. There is annexed to this Report, for the information and consideration of the Town Council, the following documents:—

(a) An opinion of Mr. Advocate Jas. S. Wylie, K.C., dated 14th December, 1925, on the legal aspect of some of the provisions of the Bill (Appendix A); and

(b) An extract from the Minutes of the Durban Town Council of the 4th April, 1924, concerning the Class Areas Bill of 1924 (Appendix B).

3. The Town Council, on the 5th July, 1925 on consideration of a Memorandum submitted by Councillor H. H. Kemp, dated the 20th April, 1925, adopted the following resolution recommended by Councillor Kemp in his memorandum and transmitted the same to the Government:—

“That the Government of the Union of South Africa be informed, that in the opinion of the Durban Town Council, the only true method of solving the Asiatic Question in so far as it relates to this country and particularly Natal, lies in the direction of a Round Table Conference, between representatives of the Union, Britain and India; further, that the Union Government and the Union Parliament be asked to take such steps as may

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[Mr. T. M. Wadley.

be necessary for convening such a Conference in this country without delay."

4. The Bill itself to a certain extent follows the lines of the Class Areas Bill of 1924, and, in so far as those portions of the measure are concerned, we recommend the Council once again to re-affirm its views as noted in its Minutes of the 4th April, 1924. But in addition the Bill deals with the question of land ownership, especially in Natal, and also with the amendment of the Immigrants Regulation Act, 1913, by making provision which it is hoped will put an effective stop to the continued influx of Indian women into the Union.

5. Before, however, dealing with the actual text of the Bill itself, we think it only right to express ourselves generally on the question as to whether there does not exist some avenue which will lead to a complete and final solution of the Asiatic Problem existing in this Country. At the outset we accept as a principle that it is necessary that the white race in Natal should not be ousted from this Province by a people less civilised than itself. It is one thing for the white race in the Union to assume responsibilities towards the Native races. It is quite another to complicate and to continue to complicate the difficulties which arise from the inevitable contact between white and black by allowing to grow a third racial problem. The present Bill is admittedly only a partial solution of the problem and this partial solution is apparently to be made an experiment at the expense of the area designated in Section 9 (4) as the "Coast Belt of Natal," i.e., the area lying between the coast line of Natal and a line approximately thirty miles therefrom inland; in other words, Durban and its environs.

6. Although the Bill does not directly deal with the issue of trade licences, yet one of its fundamental objects is to legislate in the direction of making provision for the reservation of residential and *trading* areas in urban areas for the Asiatic Community. (So far as Asiatic Trading is concerned, we cannot with advantage add anything to the words of the Lieut.-Governor of the Transvaal in his despatch of the 13th April, 1904, to the High Commissioner, viz. :—

"Trade jealously undoubtedly exists, but it is prompted by the instinct of self-preservation in the minds of the European trading community. The problem is far reaching and does not begin and end with a shopkeepers' quarrel. . . . I do not seek to justify the prejudices which exist; I merely desire to set them forth. They

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[Mr. T. M. Wadley.]

cannot be ignored, they have got to be reckoned with . . . Under the old Grondwet the line was distinctly drawn between coloured and white. It is there stated that there shall be no equality between and white, and though in the eyes of the law they are equal, there is not in this country one man in a hundred who would agree to recognise the coloured man as capable of admission to the same social standard as the white. I do not urge that these sentiments are reasonable, but they imbue the mind of every South African and find expression in the universal cry of a "white man's country." Any attempt to ignore them would be attended, I am sure, with most deplorable results."

And it is not a little significant to note that Mr. Gandhi, in his last published speech in South Africa, spoke of Indian trade, of licences and of land ownership and confessed that, "they raised difficulties of which he himself had never been able to find any satisfactory solution.")

7. Further, we are of opinion that the Bill—if passed—will be inclined to place the Imperial Government in a most difficult position, for, to take the statements of two such eminent servants of the Crown as the Rt. Hon. J. H. Thomas, M.P., when Secretary of State for the Colonies, and Lord Reading, the present Viceroy of India, we find that the former, when in South Africa in 1924, indicated that the problem was in his opinion one of Imperial concern, and the latter, on the occasion of the opening of the Indian Legislative Assembly on the 20th January, 1926, is reported by the Press to have said :

"The Union Ministry considered the question a domestic one, but in our view far wider considerations are involved in the legislation than local Economic policy alone."

8. We believe that the evil of the Asiatic in our midst is a very real one and we are convinced that the Bill as drawn will not achieve a permanent remedy. It will place the European community in the Coast Belt of Natal, as against the European community in the rest of the Union, in an invidious and impossible position. For this reason we trust that whatever comments the Council may decide to make to the Union Legislature on the text of the Bill itself or suggestions as to its amendments, it will at the same time submit to the Legislature an alternative policy which might offer a final solution of the problem without undue hardship to the Asiatic Community and one which will [S.C. 9-'26.]

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be welcomed not only by the European Community of the Union but also by the Imperial Government.

The various Asiatic Commissions have, it is true, always turned down the idea of repatriation by compulsion. But we would suggest that repatriation with real and adequate compensation is a more desirable solution than the provisions of the "Areas Reservation Bill," and should not involve any injustice at all.

Indian property in Durban is to-day returned at £1,300,000. In the whole Province their property may total £6,000,000. In trade they probably have invested some £2,000,000, and goodwill might be worth, say, £4,000,000; in all, the holding of Asiatics in Natal might total £12,000,000. In the whole Union (as Asiatics themselves think) the total Asiatic holding may be from eighteen to twenty-three millions of pounds. Were compulsory repatriation introduced spread over a number of years, the actual loss to the Union on the liquidation of Asiatic assets ought not to exceed 20 per cent., say, about five million pounds in all. The valuers of their property should preferably be appointed by the Imperial Government, and both the Union and Indian Governments might appoint assessors.

With regard to the Bill itself, and apart from the views set out above, your sub-Committee would recommend the Council to urge upon the Government the desirability of amending the measure on the following lines:—

(a) SECTION 1 (1):

That this Sub-section be amended to provide that whenever an urban local authority prefers a request to the Minister under this Section, and the Minister appoints such a Commission as is therein referred to, one of such Commissioners shall be representative of the Local Authority preferring the request and nominated by it.

(b) SECTION 2, (f) and (g):

That these Sub-sections be deleted. The terms of reference to the Commission should be in respect of the area which was the subject of intimation under Section 1 and to no other area.

(c) SECTION 7 (1):

That in line one, after the word "if" insert the words "on representation from the Urban Local Authority."

(d) SECTION 12 (1):

That in line one, after the words "the Governor-General" insert the words "on the recommendation of the Urban Local Authority."

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(e) "COAST BELT OF NATAL":

That the provisions of the Bill, particularly in Sections 10 and 11, concerning the proposed differentiation in treatment of the Coast Belt of Natal, as against the rest of the Union, be deleted so that the Bill, if enacted, shall be applied uniformly throughout the Union without any exceptions.

There can be no doubt in the minds of your Sub-Committee that if differential treatment in respect of the Natal Coast Belt is made part of the Bill, it will be to the great disadvantage of the Coast Belt, and slowly but surely the Asiatic community of the Union will drift to this belt and more particularly to Durban and its environs.

The proposal of the Asiatic Enquiry Commission of 1921, as set out in its Report—Paragraph 199—was that a restriction should be provided by legislation confining ownership of land by Indians in the Coast Belt "for farming or agricultural purposes, outside of the townships." This recommendation was made, be it noted, simultaneously with a recommendation that the segregation of the Asiatics should be on the voluntary basis, not compulsory, as laid down in the Bill.

(f) ENVIRONS OF DURBAN:

The following statement indicates the area of the various Natal Municipalities and their population (including Indians):—

	Area in Acres.	Population (Including Indians.)
Durban	7,148	93,515
Pietermaritz- burg	27,291	37,750
Charles- town	4,349	550
Dundee	8,566	3,783
Estcourt	3,971	2,173
Greytown	12,573	3,363
Harding	5,938	965
Ladysmith	17,000	6,659
Louwsburg	2,838	427
Newcastle	18,057	5,784
Paulpieters- burg	9,602	1,930
Stanger ..	11,850	1,800 (of whom 900 are Indians and 550 Natives)

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	Area in Acres.	Population (Including Indians.)
Umkomaas	533	681
Utrecht ..	13,000	1,848
Verulam ..	799	1,278 (of whom 772 are Indians and 179 Natives)
Vryheid ..	10,022	4,041
Weenen ..	18,000	996

From this statement it will be noted that in comparison with the other large Municipalities in Natal, the area of Durban is extremely limited, with a consequence that the Municipality will find itself, in so far as a residential area is concerned, other than the present overcrowded Indian Quarter in the neighbourhood of Grey, Queen and Victoria Streets, unable to apply to the Government for a class Area other than the one referred to. Indeed, the Council has already been advised that there is no other land available in Durban for Asiatic occupation. From the point of view of Greater Durban, in so far as the Asiatic population is concerned, which is as populous immediately outside the Municipal Boundary as it is within the Borough, the same principles which apply within the Borough should apply to the suburbs adjacent to the Borough. Unfortunately, however, there is no Urban Local Authority in existence in those suburbs.

We may at this stage point out that in so far as the Asiatic population at South Coast Junction and Sea View is concerned, the census which was recently taken by a responsible official of the Durban Corporation, revealed the fact that there were some 1,930 Asiatics resident there. The horrible conditions under which these people dwell in shanties and shackles are really indescribable. In one case it was found that some 53 Asiatics were living in insanitary buildings on an area of 150 ft. x 50 ft. In another case, a family of 12 were living in a room 12 ft. x. 10 ft. Narrow courtyards, containing dilapidated and dirty tin huts, without adequate means of lighting and ventilation, huddled on an area and constructed without any regard to sanitary conditions of any kind are a disgrace to the community. Nearly all these huts are unfit for human habitation and overcrowded. But the authority responsible for the public health of the community resident in the villages adjacent to the Borough—the Administrator of Natal—does not act.

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Accordingly the Sub-Committee recommends that provision be inserted in the Bill to enable the Durban Town Council, in its discretion, to acquire land outside its area of jurisdiction for residential or trading purposes or both such purposes for Asiatics and that such land when acquired be made a Class Area under the Bill.

Your Sub-Committee recommends—

(a) That its report be adopted by the Council and forwarded to the Hon. the Minister of the Interior with a recommendation that the views of the Council be given effect to.

(b) That in the event of the Bill being referred by the House of Assembly to a Select Committee for consideration and report, the Town Council be represented before such Select Committee by a delegation which shall include the Licensing Officer and that such delegation tender evidence on the lines of the above report.

(c) That copies of the report be forwarded to the Members of the Union Parliament, and that the Members representing the Durban Constituencies be urged to support the Council's representations in Parliament.

(d) That copies of the report be also forwarded to the Natal, Transvaal, Orange Free State and Cape Municipal Associations and to all Local Authorities in Natal for their consideration and co-operation.

T. M. WADLEY.

*H. H. KEMP.

H. L. BUZZARD.

F. H. ACUTT.

2nd February, 1926.

*Subject to the following Note :—

Although I have signed the Report of the Sub-Committee, I wish it to be clearly understood, that while I have assisted to the best of my ability in the matter of submitting recommendations for the improvement of the Bill, and as are set out in the Sub-Committee's Report, I dissent from the Bill *in toto*, as it is in my opinion not only Anti-Durban in its character but repressive in its nature and a measure which, I am satisfied, if enacted, will fail completely to achieve the object which its authors have in view. On this latter point I need only refer to the passage in the Asiatic Enquiry Commission's Report of 1921, signed by such eminent South Africans as Mr. Justice Lange and Messrs. Jas. S. Wylie, K.C., H. J. Hofmeyr and W. Duncan Baxter, and which reads [S.C. 9-'26.]

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that "any attempt to enforce compulsory segregation would result in failure and lead to a resurgence of the Passive Resistance Movement." This view of gentlemen who went so thoroughly into the matter should be treated with the greatest respect.

My own investigations and deliberations have been prolonged and laborious, and the longer I have studied the Asiatic Problem in this country, the more have I become impressed with the extreme difficulty of finding a practical solution except on the basis of "OUT." It would have been difficult enough to have devised an equitable scheme thirty years ago, but in attempting to devise a solution in 1926 to a system long established—as the Union Government is now endeavouring to do in a fragmentary fashion—I have found myself confronted with difficulties which it is not easy to exaggerate and which can hardly be appreciated by those who have not considered the subject from every standpoint as I have truly endeavoured to do. In any case I trust that the Burgesses of Durban will be under no delusion that the Bill, if passed in its present form, and the Coast Belt of Natal is treated differentially from the rest of the Union, the general ultimate result—particularly when the question of the subdivision of lands belonging to Indians in the Coast Belt of Natal is remembered—will be in the direction of a gradual drift of Indians to the Coast Belt and Durban will find itself *de facto* an Indian Area much in the same way as Mauritius is to-day.

The attitude of our friends the Dutch on the question prior to the Election of 1921 was absolute and unequivocally anti-Asiatic, and, at that Election, the Nationalists openly declared that if they obtained a majority "they would turn every Indian out of the country." Their attitude then is worthy of consideration to-day, as it was unmixed with any considerations of trade competition. Indeed, the late Mr. C. Fichardt said that "compulsory repatriation was the only policy," and he declared that he would repatriate all Indians born in Natal.

It has been truly said by a gentleman who is intimately acquainted with the difficulties which bristle in connection with the subject that "every Asiatic, whether born in Natal or not, claims India as his home country: to India he turns for assistance politically; and from India comes his culture and his religion. In many cases the wealth he acquires here the Asiatic transmits to India, he often visits India, and he likes to return there to die. If we could send him

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back there permanently with sufficient money to live on, and with fair and just compensation for his removal, we could claim to have really reached a finality in this matter."

Again, we must not forget the statement made by Mr. Duncan in Parliament on the 2nd May, 1921, that "outside Natal the position as regards Indians was not very serious. The number of the Indian population in the Transvaal was not increasing seriously, if at all, but the position of the white population in Natal was very serious, there being 155,000 Indians and 122,000 Europeans." It is not Natal now—it is the Coast Belt of Natal that will have to carry the burden if the Bill goes through.

In conclusion, I would venture to suggest that the policy of "OUT," based as it is on sound principle and carried out by gradual adjustment, is not only not revolutionary, but is dictated by prudence. For my own part it is difficult to believe that, with the diffusion of political information, the great mass of the Europeans of South Africa will long remain unconscious or heedless of the true position of European Natal to-day. If and when they realise it they will, I feel certain, be drawn to exercise that power which the franchise places in their hands, to secure through the instrumentality of the Union House of Parliament that relief from a position which is daily becoming more and more intolerable and oppressive.

H. H. KEMP.

Durban, 2nd February, 1926.

There is attached hereto for the information of members of the Council copies of documents which were attached to the report of the Sub-Committee.

APPENDIX "A."

(OPINION by J. S. Wylie, Esq., K.C.)

Durban, December 14th, 1925.

A. O. JONES, Esq.,
Town Clerk,

Durban Corporation.

Re RESERVATION OF AREAS BILL.

Dear Sir,

Referring to your letter of 5th instant to me and your letter of 30th November to my firm, I have now considered this Bill very carefully.

[S.C. 9-'26.]

17th March, 1926.]

[Mr. T. M. Wadley.]

It is certainly one of the most difficult Bills to construe I think I have ever had to deal with.

The Bill is one which deals with the whole of the Union and consequently must apply to Indians in all parts of the Union if the Proclamations under the Bill should at any time be issued.

With the exception of Sub-section (3) of Clause 3 the first seven clauses of the Act are general and apply to the whole Union. Clause 8 has particular reference to the Transvaal, Clause 9 is general, Clause 10 has particular reference to Natal, Clause 11 is general with the exceptions therein mentioned, which I will deal with later, and the remaining clauses, 12 and 13, are general.

Now to come to Clause 10 which introduces an entirely new and unique feature in Natal in that it provides that no Indian (I am dealing specially with the question of Indians whom I take it is the class that we are immediately concerned with) shall acquire immovable property or the lease immovable property in any part of Natal except the Coast Belt (which is defined as being a line of roughly 30 miles from the Coast) and then only from an existing Indian owner, but that by will an existing Indian owner may dispose of his property to another Indian.

To deal now specifically with the questions raised in the letter of 5th December, 1925, I would reply as follows :

Q. 1.—Can an Indian live in or acquire property in any part of the Union outside Class Areas or the Natal Coastal Belt ?

A.—Indians can live in any part of the Union outside of Class Areas and the Natal Coastal Belt but the only lands or leases they can acquire are those held by Indians when the Act comes into force, and then only by succession on death.

Q. 2.—Will not the result of this law be that the Indians in other parts of the Union will ultimately be driven into the Coastal Belt of Natal ?

A.—No, because in the Coastal Belt Indians can only acquire property from existing Indian proprietors so that if the existing proprietors part with their property to others the number of owners or lessees of property will not be greater than at the date of the passing of the law.

Q. 3.—What is to be the ultimate issue of this Bill in dealing with Indians as possessing or leasing property in Natal or in the Union ?

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A.—The ultimate issue of the Bill will be to restrict the ownership of the lessees of property to the existing numbers of owners and lessees at the passing of the Bill.

Now to reply to the questions in the letter of the 30th November.

Q. 1.—Whether the Bill if given legislative effect to in its present form will, particularly in view of Sections four, ten and eleven, have the ultimate effect of leaving the Coast Belt of Natal as defined by Section 10 (4) of the Bill as the only area in the Union in which Asiatics will be able to acquire immovable property, or a lease or renewal of immovable property?

A.—The effect of the Bill if given legislative effect to will be that Asiatics will be confined to the urban areas if created and the acquisition of properties or leases of properties from existing Asiatic owners wherever situated in the Union but not beyond the extent of property owned or leased by them at the date of the Act coming into force or the Proclamation by the Government.

Q. 2.—In the event of the Durban Town Council finding it impossible—owing to the limited area of the Borough—to provide suitable residential areas for the Asiatic community within the Borough, is there any provision under the Bill to enable the Town Council to acquire land suitable for such community outside the Borough and to have such area of land reserved under Chapter I of the Bill?

A.—No, there is no provision in the Bill and unless the Borough extended its boundaries so as to acquire the particular area and have an extended area proclaimed then the Borough cannot, under the Bill, acquire the property.

Q. 3.—In view of the large Asiatic population resident in the villages adjacent to Durban, and which villages are in no way under the jurisdiction of a Local Authority, must the Council accept the legal position that under the Bill as drawn no steps can be taken to reserve any particular area in the villages referred to as a Class Area under Chapter I of the Bill for residential or trading purposes or both such purposes; thereby allowing the undesirable and disgraceful state of affairs which at present exists in such villages to continue?

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A.—The Council have no jurisdiction over the Asiatic population resident in villages adjacent to Durban nor can they interfere with or control “the undesirable and disgraceful state of affairs which at present exists in such villages.”

Q. 4.—With regard to Clause 5 (1) (a) of the Bill, and the definition of “person of a class” contained in Section 13, and in view of the present Natal Companies Act, what machinery will enable the Licensing Authority to ascertain in the case of a Company, whether one or more Asiatics have a controlling interest in such Company?

A.—There is no machinery provided for ascertaining the information necessary but the Town Council can by Bye-Law provide for the stating of such information when the Licence is applied for or a renewal thereof is applied for.

Q. 5.—Re Section 9 (2) of the Bill, assuming the Advisory Board refrained from tendering “advice” and adopted dilatory action, what would be the position of the Local Authority which was desirous of making or withdrawing Bye-Laws or Regulations; further, would the Council under this Section be required to submit for instance the whole of its present Bye-Laws applicable to any Class Area under its jurisdiction to the Advisory Board for advice?

A. (1)—The position of the Local Authority under such circumstances would be to represent the position to the Minister who no doubt will be able to deal with it under the Regulations to be issued for the carrying out of the Law.

(2)—Nothing in the Bill would supersede the General Bye-Laws so far as they affect these areas, but any particular Bye-Law affecting the area which would require to be made or the withdrawal of any particular Bye-Law in existence unless agreed to by the Advisory Board would not be made. It is significant that the Bill does not go the length of saying that this must be the case but only of saying that the advice of the Board would have to be obtained. No doubt, however, if the Bill is to become Law provision will be made that the sanction of the Minister will have to be given to the making or withdrawal of Bye-Laws and he would act on the advice of the Advisory Board.

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[Mr. T. M. Wadley.]

Treating generally with Clauses 10 and 11 the effect of Clause 10 has already been particularly stated by me, but as regards Clause 11 by Sub-section (b) reserves the right of the Government to acquire property in the prohibited areas for educational, municipal or other public purposes, while Sub-section (c) brings the rest of the Union into the same position as Natal in respect to the succession in ownership of immovable property or leases thereof, under will or intestacy, but beyond that it does not give any authority for the further acquisition of property save and except the property on the Reef in proclaimed urban areas which is specially provided for.

Yours faithfully,
(Sgd.) JAS. S. WYLIE.

APPENDIX " B. "

EXTRACT FROM MINUTES OF TOWN COUNCIL.

(Meeting held on the 4th April, 1924.)

CLASS AREAS BILL.

On the 28th February, 1924, we appointed a Sub-Committee, consisting of Councillors Burman, Reyburn, Kemp, Clark and Acutt, to consider and report on the Class Areas Bill.

The Sub-Committee has now reported as follows (the Addenda referred to in the report are laid on the table for the information of Councillors):—

REPORT OF SUB-COMMITTEE re CLASS AREAS BILL.

We beg to report that in accordance with the instructions of the Council-in-Committee, we have considered the provisions of the Class Areas Bill as published in the "Gazette" on the 5th January, 1924.

As a result of our deliberations we submit the following statement and conclusions for the information and decision of the Council:—

1. The object of the Bill is to provide for the reservation for Asiatics of residential and trading areas in Municipalities, with a view ultimately to ensuring the complete removal of the members of that community from the vicinity of the residences and trading premises of the Europeans. In this respect the Bill, if passed, will be [S.C. 9-'26.]

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useful, and we agree with the principle of the Bill. But we wish to stress the point that the Bill does not solve the Asiatic problem. The Sub-Committee is not called upon to discuss the operation of the Bill from a National point of view, and ventures no opinion thereon. It notes, however, in passing, that since the Bill was published in the "Gazette," the Government has given notice of its intention to invite Parliament to exclude the Cape Province from the operation of the measure.

2. Generally, it may be said that the Bill, so far as Durban is concerned, will, if enacted, merely stereotype into the law the present practice obtaining within the Borough as regards trading and residential areas. This statement is supported by the Indian Enquiry Commission (1914) which reported in so far as trading licences was concerned as follows :—

"The evidence before us is to the effect that in the Natal Boroughs it is becoming more and more difficult for Indians to obtain new licences except in those quarters of the towns which are inhabited almost exclusively by them, and which may be regarded as Asiatic reserves. In some other parts of the towns it is almost impossible now for Indians to obtain new licences." (Page 37.)

The Asiatic Enquiry Commission of 1921 also reported *inter alia* :

"In Durban also the policy of the local Licensing Officer has always been to confine Asiatic trading to particular sections of the town as far as possible." (Paragraph 202.)

The same Commission also reported in the matter of Indian residential areas as follows :—

"But although we heard of a few Indians of a superior class occupying houses on the Berea at Durban, the evidence shows that the general tendency is for Indians of the same social standing to live in the same quarter. As Mr. Renaud pointed out in his evidence previously quoted, they prefer residing amongst their countrymen of the same class as themselves, instead of amongst Europeans who regard them as 'helots.'" (Paragraph 218.)

*Apart, however, from the above quoted evidence which supports our contention that the Bill, if passed, will only legalise the present position in Durban, we

* See Appendix, Page 289.

*17th March, 1926.]**[Mr. T. M. Wadley.]*

are of the opinion that it will be very difficult, within the present limited area of the Durban Municipality, to set aside any area or areas which will be suitable and adequate for the residential requirements of the Indian community. Accordingly, we urge that there should be included in the Bill power to enable the Commission appointed under Section 1, to recommend in its discretion to the Governor-General, the desirability of declaring by proclamation an area (or areas) adjacent to the Borough of Durban as an Indian residential area (or areas) and to bring such area (or areas) within the jurisdiction of the Durban Corporation for all purposes of local government. It is to be noted, however, that this proposal, if adopted, will to some extent interfere with the provisions of the Natal Public Health Committees Ordinance No. 7 of 1923, which enactment places upon the Health Committees now being formed in the various villages adjacent to Durban the responsibility of carrying out, within the areas of their jurisdiction, the duties conferred or imposed on local authorities under the Public Health Act. No. 36 of 1919. But the interests, identical as they are, of Durban and Greater Durban involved in the allocation and control from a sanitary point of view of separate residential areas outside the Borough Boundaries for the Indian community of what in fact, if not in the eye of the law, is a single economic urban area, are such as to compel your Sub-Committee to state that it feels that any other method of dealing administratively with the problem will prove a failure, for such Health Committees, by their smallness and lack of financial and other resources and the necessary machinery, will undoubtedly be faced in this respect by an obligation far too onerous for them to undertake. On this point we desire to refer to the remarks of the Asiatic Enquiry Commission of 1920-1921, when it reported in the matter of complaints submitted by residents of Malvern, Sydenham and other suburbs of Durban regarding the large number of unsightly and insanitary hovels occupied by low-class Indians scattered about in the midst of valuable European properties in those localities, that

“What is evidently urgently needed is the creation of an efficient local authority to deal with the insanitary conditions complained of.” (Paragraph 203.)

3. (a) With regard to Sections 1 and 6 of the Bill, it is provided that no steps shall be taken for the allocation of separate class areas or, when established, their extension, [S.C. 9-26.]

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except upon the special request of the local authority. While the Commission referred to in the Bill should act in close consultation with the Municipal Authorities, as well as with the Indian community, yet we think that the responsibility of arranging for the holding of the enquiries foreshadowed in Sections 1 and 6 including the financial obligations arising out of such enquiries, should be directly assumed and borne by the Union Government with or without a request from the local authority.

(b) With reference to Sections 4 and 10, concerning the acquisition of immovable property in the suggested class areas :—In order that no person, whether European or Indian, shall suffer pecuniarily in the interests of the general community or be injuriously affected by the application of these sections of the Bill in this particular respect, we are of opinion that there should be included in the measure provision under which the Government itself shall be required to expropriate and acquire (after the issue of the Proclamation referred to in Section 4) immovable property or a lease or renewal of a lease of immovable property within any proclaimed class residential or trading area, which may be owned or held by any person other than a person of the class referred to in the Proclamation ; and that the terms on which the Government shall expropriate and acquire such immovable property shall be arranged by mutual agreement with the owner and/or lessee, and in case of difference of opinion, then by arbitration in the usual way ; the decision to be final and binding upon both parties. Upon the expropriation or acquisition of any such immovable property by the Government, the latter should be enabled, under the Bill, to lease by public auction such property to persons of the class permitted to reside or trade in the particular area in question under the proclamation, on such terms and conditions as the Government may determine, provided that the property when acquired and held by the Government, and before it is alienated, shall continue to be rateable by the local authority.

†4. From an economic competitive point of view the Bill does not help Durban. One of the gravest aspects of the Asiatic Question is the economic competition of the lower-paid Indian with the European on a white man's wage, and the measure now before Parliament does not in any way touch this question. In submitting our recommendation on this

†See Appendix, Page 289.

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point we desire to say that we have not failed to give due consideration :—

(a) To the representations made by witnesses before the Asiatic Enquiry Commission in 1920, viz. :—That a minimum wage should be enforced and legislation introduced for that purpose (Paragraph 212).

(b) To the view expressed by the Transvaal British Indian Association, viz. :—

“ That if the complaint of unfair competition be sincere, and thought to be at all deserved, our community is prepared to recommend and conform to legislation regulating the principle of minimum profit and wage on an equitable basis for all ranks of labour.”

(c) To the conclusion arrived at by the Commission itself on the question of a minimum wage, viz. :—That they refrained

“ from making any recommendation on a subject which has ramifications far beyond the Asiatic question (paragraph 212); and

(d) To the report of the Economic Commission of 1914 that they had

“ failed to discover evidence proving that white skilled labour has suffered from the competition of Indians ” (Paragraph 59).

‡ At the same time our knowledge of actual working conditions in Durban points conclusively to the fact that the economic competition to which we have already made reference is unfair and injuriously affects the well-being of the European tradesman, and in our opinion the main solution which will eliminate this menace to the maintenance of the European standard of living is to be found in the passing of a National Wages Board Act, which will give Local Committees throughout the Union the power to establish in respect of skilled trades a minimum wage based upon the European standard of civilisation and below which no one should be permitted to work. We, therefore, recommend that in addition to the Class Areas Bill, the Government should be urged to introduce into Parliament, simultaneously with the Class Areas Bill, a National Wages Board Bill, applicable to all skilled workers regardless of race, on the lines above forecasted.

5. In addition to the above we feel that the Government of the Union should reconsider the position represented by

‡ See Appendum, Page 289.
[S.C. 9—'26.]

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[Mr. T. M. Wadley.]

the Asiatic Enquiry Commission in its report of the 3rd March, 1921, viz. :—

“Compulsory repatriation of Asiatics may therefore be regarded as out of the question and need not be further discussed.” (Paragraph 118.)

That the enquiry by the Commission on this particular aspect of the problem was neither exhaustive nor conclusive is shown on reference to the Commissions Report in which the following statement appears :—

“They (the Commission) were somewhat surprised and disappointed that practically no evidence was tendered on behalf of the sugar planters of Natal. Not a single individual planter or representative of the numerous companies owning sugar estates along the coast came forward as a witness. It is possible that they felt little interest in the particular subjects of our enquiry, as publicly announced . . . They may have thought that the question of the repatriation of Indians, in which they would naturally be deeply interested, was beyond the scope of our reference.” (Paragraph 158.)

The Commission, however, added :—

“That repatriation was frequently suggested as a remedy against Asiatic predominance by various witnesses and was freely discussed between them and the members of the Commission.” (Paragraph 158.)

For instance, the deputation from the Natal Agricultural Union, who stated that they represented the sugar planters :
“expressed strong views as to the desirability of eliminating the Asiatic from the Country, which they admitted was the object aimed at by their representations.” (Paragraph 159.)

The Commission further stated :—

“It is difficult to believe that the sugar planters’ interests would be served by such a policy of elimination, unless it is to be confined to the land owning and trading classes. But it was urged by some of the community, notably at Pietermaritzburg, that even the labourers should be got rid of and Native labour substituted on the sugar plantations.” (Paragraph 159.)

We agree with the view urged by Sir Benjamin Robertson, who represented the Government of India at the sittings of the Asiatic Enquiry Commission (paragraph 194), that restrictive or “repressive legislation can offer no permanent solution of the question” (paragraph 194). On the other hand the removal of all restrictions would be no more satis-

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factory as a remedy. The repatriation of the Indians now resident in the Union has never been seriously examined as a practical policy. It presents, of course, many difficulties like all other suggested solutions. But its chief merit lies in the fact that, if practical, its adoption and application would close and seal the book—and the troubles—the eternal troubles—which confront the Europeans and the Indians in this country would in course of time be eliminated. One difficulty is that of the South African born Indian. Again repatriation without compensation would be a flagrant injustice. Would the cost be prohibitive? While no answer can be given without a full enquiry, yet Parliament by the adoption of such a policy as we have suggested, carried out gradually over a period of years, would in our opinion, secure to the country in return for the expenditure full value in the properties and businesses acquired—and a value which, as time goes on, would be recovered. But whatever the cost of such a policy to-day would be, it can with safety be said that that cost will at least double, if not treble, in the course of the next decade. The attitude of the Indian community, so far as we can trace on this particular subject, is to argue that such a policy would not be in the power of the Legislature to follow, because the industrial life of an important section of the community would be so seriously affected by the withdrawal of Indian labour that a general protest by the leaders of the industries concerned would be raised against such legislation. However, that may be, it is on record that similar protests put forward by the leaders of the Gold Mining Industry in the Transvaal, when the question of the repatriation of the Chinese was considered and decided upon by the then Transvaal Parliament, were set aside and the will of the people in that Province predominated with advantageous results all round.

In order that every avenue which may lead to a final solution may be explored, we think that the Union Government should appoint a Commission to enquire into and report upon this particular aspect of the question for the information of the people of the Union. As a Municipality which is peculiarly and pecuniarily interested in the question—indeed, more interested than any other Municipality in the Union—and looking to the ultimate future, we trust that our representations on this point may find acceptance with the Government and Parliament, and that a full enquiry, such as we have suggested, will be undertaken at an early date.

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[Mr. T. M. Wadley.]

The Sub-Committee recommends :—

(a) That its report be adopted by the Council and forwarded to the Union Government with a recommendation that the views of the Council be given effect to legislatively.

Adopted.

(b) That in the event of the Class Areas Bill being referred by the House of Assembly to a Select Committee for consideration and report, The Town Council be represented before such Select Committee by a delegation which shall include the Licensing Officer and that such delegation tender evidence on the lines of the above report.

Adopted.

(c) That copies of the report be forwarded to the Members of the Union Legislature, and that the Members representing the Durban Constituencies be urged to support the Council's representations in Parliament.

Adopted.

(d) That copies of the report be also forwarded to the Natal and Transvaal Municipal Associations, and to all Local Authorities in Natal for their information and co-operation.

Adopted.

We may point out that we have received a communication dated 10th March, 1924, from the Joint Secretaries of the Natal Indian Association as follows :—

“ We beg to inform you that the above Association is a representative Indian body established for safeguarding the rights and interests of the Indian community in Natal, and any consultation that the Town Council may intend making in matters relating to the Indian community, we venture to suggest that our Association will be glad to place itself at your disposal and therefore we trust that, in the forthcoming discussion of the Council on the Class Areas Bill, you will give us an equal opportunity to place our views before the Town Council. A copy of the statement we submitted to the Minister has been sent under separate cover for the information of the Town Council.”

We recommend that when the Council considers the above report the Deputation from the Natal Indian Association be received and heard. †

(Sgd.) T. BURMAN (Chairman),
 ” H. H. KEMP.
 ” G. REYBURN,
 ” A. L. CLARK.
 ” F. H. ACUTT.

18th March, 1924.

Members.

† See Page 289.

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[Mr. T. M. Wadley.]

ADDENDUM.

* Councillor Acutt dissented to the proposal to bring this area (or areas) within the jurisdiction of the Durban Corporation for all purposes of local government.

† With regard to this paragraph, Councillor Clark, while agreeing with the views of the Sub-Committee so far as they go, is of opinion that it is desirable that Parliament should lay down a minimum wage to all employees regardless of race, and that the proposal of the Sub-Committee should not be limited to skilled employees only.

‡ Councillor Acutt dissented to all the words of this section of the report after the words "touch this question."

1487. Can you tell the Committee what is the number of Indians in Durban itself?—The chief constable reported to us that the Indian population within the Municipal area in December, 1924 was 16,417.

1488. That was the result of the census taken by the Durban Municipality itself?—Yes.

1489. What does that show—an increase in the number of Indians in Durban over 1921 or not?—The tendency we believe is to show within the Municipal area a reduction in the number of Indians, but there is, we believe, a considerable increase in the suburbs adjacent.

1490. The suburbs were not included in the census taken by the Municipality?—No. We had a census of the suburbs taken in 1923 for certain purposes and that revealed that there were 38,724 Indians in the adjacent suburbs.

1491. *Mr. Reyburn.*] Excluding Durban?—Yes.

1492. *Chairman.*] What is the proportion of Indians to the European population?—The Durban European population in round figures is 50,000.

1493. There are 16,000 Indians?—16,417.

1494. When you take Durban and its environs, what would be the number of Indians to the European population?—We had that census taken with a possible view to the extension of the boundaries, but generally have nothing to do with the

‡ Prior to considering the above report we received a deputation from the Natal Indian Association, a body representing the communal interests of the Indians in Natal who presented a comprehensive statement on the Bill in question. The deputation in reply to Councillors stated that the community they represented were bitterly opposed to the Class Areas Bill, a measure which would in their opinion have the effect of crippling and strangling a law-abiding and industrious community, that they were opposed to compulsory segregation on principle, and that they desired equal rights in every respect with the Europeans.

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counting of people outside the Borough, so I can only refer you to your own Union statistics comparing the position in 1911 with the position in 1921, and in that information unfortunately the classification is simply as between European and non-European; the non-Europeans are not divided into groups. The figures shown there are remarkable in relation to Durban and suburbs. The increase from 1911 to 1921 of the European section of the community can roughly be called 50 per cent. and the increase in the same period of the non-European population as roughly about 230 per cent. The density is 110·79. European and 553·17 non-European.

1495. That would show that the non-European population is increasing about four times as rapidly as the non-European population?—Easily. The figures I have given in regard to non-Europeans include natives. I do not want to give the impression that it is only Indians.

1496. What is your impression taking a number of years, say the last 20 or 25 years, has the Indian population of Durban and suburbs together increased very largely. Do you think there is an influx of Indians from the urban areas to Durban?—If you ask me in regard to a period as long as 20 years I am unable to say with authority what the position is. Speaking of the position over the last 5 of 6 years, I should say the tendency so far as Durban is concerned has been to restrict the numbers; they have lessened, but they have gone to the outside areas. Taking Durban and the suburbs together there has undoubtedly been a considerable increase, I do not know whether it is due more largely to influx from other places than to the natural (birth) increase.

1497. It is very often stated that the Indian came to South Africa originally as an indentured labourer and he naturally settled in those parts where you have the sugar plantations but gradually they themselves or their children have drifted away from those sugar plantations to the towns and more especially to Durban. Do you think that is the case?—That has been the tendency, but I think I am right in saying that a considerable number of indentured Indians came over for domestic purposes and came to Durban.

1498. With regard to the residences of these Indians, are they confined more or less to certain quarters or are they spread throughout the town?—Well, I wanted to say that I thought that probably each member of the deputation would be asked to make a general statement to commence with, and had I made that statement I would have reminded

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the Committee of what was stated in our report on the previous Bill that the provisions of the Bill as we have seen it are very largely legalising what is virtually the practice in Durban to-day, that is to say, there is a tendency for the Indian community to confine itself to certain parts of the town. That is particularly applicable to trade, although of course there are numerous exceptions. It is not quite so certain in the case of residential quarters ; they are more spread. There are what we regard as essentially Indian areas from a residential point of view, but generally they are spread over the town in considerable numbers ; and there is a tendency on the part of the wealthy Indian to get into distinctly European quarters.

1499. You said you would like to make a statement. I thought of only asking for your views on the general question and did not think of giving you the opportunity of making a statement. Will you make your statement now?—I wanted to say that the Durban Town Council has naturally been interested in any legislation dealing with the Asiatic question. It appointed a sub-committee to consider the first Bill introduced in 1924 and also appointed a sub-committee to consider and report upon the Bill now before this Committee in the form in which it was first placed before the House of Assembly. You will recognise that in a body like a Council with 18 individuals who are not in any way tied together on party lines you can get 18 distinct different opinions. We naturally have in our Council people who are extreme in their views with regard to the Asiatic question, and consider them most undersirable. Then there are those at the other extreme who see no harm in the Asiatics, and between those two you have a considerable difference of opinion, and therefore it is with some difficulty that you get anything like a conclusive and unanimous report on a subject of this nature amongst a body composed of so many different elements, and this report we have handed in represents, as fairly as it is possible to represent a compromise as far as the Municipality is concerned. Briefly, the attitude we have adopted is that we are not antagonistic to the Bill except in one particular, and I would like to emphasise that because there is an impression that Durban is against the Bill as we have seen it. Except in one particular, which I will mention later, we are not against the Bill. At the same time we do feel that there are so many implications in this matter ; we have such ties with Great Britain and India that we feel nothing would be lost by attempting to arrive at an ultimate solution of this very

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difficult matter by holding a conference of all the parties represented, and the Durban Town Council expressed that view some time ago and that view was referred to the Union Government. That must not be presumed to show that we do not favour this sort of legislation ; we feel the advantages, but at the same time we feel that if all parties got together some solution acceptable to all might be found. Frankly, we think that the only satisfactory solution of the Asiatic question—having in mind all the conditions in this country—is repatriation. We appreciate the difficulties there, and that is the spirit in which we approached it. I understand that there is no Bill in existence now, and that a new Bill will have to be brought up. Dealing with the Bill as last published on the 15th February, which I say we are not opposed to, what we would like to see is certain provisions embodied in the Bill which would enable the local authority concerned not to be so much in the back ground once action has been initiated—the initiative in regard to the creation of class areas lies with the local authorities. The Minister does not act until there has been a request from a local authority, but once having asked for the class area, that local authority disappears from the scene entirely. We take the view that the local authority should at least be directly represented on any commission and in all those matters where initiative lies with the Government that in some way the local authority should be given an opportunity of expressing its view. For instance, clause 7 of the Bill gives the Governor-General-in-Council, that is the Government, the power, without reference to the local authority which will be very seriously affected, to enlarge areas, to diminish areas or to create new areas—The Government can do this without reference to the people most affected. We would like, in view of our particular problem, that powers should be conferred under any legislation upon the local authorities that would enable them to acquire land outside their boundaries for the creation of class areas. So far as Durban is concerned the land question is a very serious one. We are, I believe, the smallest municipality in point of area and we have not got land where we can decently house these people without making very obvious sacrifices on the part of the European community. We have tackled the question of housing the Municipality's own Indian employees, and have met with considerable opposition from those sections of the community who lie outside our boundaries. One very desirable acquisition

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was frustrated. We pointed out to those who opposed us that they would not gain anything by frustrating us, and that the land in question would fall into the hands of Indians and this has happened. The property referred to is 200 acres of land on which we proposed to house our own Indian employees. The people in the district put up considerable objections to the Provincial Council and we were denied the power of buying. That very land is now held in small lots by Indians. We thought that it would be better for the Indians themselves as well as for the Europeans and that conditions would have been far preferable to what they now are—far preferable to the conditions that the present class of Indians there provide. However, we have now acquired land in the Jacobs and Wentworth district. There was considerable objection to that, but we drove our point home and the Provincial Council agreed to the purchase of the land there. That power we should like brought into any legislation dealing with this matter. The other point, and this is the one exception in which the Bill does not coincide with our ideas, is the question of the coastal belt. I must say we find ourselves tied up in a knot as to what the coastal belt provisions do mean. The Council had one legal opinion of Mr. Wylie on this point and coming down on the boat we read the Bill of the 15th February and it seemed a new position had been created so I wired up to find out whether Mr. Wylie's opinion still held good. I got a reply that it still holds good, and therefore it would appear that such land as is already occupied by Indians, in the Union no matter where it may be, continues to be so occupied. Personally, as a layman, and my opinion on such a point is of not much account, I cannot read it that way. We have all read the provisions in this light, that on and after the proclamation of the Governor-General under Clause 10 of the Bill, an Indian will not be able to acquire land, either in freehold or leasehold except in established class areas and in the coastal belt. If class areas are not established by various municipalities we foresee—we may be wrong—that the coastal belt will be the only home of the Indian in South Africa; the whole of the Indian population will be centred within that 30 mile belt, in other words, in Durban and its environs, and frankly, we hope that no such provision will be made. We do not think it is altogether fair to our community that the whole of this problem should be saddled on them; we think it would be fairer whilst the Indians are in this country, to continue the distribution as it stands to-day. The birth rate of these Indians is high, and if confined to that coastal belt there must be a bursting of their boundaries.

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before very long, and there will be an enormous clash between the two races. That briefly is the position as put forward by us in our report. (*Mr. Eaton.*) I support what the Mayor of Durban has said about the Bill. We are agreed with him that the Bill is a good one, except that we look with suspicion on that clause which will more or less bring about the coastal belt whereby we feel that the whole of the Asiatic problem will become accentuated so far as Durban and environs are concerned. For that reason we feel we cannot support that provision in the draft Act, but we agree with the other provisions; we feel that the Government is making a serious endeavour to meet public opinion, and for that reason we are more or less pleased. We feel that public opinion has more or less consolidated itself into this position that the problem has to be solved. Since the present Government got into power, the opinion held by a large section of the people in Durban and adjacent areas is that we should leave the Government to govern. The Government has a full knowledge of the problem and we expect results. That is the general opinion held by the people there. We expect certain results, and for that reason there has not been the same agitation there was two or three years ago. As one who has been intimately connected with this agitation I can say that we feel that there is a serious attempt by the Government of the Union to deal with the matter seriously and for that reason certain sections of the community who have agitated are more or less marking time waiting for results. That is not to be taken as indicating a dying down of the agitation; it is simply that we feel that we have a Government which is going to deal with the question, and we are going to leave them to govern. We do feel that repatriation is the final solution, but possibly some compromise might be arrived at which will be in the best interests of the country generally, but we feel, as Durban representatives, that that is the only solution. Having regard to this, the racial position in this country is such that we have a huge native population; we have our coloured in the Cape, and we feel that the native problem also connected with the whole of the other problems, the position of South Africa is a very difficult one. What we want to stress is this, that as the position is being improved in Durban we are accentuating the problem in the adjacent areas. You have the laundry business in Durban for instance. We have regulations and bye-laws which enable us to control the conditions of that particular calling. These regulations are stringent in that they demand certain sanitary conditions, but what do we find? We find that when we enforce those conditions the Indians who run

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those laundry businesses immediately go outside the Borough and carry on their business there. Therefore, while Durban is more or less controlling the problem from the point of view of sanitation and health matters, by that control, it is accentuating those difficulties outside the Borough where there is absolute freedom and the only control is the Health Act which is not administered as it should be, for the simple reason that there are not sufficient inspectors to control sanitary conditions outside. We feel that while the Indian population is decreasing in Durban Borough itself it is increasing very rapidly on the Borough boundaries. In fact, it appears to us that the population in Durban is one Indian against three whites and outside Durban it is three Indian against one white which proves which way the problem is setting itself. We have complaints that these Indians do not want to be controlled; they do not want to conform to health and sanitary conditions and that whatever we do we have to force our standpoint upon them. It is because of that that we feel that the problem is one that the Government should tackle. There has been encroachment from the point of view of industry. We have improved industries in Durban, and to-day there is a big forward move to improve our industries, and machinery is being put up. What do we find? We find that in the furniture trade these Indians have established home industries outside the Borough boundaries and are manufacturing furniture and marketing it. They market it by sending it to the auction marts and selling it to the white people, and the white people buy it without any knowledge as to where that furniture comes from. That shows a tendency of encroachment, and this is the fear the industrialists have in Durban that these tendencies are continually with us. We are controlling the matter inside Durban where we have control and immediately we create a bigger problem outside. The conditions in the tinsmith industry are similar to those in the furniture manufacturing industry which I have just described. That is the general opinion held by those who have been agitating for a long time and who, I am afraid, will perhaps get out of hand if they do not see results. I would like this Select Committee to take this view very seriously that there was a serious agitation three years ago and that agitation has only abated because we have a firm belief that the Government is going to improve matters. If the Government does not, and certain phases have been shown whereby the white people are losing ground—if they feel the Government is not going to tackle the problem we can look for serious results. The white people fear this. The white population is not increasing as it should

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and they feel that ultimately their children will have to leave the country, and before agreeing to that they will put up a fight. We wish to emphasise that there was an agitation and it is now only lying dormant pending the results which we are hoping this Government will bring about in solving this problem or ameliorating it. (*Mr. Acutt.*) I would like to endorse the views expressed by the Mayor in that the members of the Durban Town Council approve of this Bill in its main principles. The only one serious exception that the Durban Town Council takes to the Bill is the clause in regard to this 30 mile coastal belt. The Mayor has expressed our view in regard to that, and I would like to amplify what he has said in a slight degree. It is true that the clause stipulates that Indians in that belt will only be allowed to buy land which is already owned by Indians, that is to say, the area owned by the Indians will not increase under that clause, but the position is this, that the Indians already own large tracts of land in the 30 mile belt, especially in that part surrounding Durban, and if this clause becomes law it will mean those lots owned by Indians will be sub-divided into smaller lots as they are being to-day, and the Indian population which is at present spread over the whole of Natal will gradually drift down and we will have a very congested Indian population in this coastal belt. That is the principal reason why we do not approve of that clause in this Bill. I would like to say I have been connected with the land and estate business in Durban for the past 20 years and I feel I am competent to speak with some knowledge on the subject. Some little time ago I was having a conversation with E. M. Paruk, one of the leading Indians in Durban, and I pointed out to him that the Indians were making a mistake in encroaching on the European areas, and he adduced certain arguments as to why the Indians should be allowed to live alongside Europeans. I warned him that there was an agitation which was simmering. I said, "You are going to make matters worse for yourself if you insist on encroaching on European preserves." Whether he took my advice or not, I do not know, but at all events in a short time the Durban Town Council held a public sale of suburban lots and one of the lots was bought by an Indian although a European did the bidding on his behalf. Some people in the room had wind of what was going on and wanted to know the name of the purchaser, and when the name of an Indian was given as the purchaser, several people jumped up and insisted that the land sale be cancelled and demanded that the Corporation should see that public lands in European areas at all events were not sold to Indians because it depreciated the land in the whole neighbourhood. Well, the land sale was cancelled

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and the Durban Town Council sought power to introduce into their conditions of sale a provision prohibiting Indians buying in certain areas. That fact—with the fact that the Europeans have become alive to the menace of the Indian encroachment, and have in a great many cases refused to sell to Indians even though they can get a better price; they have been patriotic and put in the anti-Asiatic clause in the condition of sale—has tended naturally to drive the Indian out of Durban and the result has been that large areas have been recently bought outside by Indians. I can name them. One company called the Commercial Properties Ltd. bought a considerable area of land at Umgeni. Clairwood was occupied almost entirely by Indians and the same condition applied in other places surrounding the Borough of Durban. Durban is a very small area—one of the smallest in the Union, and we have to look ahead and to the fact that Durban has to extend and that in due course all those areas now purchased by Indians will come in the Durban area. In fact, they are in the Durban area now although they do not come under our jurisdiction, and I do feel that it is the duty of the Government to curtail the further purchase of land by Indians. Indians buy far more readily than Europeans do. It has been held that to restrict the purchase of land by Indians would be a hardship. Well, I suppose it will be a hardship, but I would like to point out to the Committee that there are laws in the country at present which prohibit natives buying land, and if it is fair to prohibit the natives—the aborigines of the country—buying land, I do not see why we should not adopt measures to protect ourselves in regard to the Asiatics. The same thing applies to segregation. There again the natives are segregated; they are in locations, and if it is fair to legislate in this way for the native, I cannot see why it should not be done to the Indian. There is a certain area in Durban, the Stratford Road area, where the Indians started some years ago to encroach on that. They buy one property after another. If the European owns the next property, another European will not buy that property when it comes into the market and the result is that it is bought by an Indian. I would like to say there is one Indian in Durban who owns more houses than any European in Durban; he owns probably as many as 200 houses; he has a tremendous holding in this Stratford Road area. Being connected with property business, I can see what is going on. I myself have sold to Indians—I make no bones about that—if I did not sell to Indians somebody else would.

1500. *Mr. Coulter.*] Who are the occupiers in the Stratford Road area?—I do not think there are many Indians. A [S.C. 9-'26.]

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good many of the tenants are of the lower class of Europeans and coloured people.

1501. You speak of the depreciation of the property arising from the fact that an Indian may have purchased property close by. Do you attribute that depreciation to the fact that the Indian has acquired title or to the fact that he lives in the property himself?—Acquired the property.

1502. The registration in the Deeds Office of an Indian buying the property depreciates the value of property in that area even though the particular property owned by the Indian may be occupied by a European?—Yes, because the European who intends to buy property there knows that at any moment the house alongside may be occupied by the owner (an Indian) or some other Indian.

1503. *Chairman.*] Will you make your statement Col. Molyneux?—(*Col. Molyneux*). I am the Licensing Officer of the Durban Town Council and in that capacity I deal very largely with the Asiatics. In giving evidence before the Asiatic Enquiry Commission I said I had taken up a certain attitude and the result has been to segregate the Indian trading community in one area, namely, the Grey Street area. At the same time there are Indian licence holders existing in other parts of the town, but gradually they are being concentrated in one area. The Durban Corporation approves of the provisions of the Bill because the Bill if it becomes law will legalise what we are now doing. It is true that segregation such as it is is voluntary only on the part of the Durban Town Council and not on the part of the Indian, but there is no stability in the position because subsequent Town Councils might reverse the policy and get another Licensing Officer who might not act as I have—that is as regards trading areas. The position with regard to residential areas is different. We have no power at present in Durban other than persuasion to make the Indians live in any one part of the town, and the Indians have repeatedly said they are against segregation by compulsion. They are very largely opposed to the segregation which is enforced by the Council. As regards the places where they live there has been no attempt made to segregate because we have no powers. As regards the housing problem, there has been a decrease in the number of Indians resident in Durban on account of this segregation policy, but all the same there has been a very considerable increase in the values of the properties held by them in Durban.

I have a return showing how properties have increased in value. In 1889, Indians held property to the value of £28,400 and in the current year the value of property owned by Indians has increased to £1,250,000. The following is the statement:—

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[Col. G. Molynaux, D.S.O., V.D.]

PROPERTIES OWNED BY INDIANS AS PER VALUATION ROLL FOR YEARS 1888-89, 1898-99, 1908-09, 1918-19, 1920-21
 1921-22, 1922-23 AND 1923-24.

Ward.	District.	1888-89.	1898-99.	1908-9.	1918-19.	1920-21.	1921-22.	1922-23.	1923-24.	1926.
1.	Point	160	1,600	15,430	22,520	37,920	32,720	33,040	47,000	—
2.	Umbilo	—	950	16,080	31,870	56,720	53,180	65,360	66,280	—
3.	Bulwer Park ..	910	—	13,640	11,360	11,590	12,640	20,690	12,620	—
4.	Grey Street and Business ..	25,720	151,630	284,960	383,540	526,390	573,950	581,220	614,990	—
5.	Berea	1,480	13,930	44,460	32,170	24,210	26,400	28,080	25,360	—
6.	Greyville	570	32,770	99,580	108,510	146,900	151,780	153,830	168,710	—
7.	Stamford Hill ..	—	—	27,600	30,920	41,140	48,810	47,690	59,270	—
8.	Business	—	—	—	8,510	28,850	32,640	20,040	23,810	—
9.	Berea	—	—	—	33,480	66,330	70,860	71,720	80,190	—
		£28,840	£200,880	£501,750	£652,880	£940,050	£1,002,980	£1,021,670	£1,098,230	£1,250,000
					VALUATION ROLL	TOTALS.				—
		£ 1,615,920	5,626,695	9,494,400	12,699,420	15,561,930	16,145,720	16,637,600	17,409,690	—
					PER CENTAGE.					—
		.178	.3.59	5.284	5.104	6.04	6.212	6.147	6.308	—

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This is a remarkable increase in itself, but it is more remarkable still if you bear in mind the fact that the Indian population has decreased largely owing to our own action in compelling as far as we can the traders to centre in one area. The Indian population has decreased and now stands at something under 17,000, and yet their properties have increased from £28,840 to £1,250,000. The conditions outside the Borough really hardly bear enquiring into; they are absolutely scandalous. The Council has said in its report that outside the Borough the Administrator is the health authority, and he does nothing, and the conditions under which the Indians outside the Borough live are absolutely unbelievable. There was a case where the police thought there was a murder and they dug up the ground at the back of this Indian's place and there they found a corpse, and it was found that the dead person had been a relative. There appear to be no regulations or conditions in regard to the burying of their dead; they can bury where they like. It is not absolutely necessary to have bad conditions. To show that there is no necessity for the Indians to live under the bad conditions they do live under you have to go to places like Bellair, Hillary, Malvern, etc., where Europeans are living without any health supervision and where the conditions are not only passable but quite good, but as to the conditions under which the Indians live in those places, it is beyond all belief. Our experience in Durban is that nine out of every ten of our sanitary cases are against Indians; they will not comply with our regulations. We had a case a little while back where I had to prosecute a man who had a certain amount of petrol hidden in the latrine and the prosecution was successful, and when we had finished the Sanitary Department got busy. I could quote hundreds of cases to show the difficulties we have of enforcing the sanitary regulations in Durban. It is a fact that nine out of ten sanitary cases are against Indians and not against Europeans and natives. Generally the natives are amenable to the sanitary regulations. The Borough area of Durban is the smallest in the Union; we have only 7,000 acres, I believe. The Borough is confined between the Berea Hills and the Indian Ocean, and to have a proper residential area for Indians we should be able to acquire land outside. The population in the suburbs of the non-Europeans has increased in the last few years by 250 per cent., that is, the total coloured population, including Indians, and it is notorious that the increase has been an Asiatic increase, and not a native increase. — There is another point the Indians themselves overlook, that at

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the present, owing to the laws in Natal which are harsh and restrictive, they have very small trading facilities compared to what they would like. The practice is to refuse to issue new trading licences. If the principles of this Bill were adopted and there was a trading area for Indians, I do not see why the Indians should not have all those facilities in that area. If there were a class area you would allow any Indians to trade there and from an Indian point of view it is an advantage. I go further and say it would be an advantage to us, if you can give into one individuals' hands great power you may have people who will abuse that power. I myself succeeded a Licensing Officer who was dismissed by the Durban Town Council for accepting bribes. There is always that danger as the Licensing Officer has in his power the right to grant trading facilities or to refuse those facilities. From our point of view it would be a good thing if that power were abrogated; it would be an advantage to be able to say within that area you can trade as you please. The Indians I know very well have told me that "We are opposed to compulsory but not voluntary segregation." It is not possible to have voluntary segregation—there is always somebody to object, and if it is not possible to get segregation in that voluntary way then segregate the Europeans; let us have the stigma, if there be a stigma; put us in separate areas. The Durban Town Council favours this legislation because it thinks such legislation will improve the conditions in the Borough; it feels that this contemplated legislation will not be to the detriment of the Indians, and that the Indians will have the trading facilities they require. Another reason why the Durban Town Council favours this legislation is that we get rid of a very large criminal type. Your statistics will show that the courts in Natal are congested with Indian cases, and since Union came about we have suffered a great disability in that connection because magistrates come to us who have not the knowledge our own magistrates have of the Indian question, and it takes them a year or two to ascertain the fact that many Indians do not give truthful evidence, and each new magistrate has to acquire his knowledge at our expense. If we can get rid of these Indians, the Durban Town Council thinks that in that way the legislation will be a great help to the people of Natal. (*Mr. Wadley.*) I would like to supplement what Col. Molyneux has brought out in regard to land owned by Indians in the Borough of Durban. The figures he has given in respect of property owned by Indians are important. In 1889 the [S.C. 9-'26.]

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percentage of Indian owned property in Durban was .178 and to-day it is 6.25; in 1918 it was 5.10. In seven years the Indians increased their holdings by nearly 25 per cent. notwithstanding that the Indian population of Durban has somewhat reduced.

1504. The point you make Col. Molyneux I realise is a very important one, that in spite of a reduction of the Indian population within the Borough of Durban, the value of the property they hold within the municipality has actually increased by about £1,000,000?—(Col. Molyneux) It has in proportion increased more rapidly than the property owned by Europeans.

1505. Do many of the Indians who live outside the boundaries of Durban own property within the Borough?—I know of some who do, but I would not like to say that that is general. Many outside Durban own their trading properties, but I do not think there are many who own residential properties.

1506. I understand that the Indians living within the Borough of Durban concentrate more or less in certain quarters such as the Grey Street quarter?—For trading purposes.

1507. Do you think that has been brought about mainly because trading licences are issued only for trade in that particular quarter?—There is no doubt about it. It is a fact that if they could get licences elsewhere they would.

1508. You therefore say that that partial segregation carried out has been carried out voluntarily, but at the same time in the face of opposition from the Indian community?—That is so.

1509. For that reason you think that if segregation is not compulsory—if we follow the voluntary principle which has been recommended by the Asiatic Enquiry Commission of 1921—that we will make no progress as far as segregation is concerned?—I am afraid that if you do not have compulsion that what we have achieved so far will be lost. It does not follow that the man who succeeds me as Licensing Officer will adopt the same attitude I have adopted in this matter, and it is also possible that subsequent town councils will not see eye to eye with the present council or with me. If my policy were opposed to that of the Durban Town Council I do not think I would last long in my position as Licensing Officer.

1510. This partial segregation carried out on the voluntary system was effective, in so far as it was effective, seeing that the Indians generally were opposed to that segregation. It was carried out merely because the Indian as a rule lives

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on the same premises where he trades. Now if you issue trade licences only in a particular quarter then the Indians, on account of that mode of living, would leave that particular quarter?—I think you are wrong there for the reason that Durban is congested. Indians have very large families and, generally speaking, their business premises are very small, and they have not the room to live, and although certain do live in the Grey Street area, the large proportion do not live there.

1511. You do not think that is true in Durban. It has very often been said that the Indian lives on the same premises in which he trades?—Many of them do, but the population is spread all over the Borough and not as the trading area which is practically confined to one point.

1512. Say for instance that for sanitary reasons you discourage this living and trading on the same premises. If you stick to the voluntary principle of segregation that would simply mean that the Indians living in that quarter now where they trade would tend to spread more over the whole municipality?—Yes. I do not know whether we have objection to Indians living on the premises in which they trade. If you are going to prevent them living in the Grey Street quarter it will force them over the town.

1513. Do you consider it a fact that whenever an Indian comes to live alongside a European, the property of the European depreciates in value?—I think undoubtedly it does and there are several reasons for that. One reason is that the Indians do not maintain their properties in the same way as Europeans do; the roofs are allowed to remain on without ever having the necessary attention. In Natal we are dealing with a low class of Indian and they get their premises into a condition that you have no conception of. The only thing approaching the conditions of the Indian places are those places on the Karroo. I noticed coming down here by train the small houses with bottles and broken glasses lying all about. That is the kind of thing you find in the gardens and yards of many places.

1514. I have sometimes heard it stated that through the depreciation of properties on account of their presence, the Indians encroach systematically in the Durban area; that they buy a property in a street and a few houses further on they buy another and in that way depreciate the value of the houses lying in between and afterwards they acquire those houses at a smaller price?—(Mr. Acutt.) I can give you an exact instance of that. E. M. Paruk bought a property at the

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corner of Marriott and Currie roads, and for some years that was the only Indian owned house in that particular neighbourhood. Then the property adjoining came into the market and Mr. Kahn bought it. Subsequently the next property came into the market and I had the handling of that particular property. I tried to sell it to Europeans because it went against my grain to sell to Indians. I took people out to view the property and they said "This is an Indian location; why do you bring us here." They were insulted. The owner of this property was leaving Durban and had to realise, so the only alternative I had was to sell to an Indian. Subsequent to that, a house above Paruk's was bought, so there are four Indians there now.

1515. *Mr. Rood.*] Are they resident in those houses?—All Indian owned and Indian occupied.

1516. *Mr. Reyburn.*] Was the price any less?—The price wanted for the particular property to which I have just referred was £2,000. It was sold for £1,800. I do not say that the owner would have got £2,000 from a European. The point I wanted to make was that when the next door man wants to sell his property to a European he will be confronted with the same difficulty.

1517. *Sir Ernest Oppenheimer.*] On the question of Indians deliberately buying houses in certain parts so as to reduce the value of the other houses in those parts, you do not seriously suggest that an Indian will deliberately buy a house in one street so as to depreciate the value of the other houses in that street?—(*Mr. Wadley.*) I do not think we would suggest that there is an organised attempt to depreciate the value of properties in that way.

1518. *Chairman.*] It has been contended that the insanitary conditions in Indian quarters is due not so much to the mode of living of the Indian, but chiefly to the negligence of the Durban Town Council in enforcing the sanitary law?—(*Col. Molyneux.*) I do not hold any brief for the Durban Town Council, but I do think that we do all we can to enforce the bye-laws in Durban and, as a matter of fact, the sanitary conditions in the Indian quarter of Durban are good. (*Mr. Wadley.*) I unhesitatingly deny the suggestion conveyed by that contention. So far as negligence in enforcing the law is concerned, it is the other way about; we are accused of being too harsh and oppressive in these matters. We have recently seriously taken in hand the question of the condemnation of unfit premises. We dealt with a considerable number of cases, and I think there was one European case to about eight Indian

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cases. I speak subject to correction, but I think you will find that in prosecutions in sanitary matters there is a preponderance of Indians concerned. The Medical Officer of Health and officials are constantly endeavouring to keep these people up to standard. There is no negligence; there is complaint that we go out of our way to enforce the laws in regard to sanitation.

1519. As far as you can see, what was the opposition of the Indians to the institution of the health boards in the area round Durban?—Well, I believe it was largely because they did not have representation. I think that is the answer to that question.

1520. You do not think their opposition was due to the fact that they are insanitary and objected to the enforcement of sanitary rules?—I cannot speak of the position outside Durban, but as far as I can gather from cases inside, their objection to sanitary measures is on the score of expense. I have had cases where wealthy Indians have tried to get round the sanitary regulations with a view to saving a pound or two. (*Mr. Eaton.*) That is the position because while we find this agitation is by the leaders, actually those Indians living in the hovels are the people opposed to it because they do not want to pay; they do not want any interference with their mode of living.

1521. I think the logical consequence of that position is this, that simply because there is no efficient control as far as sanitary matters are concerned in the area round Durban, that particular area is a special attraction to the Indian?—(*Mr. Wadley.*) I think you are right.

1522. Not only the Indian coming from other parts of the country but the Indian who is at present living in Durban and does not want to submit to the sanitary rules of the Municipality?—I think they realise that there is less supervision and less hardship by going outside.

1523. You think if the control in those peri-Durban areas were improved that that would be a means of largely putting an end to the influx of Indians to that particular area?—It would help the position, but you are dealing with a very big area and the number of people concerned could hardly afford the cost of the standard. They would have to voluntarily maintain a high standard.

1524. If a stranger should visit Durban and, not knowing about the Municipal boundaries, would he not look upon these peri-Durban areas as belonging to the Municipality?—That is what often happens. They associate those areas with the town of Durban.

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1525. Is it not a natural thing that Durban should extend its boundaries so as to include these areas in order to get more efficient and effective control so far as sanitary matters are concerned and also town planning?—You are asking me to express an opinion on a very big question of policy so far as the Durban Town Council is concerned. I think the Durban Town Council will be happy when the day arrives that they can include a considerable portion of these districts within their area, but at the same time the Council is very conscious of the financial obligations this will involve. Owing to the contour of the ground, the expenditure on drainage and that sort of thing is going to be enormous—out of proportion to what it is in the town proper. The consequential burden will be a considerable one, and until the people outside come to us and are prepared to assume it, we can hardly expect the people within the town to bear the brunt of the expenditure. The general opinion is that a step will be made in the right direction when the boundaries are extended. Then it is probable that the Indian will go still further; and all you will have achieved will be to shift the centre of the difficulty.

1526. If this Bill becomes law an Indian cannot acquire property?—That is so. All that is bound up in the land problem. Given this legislation, specific class areas will be created over which we can maintain a far better control than the control is to-day. (*Mr. Eaton.*) Is it not so that the Indians, under this Bill, will be able to live on properties outside the Borough? There are Indian companies who are letting plots to Indians at 30s. a month, and the position is that if we did include these areas in the Durban Municipality there are other tracts of land that would be similarly settled. I would like to see this Bill amended. We have a bye-law in the Borough of Durban stating that sub-division shall not be less than 4,500 square feet and only one single residence can be erected on that, and we feel that the Indians living outside the Borough should be subject to the same conditions, that is, if it is good for inside, the same should apply to outside. We feel that the Bill can be amended in such a way in sub-divisions of land it should be stipulated it shall not be sub-divided in areas less than 4,500 square feet and only one residence erected on that.

1527. You have the powers?—We have the powers under the Financial Relations Act. The thing is that we have the powers, but there are great interests, and interests also have powers.

1528. Are there any areas outside the Borough of Durban which are supplied by the Municipality with electricity for

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lighting purposes?—(*Mr. Wadley.*) We are supplying a considerable area outside Durban proper with light. I think our radius is 16 miles; it embraces Pinetown in one direction, Verulam on the North coast and Isipingo on the South coast. We are rapidly approaching the limits of our powers. We now reach Escombe, which is three or four miles from Pinetown. With regard to water, we are not supplying more than a few individuals outside the Borough, but as soon as the Shongweni scheme is completed we are under certain obligations to make water available to residents outside.

1529. The position is this, that the Durban Municipality sells its electricity and water to people outside the boundaries of the Borough, but the Municipality does not want to shoulder any responsibility in regard to the control of these areas and other provisions which are necessary. Do you not think, to put it bluntly, that is a selfish policy?—I do not think so. Electricity and water are supplied on a commercial basis. The people of Durban in common with the people of Cape Town or any other town pay by way of rates for the sanitary and general services. Your suggestion I submit is based on a fallacy—the mere supplying of light and water. I might as well say to my grocer “Because you have a regular account with me you should supply me with something else.”

1530. I think you agree that at the same time if the Durban Municipality could take control of these peri-Durban areas that as far as the Indian question is concerned it will be relieved—anyway that particular area would not be such an attraction to the Indian to settle there as it is now?—I think the logical effect would be, since they are driven outside the boundaries on present day conditions, that when you have to enlarge Durban the rating powers and their liability for rates will drive them beyond the new boundaries. (*Mr. Eaton.*) This Bill makes provision for segregation and these people will be confined within this assumed boundary and you could have a segregation area in Clairwood and that would concentrate the Asiatics in one particular area and would prevent them getting away from the bye-laws. (*Mr. Wadley.*) We approve of the policy of segregation. If that policy is brought about by legislation we hope to be able to take considerable advantage of it, but Mr. Eaton introduces something which is not entirely to the point we are considering. You are asking us to say that we are prepared to add to our jurisdiction the present suburbs of Durban. This is an enormous financial responsibility, and while I frankly say we are looking forward to the time when we can do so, it must
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be on reasonable conditions that will not unduly add to the existing burden of our present day ratepayers.

1530A. Incidentally if you could include the peri-Durban areas it would solve your difficulty in getting a suitable site for the Indians as a class area?—Admitted. That is the reason we suggest that powers be given to us to acquire land outside the Borough and bring it under the control of the Borough. On the land we have acquired we are subject to the laws the health authority of that district may enforce.

1531. Under the present conditions where you have a peri-Durban area where Indians living within the Borough can take refuge and which is at the same time an attraction to Indians from other parts of the country, do you not think that that is the real root of the influx of which you complain? If you could improve the conditions generally in that peri-Durban area do you not think that that would very largely solve the problem as far as Durban is concerned—as far as the increase of the Indian population is concerned?—I think that is quite right. We would be able to control that area. It is however probable that unless you have a very big change in the hearts of these people, they will then go a little further afield and create the old conditions just beyond the new boundary.

1532. Under the Bill as it stands now, Indians will not be able to acquire land in the coast belt unless such land had belonged or had been leased by Indians before; there can be no further encroachment?—I think the answer generally is that the extension of the Borough boundaries would enable the Durban Town Council to improve conditions very considerably, but of course there is another angle which we have not touched, and that is from the point of view of the European outside the boundary. We have approached this problem before and we have had informal talks about it and the people outside do not like the idea of paying rates; that, to my mind, is the stumbling block—that is the difficulty. (*Mr. Acutt.*) You mentioned that by extending the Borough's boundaries it would prevent any further influx into Durban. I do not think there is any influx from outside; I think the increase is due to the natural birth increase.

1533. In the first place, I think you will agree that that influx to the coast belt cannot take place, when this Bill becomes law, from the other Provinces. I ask this question because in the report you have handed in you say that Indians from all over the Union will go to the coast belt?—(*Mr. Wadley*) What is it that will prevent them?

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1534. Indians cannot go from one Province to another, and in regard to that, the Bill proposes to tighten up the restrictions which exist even now?—Do I understand that the position is that they are confined to the four corners of the Province in which they are at present situated?

1535. Yes?—I thought that as far as Natal is concerned it is “free trade.”

1536. The Bill proposes to further restrict the movement of Indians between one Province and another?—We have not appreciated that point. Where is that provided for?

1537. In the chapter dealing with immigration?—I must confess that we did not pay much attention to the immigration provisions. If that is so, we appreciate that point.

1538. I think you will agree that it is impossible for Indians in other parts of the Union to go to the coast belt?—I understand.

1539. They will be prohibited going to Natal from other Provinces?—So that we shall maintain only the population we have in Natal plus its increase, and that will apply to other Provinces as well?

1540. In the first place you recognise that under the Bill as it stands now, vested rights are protected, and an Indian owning property outside the coast belt will not be deprived of his property; he will be able to continue to live there?—He cannot sell it, can he? It can only pass by succession.

1541. He can, but he must sell to a European?—He cannot sell to an Indian?

1542. Only when such property comes into the market will that Indian be compelled to leave that particular plot on which he is living?—Although it will take time, the tendency will be to diminish their holdings and drive them into the coast belt.

1543. The point I wish to make is this, that that change will come about only very gradually?—Admitted. We recognise that it will come very gradually, but it will come, nevertheless. You have within the coastal belt certain land which is at present occupied and owned by Indians, and that land, on Clause 10 of the Bill coming into operation, will still continue, presumably until further legislation, for all time to be available to them. That, you may say is the only protected land and ultimately that will be the only land on which the whole of the Asiatic population of Natal will be entitled, apart from established areas, to settle on, as a matter of right.

1544. We are first dealing with the area outside the coastal belt. Property of Indians is only affected when that property [S.C. 9-'26.]

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comes into the market. When it does come into the market the Indian owner can only sell to a European and cannot sell to an Indian, though he can pass his property to his direct descendants. As far as the leasing of property is concerned, you recognise that property cannot be leased by Indians except in areas where you have got a class area proclaimed?—Yes.

1545. And that would be practically only in urban areas to which the Bill only applies, so in the area outside the coast belt Indians, even if they sell their property to Europeans, will be able to lease land and settle there?—In the class areas?

1546. No, not in the class areas—anywhere?—Do I understand the Bill as at present gives the Indian freedom to lease land anywhere in the Province of Natal?

1547. He can lease land where there is no class area?—In other words the whole of Natal is open to him?

1548. Yes?—We are glad to learn this news as we did not interpret it in that sense. I think, as a matter of fact, Mr. Wylie has interpreted it your way as regards that point. (*Mr. Acutt.*) Can you say which clause of the Bill gives that right? (*Mr. Wadley.*) Just to illustrate the point, take Ladysmith. Suppose Ladysmith does not appoint a class area, then Indians can lease land anywhere in Ladysmith. Is that the position?

1549. Yes. The position is not changed in a particular area unless the Bill, as far as the inception of class areas is concerned, is brought into operation in that particular area?—That I understand. On the creation of a class area within an urban area, an Asiatic can only go into that class area, but until the class area is established, he can acquire a lease anywhere.

1550. Provision is made in this Bill that a lease anywhere in the Union shall not be for more than five years?—Is not that a renewal of existing leases?

1551. No. Provision is made that leases can be renewed?—Existing leases, not new leases?

1552. Yes?—Then my point still holds good. The land available will tend to diminish; it must be a diminishing quantity. You are going to force these people and their increase on to a gradually lessening area. That is the point I am trying to make.

1553. *Mr. Coulter.*] The Chairman is dealing with clause 10 (1) (a). I understand you think there is an absolute prohibition of the sale or taking over of any land within the Union but that there is a right to renew a lease for a period less than

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five years whereas the Chairman wishes to point out that it is competent anywhere within the Union to hire land in the first instance for a period not exceeding five years. I do not think you appreciate the difference?—As I read the provision, it is a renewal; you can only renew something that exists, and therefore it is existing leases. If I understand the position, an Indian can go along and hire land—with this legislation in force, he can hire land that has been occupied by a European, for less—

1554. For less than five years?—It does not look as if he can now.

1555. *Chairman.*] The idea of the clause is to prevent Indians leasing property in such a way that it practically amounts to ownership?—Quite so.

1556. It avails us nothing if we make provision in the Bill that Indians cannot be owners of fixed property and at the same time allow them to lease land, say, for instance, for 99 years?—I quite follow that, and appreciate that, but if I may say so, I cannot follow Mr. Coulter's interpretation.

1557. *Mr. Alexander.*] The clause says that no person shall hire for a period exceeding five years?—"Hire" is what he may not do.

1558. If you think that it means they may not hire at all, it should be cleared up?—That is what we think. This is a vital matter to us. We all feel that when the provisions of Clause 10 are brought into force that, except so far as class areas have been established, then the only available land for Indians is that on the coastal belt. We do not want to run the risk of not pointing that out to you. (*Mr. Eaton.*) I hold the view that they would be able to own and lease land outside the Borough, but they will not be able to purchase land save from other Indians. You only fix a period of five years, and that only implies that the period of lease shall not exceed five years. If this is the position we are more or less just perpetuating the position as it is to-day. Your object is to prevent an increase of ownership of land by the Indian community.

1559. You are reading the words "not exceeding five years" as only applying to the latter part of the section?—(*Mr. Wadley.*) apparently, whatever the legal effect may be, the intention is different to what we have interpreted it, and on that point we would ask that there should be no question of doubt. I would like to refer you to certain questions and answers in Appendix A to our report. One question is: Can an Indian live in or acquire property in any

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part of the Union outside class areas or the Natal coastal belt? and the answer of Mr. Wylie to that is: "Indians can live in any part of the Union outside of class areas and the Natal coastal belt but the only lands or leases they can acquire are those held by Indians when the Act comes into force, and then only by succession on death. Another question is: "Whether the Bill if given legislative effect to in its present form will, particularly in view of sections four, ten and eleven, have the ultimate effect of leaving the coast belt of Natal as defined by Section 10 (4) of the Bill as the only area in the Union in which Asiatics will be able to acquire immovable property, or a lease or renewal of immovable property?". Mr. Wylie's answer to that is: "The effect of the Bill if given legislative effect to will be that Asiatics will be confined to the urban areas if created and the acquisition of properties or leases of properties from existing Asiatic owners wherever situated in the Union but not beyond the extent of property owned or leased by them at the date of the Act coming into force or the Proclamation by the Government". In view of the amended clause 10 it occurred to me that Mr. Wylie might possibly have changed his opinion, and we wired to him whether his opinion still held good and his reply was "It still holds good". If you are quite satisfied that that clause means legally what you wish it to mean then we are satisfied, but we have been advised by wire as follows: "Wylie advises yes answer still holds good. Bill only refers to acquired land or lease after the 1st August, 1925, and does not interfere with existing state of affairs stop sub-section (c) of clause 11 is still the same."

1560. *Chairman.*] I think we are all agreed that the wording of the Bill can be made clearer. I intend making recommendations in regard to that?—The intention then, may we take it, is that Indians shall be permitted to lease for these short periods?

1561. Yes?—That very largely helps the objection we have.

1562. Now we come to the coast belt itself. Do you not think Mr. Wylie is quite correct in what he says about that point. In Appendix A to your report the question asked him was "Will not the result of this law be that the Indians in other parts of the Union will ultimately be driven into the coastal belt of Natal," and his reply was "No, because in the coastal belt Indians can only acquire property from existing Indian proprietors so that if the existing proprietors part with their property to others the number of owners or

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lessees of property will not be greater than at the date of the passing of the law"?—We cannot see eye to eye with that because what will happen will be sub-division. The Cato Manor Estate which we tried to acquire is now held by probably 100 Indians. I do not know whether that is a very material point. Col. Molyneux reminds me that the Governor-General could of course increase the size of areas. We recognise that if the people are here we have to accommodate them. I may say in view of the explanation given in regard to clause 10, and if that is given legislative effect to, our objection to that would appear to fall away, but we do urge you to have it in such a way that there can be no legal doubt about it.

1563. *Sir Ernest Oppenheimer.*] On page 2 of your report you say "The present Bill is admittedly only a partial solution of the problem . . ." and on page 3 "It will place the European community in the coast belt of Natal, as against the European community in the rest of the Union, in an invidious and impossible position"?—I need not, in view of the explanation of the intention of clause 10 go into that now. We were under the impression that we would have the whole of the Indian population in the coast belt.

1564. Do you still consider the Bill is only a partial solution of the problem?—Yes, because the opinion of Natal is that we would sooner these Indians go back to their own country. We would certainly like to see, even if this Bill is given legislative effect to, every inducement and encouragement given to Indians to be voluntary repatriated.

1565. In paragraph 3 of your report it shows that the following resolution was adopted by your Council: "That the Government of the Union of South Africa be informed, that in the opinion of the Durban Town Council, the only true method of solving the Asiatic question in so far as it relates to this country and particularly Natal, lies in the direction of a round table conference between representatives of the Union, Britain and India . . ." Is that still your opinion?—Yes, because we feel that so far it has been approached by each party on its own—they have not come together. Here we are all dabbling round in our own way, perhaps not in all cases alive to the interests of the other man. We do not say that a round table conference will solve the problem, but that is the customary way to deal with such matters. As a result of such a meeting of the interested parties there may be found a way out which will be acceptable, not only to ourselves, but to the others as well, and we have sufficient sentiment to endeavour to find a settlement which will

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not unduly strain the connection we have with Great Britain and India.

1566. Then at this juncture you think there should be a round table conference rather than enforcing the provisions of this Bill?—We are bound to get questions asked if this course is decided upon, and if I may make a suggestion, we would like to see the legislation given effect to even say it did not become operative for a year or two because, sometimes we have the feeling that the Indian community may think we are not serious in this matter.

1567. Do you not think you are covered, because anything will have to be retrospective from 1st August, 1925. That part of the Bill remains?—Undoubtedly if the legislation was actually brought on to the Statute Book it would be better. Ministers come and go, and Governments come and go, and perhaps by the time this matter is settled we might have a different Government.

1568. Do you not think that a conference such as has been suggested would defeat the passage of the Bill?—May I say that I do not think our opinion counts for a great deal in that. I think that is a question of policy for the Government itself. Supposing the Government decides on a conference then the Minister, when announcing that decision in the House, would make it undoubtedly clear that the intention of the Government is—that some legislation must come about. I suggest that our opinion is not of great consequence.

1569. It is in this way, that you have proved that the problem is particularly oppressive to Durban. In your report you tell us that this Bill is no solution of that problem?—We say the Bill is not a full solution. There is, unfortunately, only one solution from our point of view and that is that we would sooner these Indians were not in the country. That is the only solution, and if we cannot get that, we do welcome the Bill as something towards improving matters.

1570. If you could get a conference at which many matters may be discussed, including this voluntary repatriation, you would favour that. On page 11 of your report you also say “Generally, it may be said that the Bill, so far as Durban is concerned, will, if enacted, merely stereotype into the law the present practice obtaining within the Borough as regards trading and residential areas”?—That is from the report on the old Class Areas Bill of 1924. In regard to the question of holding a conference of the parties interested, I can only give you an individual answer. I would say “Let us do nothing to prejudice the position if there is a chance of a

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solution on the lines suggested. There is a feeling in Natal which is very strong on this question, and I agree with Mr. Eaton that if there has been a tendency to remain quiescent during the last three years it has been in view of the fact that not only this Government, but its predecessor, were tackling this question. If the people of Natal are told that the dealing with this question is held up for this conference they may think it is another shelving of it. As an individual I have sufficient confidence in a round table conference that some sound method of solving the problem might be found.

1571. *Mr. Rood.*] You say if this matter is referred to a conference it would mean shelving it. That is your opinion?—I am afraid that view will be taken. There is a certain amount of uneasiness. The people of Natal are eager to see these people out.

1572. *Sir Ernest Oppenheimer.*] I think we are getting one opinion and then we arrive at another?—I gave you first of all an individual opinion. That is to say, as an individual I would welcome the conference, and will go so far as to say, "Do not let us do anything at all until that conference is held," but I am not here to give an individual opinion; I am here to interpret as far as possible a community idea, and I think the community want to see something done.

1573. So in your evidence you started off with the same thing; you said you really preferred a conference?—The conference idea has never been lost sight of on our part.

1574. If you mean to have a conference, I cannot help feeling that it will be mitigated by this legislation?—That is why I say you should not ask us our opinion; you should rather arrive at a conclusion on the procedure without reference to the views held at Durban. I think you should say, "We will deal with it."

1575. *Mr. Reyburn.*] Would Durban back us if it was decided to hold a conference?—I, as an individual, would think you are doing the right thing, but I am here to represent a community opinion. (*Mr. Eaton.*) Durban is impatient to-day. They will say "This is going as it went before."

1576. What is your personal opinion?—I must say that the people I have been able to come into contact with—and it represents a large section of the community—are against all conferences. They have come to the understanding, whatever the position is, they put South Africa first. South Africa first in this question is the attitude they take up. That explains a tremendous amount, but personally, if a conference would help I am prepared to leave it to the Government and not
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express a Durban opinion. The Government will have all the facts of the case. You have had the evidence of very highly placed men in India, and whether you could have better opinions from the Indian point of view, I doubt. I do not see the need of a conference as the Government has had all the evidence, but if, in its very considered opinion, it thinks that a conference would be in the interests of a better settlement, then I say the conference should be held.

1577. *Sir Ernest Oppenheimer.*] You said you would like to enlarge your area?—(*Mr. Wadley.*) Yes, on suitable terms.

1578. You said there was a certain area in which Indians are now living in insanitary conditions and that you were not prepared to take that area in within your boundary?—I am sorry if I gave that impression, but you will understand there are obvious reservations.

1579. I understand that there was an area outside your Borough and you declared that while you supplied water and electric power you were not prepared to take on this particular area because it would cost money and the people in the centre would have to pay additional rates?—The point I made was that the mere fact that we were supplying certain things to outsiders did not throw on us the obligation to supply them with everything else.

1580. You did not want to take on that area for very sound reasons as far as the Durban Town Council is concerned, you did not want to burden the ratepayers with something which does not benefit them?—That is so.

1581. The very fact that you acquire some land for the purpose of extending will not do away with the objectionable conditions in districts outside your urban area?—It does not unless the newly created health committees are also regarded as authorities under this legislation. If they could create class areas that would help.

1582. They cannot under this Bill?—I am not so sure. The definition of "urban local authority" includes a health board. I do not know whether that will include these Natal health committees. (*Mr. Acutt*) I would like to say that we had a conference with the health committees on the subject of the land we acquired outside the Borough for the purpose of Indian settlement. There is no reason why, if the Borough of Durban is permitted to acquire areas outside for Indian settlement, we should not co-operate with the suburbs surrounding Durban for them to use these areas as well.

1583. You cannot interfere with the area you have described which is outside your boundary?—(*Mr. Wadley.*) To meet that

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condition, could not you arrange for these health committees to be included in the definition of urban local authority if they are not already included in that definition.

1584. Would not the result be that the protection which is given to the Indians of being able to hire for five years falls away in these districts?—We would not object to that because it would lessen the coastal belt area.

1585. If you make it permissible to have class areas in the rural area, then surely the other obligations must apply?—What other obligations?

1586. That an Indian can only lease for five years except in class areas?—If you have created a class area and it is a sufficient class area you have not inflicted a hardship.

1587. You further restrict the right of the Indian to acquire land?—The belt might suitably be enlarged to meet the conditions. In these peri-Durban areas it may happen that there is not sufficient ground for the 38,000 Indians and on bringing that area within the Borough or giving sufficient powers to health committees ground can be set aside in a class area to meet their conditions.

1588. Is it not better that the Indian should have the right to lease anywhere he likes for five years?—If I were a resident of one of these peri-Durban areas, I should prefer to see class areas. I should like to see the segregation policy carried on throughout.

1589. Outside these areas they can go anywhere?—An Indian can still hire outside the areas of local authorities who create class areas. The only point is whether or not the health committee should be considered as an urban local authority.

1590. Unless that is done, I do not see how the fact of your setting up a class area will help you?—Unless our class areas are attractive to the Indian.

1591. *Mr. Lennox.*] Supposing circumstances compel you to apply under the provisions of this Bill to segregate the Indians?—The amount of land available in the Borough for Indian residential purposes is distinctly limited other than what is already occupied by them, but outside the Borough we can find considerable tracts; we have had various offers of ground. The trouble in the past has been the opposition of the people living in the neighbourhood of the land proposed to be acquired for this purpose.

1592. Where do you think you would acquire this land?—There are large spaces outside the Borough.

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1593. I should like to know where?—There are, as you know, considerable areas.

1594. I will not press the question?—My answer would be right round the boundaries there are considerable open areas, and it would mean delicate negotiation, but there is the available land. (*Mr. Eaton.*) It would not be adjacent to Stamford Hill.

1595. In your experience do you find that the European population of Durban is extending out of the Borough for the reason that it cannot get sufficient property in the Borough?—(*Mr. Wadley.*) I think you are right there.

1596. Are they not extending or desiring to extend in the direction in which the Indian is already in occupation, namely to the back of the Berea?—I cannot agree with you there. Beyond the Berea boundaries there is a wide radius, with a large amount of ground there, and the Indians can be put in class areas.

1597. I notice many people are compelled to go out of the Borough for economic reasons?—Yes.

And the desirable part is that which is now simmering with the Indian community. The Indians are there because they are nearer to their work and they escape paying rates. Is it not a fact that there is that tendency in Durban to-day? Take the back of the Berea. What do you find there? What do you find in Montpelier Road?—It is a natural condition in a town like Durban to have expansion—you cannot help it; but even so, I cannot appreciate your point, because there is considerable land. There is Cato Manor with much ground not essentially occupied by Europeans. The idea of the Durban Town Council was to provide tramway facilities so that the distance of one and a half miles would not be a difficulty.

1598. Have you any other land beyond what is now regarded as the Indian area in the Borough sufficient for the purpose?—No.

1599. Do you think you have sufficient land in Grey Street area for a class area?—To adequately house all the Indians at present in the Borough?

1600. Yes?—I think I should answer "No"; I do not think they are adequately housed.

1601. You would be obliged to go outside the Borough?—Yes.

1602. With regard to the Indians surrounding the Borough, they live practically back to back with the Europeans, and

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you have not the power to deal with these Indians?—No, our powers do not go beyond the boundaries.

1603. It has been suggested that this is a responsibility which belongs to Durban?—That area has undoubtedly been a responsibility to the Provincial Administration of Natal. (*Mr. Eaton.*) Not always; it was the Administrator under the Health Act. (*Mr. Wadley.*) That is what I say—it is the responsibility of the Provincial Administration.

1604. I want to know this. Here we have a big problem surrounding one of the most important towns of the Union and the same problem is manifest in many towns of the Union. We know the Provincial Council has certain responsibilities and certain powers in this matter, and these they have abrogated to health committees. I want to know whether when these health committees get their constitution they have sufficient powers and sufficient backing in the way of funds to deal with this trouble?—I think the answer to your question is covered by my answer to the previous questioner. It is all a question whether the health committees are covered by the definition of urban local authority. Even assuming they are, the financial responsibility will be no mean item to them.

1605. We may say this rests with the health committees and say to them "Why do you not do something"?—I can only give you a hypothetical reply. They will reply to those who speak to them in that way "Put us in funds."

1606. Therefore the evil continues because they may have the powers, but have not the wherewithal to enforce these powers?—They have rating powers.

1607. They have the power to enforce rates?—Yes.

1608. You know there was a case contested which resulted in a new Bill?—They have been regularised by this new Bill. (*Mr. Eaton.*) Would it be possible for a local authority to establish a segregated area without having to acquire that area?—I am speaking from the point of view of the health committees. Have they power to proclaim class areas? (*Mr. Wadley.*) If the health committee is covered by the definition of urban local authority they can apply for a class area to be created. They can apply if they are in the same position as an urban local authority.

1609. *Chairman.*] According to the opinion of the Appellate Division of the Supreme Court these areas round Durban are urban areas?—Are they urban local authorities?

1610. No, it is an urban area?—I do not know whether representatives of these committees are going to appear before [S.C. 9-'26.]

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this Committee—I should doubt it because they are somewhat badly organised at present.

1611. The legal position is this, that according to the judgment of the court these areas must be considered as urban areas, but the health committees are not local authorities in the ordinary sense of the word, but only part of the machinery of the health department in the administration of the Public Health Act?—Your definition of urban local authority includes local boards and health boards. The point is whether health board sufficiently covers it, I do not want to be taken as expressing an opinion on behalf of the health committees, but I should say that it is desirable that they should come under this definition of local authority to enable them to apply for the creation of class areas.

1612. The judgment of the court was that these areas are urban areas, but the health committees are not local authorities under section *eighty-five* of the South Africa Act, and the only thing done by Parliament this session was simply to give the Provincial Councils the powers to legislate in regard to such matters as health?—It would appear to be desirable to remove any doubt and have health committees specially mentioned in this definition of local authorities.

1613. *Mr. Lennox.*] If you found it necessary to apply under this Bill for a class area you would have no power to deal with the menace which surrounds the Borough of Durban, and the health committee would say that they have no power, and, therefore, in applying for segregation within the borough for those who are in the borough you would not be removing the menace which surrounds Durban?—No, unless they are brought under our control or the health committees have the power to apply for class areas and use it.

1614. Here we have in the town of Durban a very serious problem, and the greater portion of that problem is on the outskirts of the town. You get power to segregate; this is under your control and you segregate them, but you still have this menace surrounding the town with no authority with power to take action. Is that the position?—Unless health committees come within the definition of local authority.

1615. I want to see that these health committees get the power?—I think it is advisable that they should have the power.

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Thursday, 18th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman)

Mr. Alexander.	Mr. Lennox.
Mr. Coulter.	Mr. M. L. Malan.
Mr. Duncan.	Mr. Marwick.
Mr. Fordham.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Reyburn.

Messrs. Thomas Mansfield Wadley, Alexander Eaton, and Frank Horace Acutt, and Col. George Molyneux, D.S.O., V.D., and Mr. Andries Gustaf Erlank 'Pienaar, further examined.

1616. *Mr. Lennox.*] I was asking you yesterday what would be the position in the Borough in the event of your being compelled to apply for permission to create a class area outside of the town, and I had your answer. What I want to know now is what do you think would be the position in regard to the borders outside the Borough boundaries in the event of the Government giving further powers to the present Health Committee to enable them to effectively deal with the Indians on the border, say, with regard to sanitary arrangements, etc. ? —(*Mr. Wadley.*) I stated our view ; I do not know whether the Health Committee share it, but if they were constituted an urban local authority within the meaning of the Act they would have the same right to apply for the creation of a class area within their own jurisdiction as we should have in ours.

1617. The problem of a place like this near Durban is more important than in the Borough itself. At present the Health Committee or the authorities have not got the power to deal with the Indian there. Is not that the case?—I did not ascertain yesterday whether they were included or not, but the solution is simple. It would put it beyond doubt to legislate so that they have such authority. They would then have the ability and power to clean up the outside as we should do inside.

1618. If you go to the expense of creating class areas outside the Borough, the border problem will still remain and be a menace, and you will not have achieved very much unless the authorities across the border have the necessary power to do something in the matter?—Our view is that the class areas are as essential in the suburbs as in Durban itself.

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[Messrs. T. M. Wadley and A. Acutt.]

1619. The law in Durban as at present precludes you as a municipality from selling land to the Indian by public competition?—No, the position in regard to Corporation land is this. Whenever we wish to sell land owned by the Municipality we have to get the consent of the Administrator before we can put an anti-Asiatic clause in the sale conditions. Whenever we deem it advisable to exclude Asiatics we ask for an anti-Asiatic clause.

1620. When you sell residential areas do you apply this clause?—Yes, we invariably do.

1621. At a public auction, do not Europeans refuse to buy when in competition with the Indian?—Yes, so far as Corporation sales are concerned; that brought the matter to a head.

1622. Have you had any experience of Indians running up the price to get the land?—I have not; you had better direct that question to Mr. Acutt. (*Mr. Acutt.*) An Indian came to one of the municipal auctions of land and bought a property, and as soon as the public became aware of it they jumped up and protested and called upon the Council to cancel the sale, and there was virtually a riot. The Council cancelled the sale and then sought powers to put in a clause prohibiting Indians from purchasing this land.

1623. When land was put up for public competition I take it bids were accepted from Indians, who ran up the prices in order to secure possession?—I don't know of any such case. They come to the auction and bid like anyone else.

1624. They don't run up the price?—Except in the ordinary way as other bidders would do. (*Mr. Wadley.*) You mean did they create a fictitious value to acquire it? (*Mr. Acutt.*) No, I don't think so.

1625. Have you had the experience of public auctions held by private firms?—The same thing applies there.

1626. Have they not run up the bids in order to get into certain localities?—I do not think that has been their object. They come and bid to their limit if they want the property. I don't think it has been to run up the values in any particular district.

1627. The percentage of population to Europeans in the suburbs of Durban is given as 837 per thousand?—(*Mr. Wadley.*) Those figures are not familiar to me.

1628. We got these from the Director of Census?—Yesterday I quoted the last available figures relating to Durban and the suburbs, but unfortunately those figures are not altogether helpful, because they only distinguish between European and non-European. Taking Durban and the suburbs,

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the position is that you have 58,000 Europeans and 101,000 non-Europeans, that is coloured and Indian.

1629. I mention the percentage to show that in Durban the problem is greater than in any other part of the Union?—Undoubtedly, that is common knowledge. The ratio in Durban is 350 Asiatics to 1,000 Europeans. Outside it is nearly 3,000 per 1,000.

1630. These figures give Durban and suburbs at 837?—In the suburbs standing alone, we have been told, there are 3,000 Asiatics per 1,000 Europeans.

1631. *Mr. Reyburn.*] The actual number is 3,101?—(No answer.)

1632. *Mr. Lennox.*] In your statement I understand you to say that some of the councillors see no harm in the Indian?—You must appreciate the difficulty. We are a body of eighteen people, and we are all independent. We are not a body constituted on party lines, and therefore you have to contend with eighteen individual ideas, and we have people of all shades of opinion. You have some who would go to extremes with the Indian. At the other extreme you have people who see no harm in the Indian. We are trying to give you a collective opinion on behalf of the Council. I hope I do not leave you with the impression that the majority of the Durban Council think the Indians are angels from Heaven. As a Durban man yourself you will know one or two of the councillors.

1633. I want to get a clear explanation for record purposes. Would you say you are not against the Bill?—We are not against the Bill; in fact, we look forward to this legislation.

1634. You are in favour of the Bill?—We came down with a rooted objection to the coastal belt, but that has been cleared up. We misinterpreted the intention, and still doubt whether the intention as expressed by the Minister is covered by the Bill.

1635. You protest against that clause?—Yes, on our interpretation of it.

1636. You favour a conference of all parties?—That is the view that has been accepted by the Council for reasons that I mentioned yesterday. I would like to make it quite clear that the idea in making the suggestion is that we hope as a result a great deal more favourable legislation will be brought about than is indicated by this Bill. I would not like to give the impression that we make the suggestion to whittle down what you propose to do.

1637. You are aware that the Bill now before the country takes effect from the day of its publication at the end of last session?—Yes.

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[Messrs. T. M. Wadley and A. Easton.]

1638. If you had a conference would you approve of the Bill being withdrawn and thereby its conditions becoming non-effective?—I suggested yesterday that that hardly came within our province. It is essentially a matter for the Government. We want this legislation and we want to do the fair thing to the other parties, but at the same time we want to be fair to ourselves. I think Sir Ernest Oppenheimer suggested yesterday that by passing the legislation we might prejudice the result of the conference. Speaking for Durban we want the legislation but we recognise the universality of the conference principle on these questions.

1639. You approve of the conference on condition that the Bill remains until the conference has made a decision?—No, we approve of the conference in principle; it is a universal method of settling questions, and therefore, with a view to getting the best results, we should like to see a conference held, but we do not want by that to unduly postpone this Bill, which is something on account towards suitable legislation.

1640. Supposing the Bill was withdrawn entirely until the conference, would you approve of that?—I do not want to say anything that would indicate that we oppose any method of finding the best solution. The opinion of the community is that legislation is overdue. We have looked for it from two successive Governments and we hope we are going to get it.

1641. You would not approve of the Bill being entirely withdrawn?—I think Durban would be opposed to that. (*Mr. Eaton.*) On the question of introducing a round-table conference, that appeared in a former report of the Town Council, but it does not appear in the report just prepared by the sub-committee of the Town Council.

1642. *Mr. Alexander.*] Yes, it appears in there?—It was a resolution passed by the Council some years ago and was embodied in the report of the sub-committee which has just sat. The Mayor explained that the Town Council consisted of 18 people with different views, and we had a difficulty in coming to any decision at all in the matter, and the report eventually drawn up and agreed to was a sort of compromise. There are many things in the report which individual members don't approve of, and if you had gone to each member and said "Are you in favour of this conference?" he would probably have said "No." It was a case of taking it as it stood or not at all. There were many things we did not approve of, but we had to take it as it stood.

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[Messrs. A. Eaton and F. H. Acutt.]

1643. *Mr. Lennox.*] In regard to Indians in the Indian area. Are they more difficult to control than Europeans?—The personal opinion expressed by our health officer is that they require more looking after than the European.

1644. In Durban certain flats have been erected by Indians. How do they occupy these, I mean as regards numbers, etc.? With regard to the construction of houses they are continually doing things which contravene our bye-laws and thereby causing difficulty. They erect blocks of flats and on visiting we find that two or three families are living there, where provision is made for only one. We find the kitchen turned into a storehouse and the lavatory into a kitchen. They do not seem to have any conception of what we consider to be a decent form of living. In the construction of their houses they never pay any attention to our bye-laws and from the sanitary point of view they do not seem to be amenable to carry out the bye-laws. Speaking as a member of the building committee we find they go in for overcrowding. They never seem to look for comfort; their racial characteristics are different.

1645. Do you say that nine out of ten of those prosecuted for insanitary conditions are Indians?—We have Colonel Molyneux here; I cannot say that.

1646. I understood Mr. Acutt, describing the sale of property at the corner of Marriott Road, mentioned that many houses in that locality had been bought by Indians. Do you think that means putting in a wedge in that part of the residential area of Durban?—(*Mr. Acutt.*) Yes, it proved itself so in 1902. They bought one house, and a few years later the next house was bought, and now in the other street the next house is being bought. There are four Indians' houses now.

1647. Would you describe that as in one of the best residential parts of Durban and that they are generally forcing their way in this area?—Yes.

1648. And this property is difficult to sell except to Indians?—Yes. I had difficulty in selling property in that neighbourhood because it is next to Indians. My clients look upon it that I am insulting them by suggesting that they should buy such property.

1649. You suggest one Indian possesses 200 houses?—Yes, I have heard he has got something like 200 houses and I quite believe it.

1650. Are they mostly occupied by Indians?—No, by a low class white or coloured people but not by Indians.

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[Col. G. Molyneux, D.S.O., V.D., and T. M.
Wadley.]

1651. Will you tell us, Colonel Molyneux, what experience you have had in regard to licences for Indians.—are they content to trade in the area admittedly reserved for them?—*(Col. Molyneux.)* The Indians have always been opposed to segregation at all, and they would, if they could, take out licences for premises in other parts of the Borough.

1652. If they had an opportunity of renting a shop in West Street would they do it?—If they could get licences for outside their own area they would do so.

1653. Supposing they could get licences, what effect would it have?—It would reduce the value of the adjoining premises obviously.

1654. Have you any experience of Indians trying to get them?—The policy is so well understood and they know that they would have no chance, so naturally they don't try.

1655. Then they accept the position?—I don't think they accept the position in your sense, but they know they have no chance. They object to the position.

1656. Nevertheless, they are content to take what they can get?—They would come if they could, but they know it is useless. They do not approve of that.

1657. *Mr. Duncan.*] You said the point about the 30 mile limit is cleared up?—*(Mr. Wadley.)* The Minister was good enough to explain what the intention of the clause was. We were under the impression that as the Bill stood there would eventually arise the position that on the proclamation creating the coastal belt the whole of the Indian population of South Africa would ultimately be driven into that belt except those in established class areas, and that if any urban local authority cared to take a selfish aspect they might easily say they would wait for the creation of the coastal belt and not create class areas, and we thought that the whole of the Indian population would be saddled on Durban. I understand that idea was wrong, and that the existing position is not interfered with. That is how I interpreted the explanation given yesterday. I now understand that for the whole of South Africa the existing property rights of the Indians remain and they have the right to lease hire or take over for periods not exceeding five years. If that is so, we take the view that we shall not be saddled with the whole lot. They will still be able to continue where they are. They will be able to hold what they have and to hire for periods of five years.

1658. Are there many Indians now occupying land in that 30-mile belt?—Yes.

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1659. How do they occupy it?—I cannot give you the figures but speaking of those adjacent to Durban quite a fair amount is held by Indians.

1660. Do they hold it all ways?—They hold it under freehold. The Durban Council tried to acquire certain land some years ago, 200 acres in all, with a view to settling their Indian employees and that land is to-day held in small lots by about 100 Indians.

1661. Is there any number of small cultivators in this small area?—Yes.

1662. Do they own their land?—Yes, in many cases. (*Mr. Pienaar.*) The land held by Asiatics in the coastal belt is 73,873 acres. (*Mr. Wadley.*) That, is ten times the size of Durban.

1663. *Mr. Duncan.*] Is it held on leasehold?—(*Mr. Pienaar.*) It is all ownership. It is on the register. The total area held by Indians in Natal is 89,869 acres of which 73,873 acres fall within the coast belt.

1664. I think one effect of this 30-mile belt provision will be that if the land is held under lease by Indians from Europeans in that area the leases will come to an end. You will not be able to get them renewed?—(*Mr. Wadley.*) I understand they will.

1665. Not unless they are held by Indians?—In any case assuming I am wrong on the main point, there is a provision in the Bill that they can hire for five years at a time. I am not certain that I am wrong on the main point but assuming the fact you mention is correct it will aggravate the question because it will concentrate increasing numbers on a smaller area.

1666. You said that in the sale of municipal land the Administrator authorizes you to put in a condition so that it cannot be sold to Asiatics?—It is a form of condition for which we have to get the consent of the Administrator.

1667. Have you had sales where the clause has not been inserted?—Yes, formerly the introduction of an Asiatic clause was a very rare feature. It does not apply universally now. It is only where we are putting up residential sites in essentially European quarters.

1668. You have had sales of land in other areas where the condition has not been introduced?—We have not been able to put up residential properties for Indians for a long time.

1669. Why?—Because the land is essentially in European quarters and is thickly populated.

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1670. We have seen some figures as to the increase in the value of Indian property. Does that take into account the general increase in values?—Yes, but you see they are holding an increased proportion. If the whole is expressed as 100 they have run up from less than 1 per cent. to 6.25 per cent. notwithstanding their numbers as far as the Borough of Durban is concerned show a slight decrease. During the last seven years they increased their holdings by nearly 25 per cent.

1671. Have you any figures to show the extent to which there has been penetration of urban areas?—The statement put in yesterday by Colonel Molyneux shows it in total and in respect of the different wards. I marked the wards indicating generally what the districts are. About half is in what you would call an Indian district, Ward 4. The other half is spread throughout the town.

1672. Does the statement show where the increase has taken place?—If I could see the statement I might be able to say. (*Col. Molyneux.*) It shows the amount for each year for the last year or so. (*Mr. Wadley.*) Then it will show the information you want.

1673. *Mr. Marwick.*] I believe the councillor who presides over your public health committee recently paid a visit to India, I mean Mrs. Benson. Is it correct to say that she regarded the condition of the Indians there, the untouchables, such that they were living in a state with which nothing in this country could in any way compare?—(*Mr. Wadley.*) I have no knowledge of that statement.

1674. Is Mr. Whitcut known to you?—Yes.

1675. He has a considerable trade with Indians?—Yes.

1676. Would you consider him to be a reliable man?—Yes.

1677. And not be likely to misrepresent conditions?—I should not think so. My knowledge of him is that he is a perfectly straightforward commercial man.

1678. Among the solutions suggested for the Indian difficulty in Natal is one suggested by Mr. Andrews in a pamphlet written in 1920. I would like to put to you that suggestion with a view to having your opinion on it. He says :

1679. If statesmanship could be relied upon to do its beneficent work instead of race prejudice, then, undoubtedly, the best solution of the Asiatic problem would be the gradual absorption of the comparatively small remaining Indian population (now that the door is definitely closed) into the whole social organism.

1680. Is that a solution acceptable to the Europeans?—It is an abstruse statement and one I would at first characterise

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as high falutin'. I would not give an opinion on a statement like that at a moment's notice. It sounds well.

1681. Would a policy of fusion of the races be acceptable?—No; no; undeniably no. (*Mr. Acutt.*) If you try to introduce that measure in Natal and if you gave the Indians a free run you would have a revolution at once.

1682. From your knowledge of the class of indentured Indian would you agree with the opinion of the commissioner that they come from the lowest classes in India?—(*Mr. Wadley.*) I know nothing about Indian conditions but in conversation with representative men from India I am told they do come from the lower class.

1683. Your observation of their habits of life would confirm that?—It is difficult to conceive generally speaking that there could be anything very much worse.

1684. It has been suggested that the insanitary conditions under which they live are not due to their predilection for that mode of living but is due to their being forced into insanitary areas?—I characterise that as nonsense. The poorest people can be clean.

1685. With regard to the spread of typhus. The insanitary conditions of the Indians is one of the problems you have to deal with in public health?—Yes, naturally.

1686. Have you to employ people in de-lousing the Indian?—No, not the Indian, I think that only applies to the native. (*Mr. Acutt.*) We do not do it on racial lines. (*Mr. Wadley.*) I think you have in mind the de-verminising of natives.

1687. No, I mean that certain men were employed going round de-lousing the Indians?—I have no knowledge of it.

1688. Among the reasons you regard segregation as necessary would you be entitled to say that Indians are found to be unpleasant neighbours?—Yes.

1689. On the ground of their sanitary standards?—Yes.

1690. And on the grounds of their particular kind of food?—Yes, that tends to make them objectionable to Europeans; It is natural to them, of course. Another reason is the occurrence of their noisy festivals when they take charge of a whole district and that makes them unpleasant neighbours. It has a tendency to irritate a good deal. I don't mind, personally, but where I reside there is a good deal of it and my wife gets very cross about the fourth or fifth day of it.

1691. You recently had a day of humiliation among the Indians?—Yes.

1692. From your general knowledge of the conditions would you consider the Indian in Natal has more freedom than his [S.C. 9-'26.]

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compatriot of a similar standard in India?—I have no knowledge of the conditions in India.

1693. Put it this way. Would you consider there is any need for a day of humiliation on account of the oppression of Indians in this country?—I think these things are just gestures. I should say no. As someone said yesterday, we as Europeans are quite willing that you should segregate us if it would help.

1694. Does the Indian receive protection for himself and family?—Yes.

1695. With the same care that any other person gets?—There is no discrimination that way.

1696. As far as your Borough is concerned he is a considerable landowner?—He is not the largest but he is a big landowner and an increasing one.

1697. And buying at a greater rate than the European?—In 1899 he was practically non-existent but now he is coming up.

1698. You have many who might be called commercial magnates?—Yes.

1699. And Indians who graduated at Cambridge and Oxford?—Yes.

1700. And they have had no restriction but have had every opportunity to get on?—Yes. Their policy seems to be to afford them equal facilities with our own people. Some of us think it is rather overdone.

1701. There is a statement put before us that the opinion among Europeans, including bankers and wholesale merchants, is that the Indian standard of commercial honesty is as high as that of any other race. From your experience would you consider that a fair statement?—Who makes that statement?

1702. The statement is made by the deputation of the Government of India?—I have a fair experience as a trustee in insolvency and with every sense of responsibility I say their standard of commercial morality is very low. It is comparatively rare that you are not offered a bribe by Indians. I consider their commercial morality is low.

1703. I want to put some questions to Colonel Molyneux. How many years' experience have you had as an official dealing with Indians?—(Col. Molyneux.) Twenty-three years as licensing officer in Durban.

1704. And as licensing officer your position would mean that you would have to take cognisance of their records?—Yes. They have to put up a case.

1705. Do you find that the Indians are a class of people who observe the law in every way?—As the Mayor has said

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probably the Indian comes from a very low class and a lack of morality is what you expect from a low class.

1706. And does your experience coincide with that of the Mayor?—Certainly.

1707. If the Indians are opposed to segregation by compulsion they would co-operate in a voluntary scheme?—I have never found there was any desire to co-operate in the voluntary segregation policy which we have in Durban. They have never agreed or approved of it.

1708. And you think they would not agree to future segregation?—I do not see why they should agree to it in the future when they will not agree to that already in force.

1709. In whose hands is the trade with the natives?—Mainly in the hands of Asiatics as distributors.

1710. Do the natives take any share in acting as distributors for their own people?—No. (We have tried very hard to get the natives to start in trade and the Native Affairs Department have put some good men to do so but at present there are only two or three of them left. The native will never be a trader as far as I can see.)

1711. The monopoly of the Indian is such as to give the native no chance to get a footing?—No. But apart from that he will never be a trader except in cattle.)

1712. There has been some talk of Indians organising the natives?—There has been talk about it. It was mentioned at a recent conference in Durban but it has not come to a head. It is just a threat.

1713. Are the Indians allowed to buy liquor for consumption on the premises in Durban?—I think it was the Indian Government itself which insisted on liquor conditions for Indians. Yes, they are able to buy liquor.

1714. Have you anything to say about that?—A lot of trouble would be eliminated if the law applying to natives also applied to the low class Indians. If it was eliminated in regard to the Indian I think a lot of crime would cease.

1715. Do you know anything of the work in regard to voluntary repatriation?—Yes. I have seen a good deal of that. Many of the Indians are opposed to it and for selfish reasons many Europeans also and I am told they have done what they can to stop it. They have said that they have secured men who were going home and have actually recruited them to go back to the sugar estates.

1716. If a trade area was declared in their own area under this Bill would it be large enough?—Yes, if they were granted.
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free trading facilities but it would not be large enough for residential purposes. Most of them would live over the shops.

1717. In the event of a class area being created in Durban would you advocate the indiscriminate issue of licences in that area?—I should be in favour of the abolition of all restrictive laws if there was a class area.

1718. Is it not a fact per head of the population we have a large number of general dealers to-day irrespective of the Indians?—Yes.

1719. That South Africa is rather an overtraded country?—Probably it is. There are a large number of natives in Natal to be catered for and if you have 13,000 people not indulging in trade then you leave more openings for white people.

1720. With regard to the difficulty in getting Indians to maintain a proper sanitary standard, who would be the best authority?—Under the law I have to be satisfied before granting a licence that the premises are satisfactory from a sanitary standpoint. For every licence issued and for every renewal we get a report from the Medical Officer of Health through the Sanitary Department and all these reports come to me. I can give evidence regarding that.

1721. Would there be a large amount of evidence available from the medical officer of health and the Sanitary Department?—Yes, undoubtedly. The medical officer of health could give evidence if desired.

1722. In dealing with applications for licences do you encounter a good deal of deception from these people?—You are dealing with a low class population as a whole and you get the deception you expect.

1723. Give us an instance of the kind of case?—There was a case that went as far as the Supreme Court because they appealed. A man trading on the Berea Road was refused a licence because I found he had been dead for twenty years and the people had the audacity to appeal to the Supreme Court. We found his family who were carrying on the business were signing his name to the necessary papers under the Registration of Firms Act. They were also signing the affidavits and so on and sending them in. (*Mr. Wadley.*) I should like to add that you might say that in one out of every two Indian insolvencies the debtor himself is nowhere to be found. You have to deal with his brother or some relative and you never see him.

1724. *Mr. Marwick.*] And there are a large number of compositions with creditors?—Creditors have set their face against that in recent years. It was a common feature.

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1725. And they ring the changes on various members of their family to evade the accusation of having become insolvent?—Yes, that is so. I would like to add a word or two with regard to the police and officials. Apparently you have been led to believe there is discrimination and undue harshness in their treatment. For the Day of Humiliation the Indians in Durban had not hired the Town Hall. Whenever they have applied for the use of the Town Hall they have always got it and they have never been denied the right to talk on our platform. The evening preceding the Day of Humiliation was stormy and at 8.30 p.m. they telephoned my private residence asking for the use of the Town Hall for the day. It would have been a very easy thing for me to put difficulties in their way but they got the Town Hall from 7.30 a.m. the following morning and used it for a considerable portion of the day. That will give an idea that we are as fair as we can be. I went in when they had finished and I came out very quickly.

1726. At a meeting at which you presided as Mayor, some six months ago, Councillor Kemp and others had resolutions on the Asiatic question to move. Was there any restriction placed by you on the Indians moving counter resolutions?—No, I recall that they moved counter resolutions and I came in for a certain amount of criticism as Mayor for allowing them to speak.

1727. *Mr. Duncan.*] With regard to the 30 mile belt I have referred to the Bill and I see that within the 30 mile belt, if the proclamation is issued, no person can buy or hire immovable property unless that person is of the same class?—(*Mr. Wadley.*) Apparently the intention was not that and they can hire. That was our difficulty. That is why we had such a vital objection.

1728. *Mr. Coulter.*] What is the total population of Durban?—(*Mr. Wadley.*) In round figures 100,000. We took a census in 1924 and the figures were surprising, but we have no compulsory powers. It was a voluntary census and the figures reflected a population of 96,000. We have largely discredited that census. I am afraid the people were in arms at our taking it, and as we had no compulsory powers we had to depend upon their goodwill.

1729. What is the native population?—Taking the population at 100,000, 50,000 are Europeans, 16,000 Indians and 34,000 natives.

1730. Have you any coloured inhabitants?—Yes, but they are few in number and I think they are classified with the Europeans.

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1731. Does your medical officer of health keep any record of the increase?—Yes.

1732. Do you know the percentage increase?—We have the figures. This information is furnished to our Public Health Committee monthly. I have not got it here, but if it is desired that the information be given we can get it. The Asiatic birth rate is very much higher than the European birth rate.

1733. Could you send us a report showing the relative birth rate increase distinguished between European and Asiatics?—Yes, within a few days.

1734. I find according to the census return of the Indian population born in South Africa that it works out at 66 $\frac{2}{3}$ per cent. for the ten years. Does that strike you as remarkable. In 1911 the South African born Indian population was in round figures 60,000 and in 1921 it was 100,000?—I should say they have been very busy.

1735. Does that coincide with your rate in the Borough as applicable to the Indian population?—I hesitate to give a figure because I speak from memory. I believe it is about 85 per 1,000 per annum and that would approximate to your figure.

1736. How does it compare with the European rate?—It is very much higher.

1737. Twice as high?—I believe the figures are 85 and 33, but I will have them obtained for you. Of course per contra the Indian death rate is very much higher than the European. For what period would you like the figures?

1738. We might make the comparison between 1911 and 1921. I want to test the increase as shown by the census figures. Are you acquainted with the coloured quarter in Cape Town?—No.

1739. And you cannot institute a comparison between the Indians in Durban and the Malays and coloured people in Cape Town?—No, my experience of Cape Town is many years back.

1740. I think I heard you use the expression "Asiatic menace." What do you mean by that?—I think you are wrong. I don't think I used the term "menace" myself. It is a curious term, but it is very commonly used.

1741. Apparently first of all you regard continued residence in Natal as undesirable?—Undoubtedly.

1742. In other words you claim that residential segregation is necessary?—Yes, you have only to go along the outskirts of Durban, the journey from Umbilo to Clairwood, and you

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see Indians and Europeans living cheek by jowl and that is not good.

1743. Let us confine ourselves to those details which lead us to refer to these things as a menace. Now from the trading point of view, what do you object to?—I am not a trader.

1744. Do you suggest that the Asiatic trader can always displace his European competitor?—Generally speaking, yes except in high-class trade.

1745. Then I take it that you suggest the European trader is not able to compete with the Asiatic trader?—I think that is borne out by experience in Natal. The bulk of the trade outside the town, the native trade, is in the hands of the Indians, and one must presume it is because he competes on more favoured terms.

1746. How long has that been your experience?—It has always been my experience, but I am comparatively new to it. I have only come in touch with it within the last fifteen or seventeen years.

1747. How long have you been in Durban?—Twenty-seven years.

1748. Don't you think all this agitation arises from the fact that the Indian has displaced his European competitor?—I would not say that. The feeling permeates all classes; even the children are permeated with it. It is interesting to hear some of the arguments of my children at our own table. It is a feeling which, to-day, is inborn in the European population.

1749. You also suggest that among the wage-earning class the Indian displaces the European, given the same conditions?—I think he does where there are no protective measures in force.

1750. Supposing you had a wage act applied?—In which there is a definite minimum on the European standard for all classes?

1751. Yes. Under the Conciliation Act or the Wage Act, do you think the artisan has anything to fear from the Indian?—Purely on the competitive basis I should say no, but that is not the only objection.

1752. Well, tell me some other objection?—The objection to mixing with the Indian at all.

1753. I am dealing with the position of the Indian in the wage-earning arena. I want to ask you if in that particular

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sphere, given the Industrial Conciliation Act and the Wage Act which we now have, do you suggest the white man cannot compete with the Asiatic?—I would not suggest it.

1754. Do you think the Wage Act and the Conciliation Act fully meets the case?—I am not familiar with the working of those Acts, but assuming they create a European standard in connection with the wage, I don't think the European would have anything to fear. (*Mr. Eaton.*) The building trade is controlled by the trade unions, but we find that the Indians go outside, where there is a piece-rate basis. They cannot earn more than 6s. a day, whereas the standard paid to the white worker was 3s. 1d. per hour.

1755. Did you not have precisely the same difficulty in connection with the typographical agreement?—We did not have the same difficulty actually because these people cannot put up the printing presses nor import the machinery necessary, but what we did find was that they were going to the cheaper houses and selling their labour at a low figure.

1756. It becomes a question then of adjusting the machinery so as to deal with the case of a man who styles himself a partner and works on a piece-rate basis?—That is so.

1757. So that a proper application of the Wage Act and the Industrial Conciliation Act would mean that the European has nothing to fear from the Indian?—Provided the Indian does not get behind the Act by going into partnership, or in some other way nullifying the effect of the Act.

1758. Does the European do the same thing in these matters?—Yes. Take the case of tea-room girls. In Cape Town I found a case where the girls were receiving £1 a month, and they declined to express to the inspector the correct wage or the hours they worked as defined under the Act.

1759. Do you suggest that the employer should be deported because of his evasion of the Act?—Yes, as an undesirable. (*Mr. Wadley.*) You asked Mr. Eaton if Europeans were not as clever in evading the law as the Indians. I think the European standard in these matters is essentially higher than the Indians.

1760. I am trying to get particulars of your objections brought down to concrete form. I have been dealing with these three classes. Now I come to the question of the acquisition of land. Is it your suggestion that the Indian in Natal should not be allowed to acquire land at all?—I am trying to interpret the Council's opinion. I think it is their view that it is

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undesirable that facilities should be given to Indians to acquire further land or to extend.

1761. You would preserve existing rights, but prevent encroachment?—Yes, that is fair.

1762. Are there any other grounds of objection to the Indian residing in the district?—Is has already been mentioned in evidence that we think they are undesirable neighbours. They are not a help to us, and the tendency is for them to bring the weaker element down to their level. Mr. Marwick quoted Mr. Andrews, and asked if I favoured fusion, and I said, emphatically, no.

1763. You say that contact is likely to re-act unfavourable on the European. How do you reconcile that with the position created by contact between the Malays and the Europeans?—I do not know. I have no experience of that, and I don't think you want me to start an argument. Superficially, from what I have seen, I do not consider it has been to the benefit of the people here. (Mr. Eaton.) The Malay problem here is a different one altogether. In religion he is a Mohammedan, and that is different to the Asiatic. He is a building worker on a big scale, and he demands equal pay for equal work, and lives up to a standard. As a community, from a racial point of view, he is a different proposition altogether. He talks the language of the country and tries to emulate us in the standard of living, but the Indian is the negation of all that.

1764. Do you realise you are making a comparison between Malays who have been here from earliest history and Indians who have been here ninety years?—Yes; and the colonial-born Indian is developing along the lines of our South African outlook. He is different from the Indian from Bombay. I see hope in that direction, but with the Indians in Natal I cannot see any hope. If we could reduce the numbers to South African born Indians then there would not be any menace to-day, and I think there is a menace.

1765. Suppose by agreement between the Government of India and the Government of the Union voluntary repatriation was accelerated to such an extent that Asiatics born abroad were returned to their own country and we deal with our own South African born population, don't you think they would be absorbed in the population?—By miscegenation?

1766. I am not talking about marriage in the provinces but don't you think there would be assimilation within two generations?—From the point of view of religion, no. The Indian when it comes to morality as affecting his race is a moral man.

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We do not see bastard children about the streets. There is certainly race purity if not race morality.

1767. Would you be surprised to hear that a large number of Indian traders in the Cape Province are married to Malays?—I can understand Malays but not coloured.

1768. Have you given thought to these conditions in the Cape Province?—As affecting the coloured people?

1769. As affecting your view in Natal?—We see no signs of any tendency that way and therefore we have not found it necessary to study them from that point of view.

1770. Before any committee can come to a decision that point of view must be seriously investigated?—Yes, as adding to a knowledge of the question.

1771. Do you put the question to us as a Natal or a Union question?—Essentially a Union question.

1772. Then you agree that the investigation of the problem in the whole Union is necessary?—Yes, as adding to the sum total.

1773. Your council has not taken any steps to consider that position?—(Mr. Wadley.) That is not our province. We put our own position.

1774. I take it Mr. Mayor, you have nothing else beyond what you have told me?—No.

1775. Coming to the question of the conference. In July, 1925, your council came to the conclusion that the solution of this question lay in the direction of a round-table conference. You were asked by Sir Ernest Oppenheimer whether you adhered to that view. Do you still adhere to it?—That is the council's expressed opinion and I have no reason to think they have departed from it.

1776. And before we pass this Bill we should have that conference?—Durban wants this legislation and they hope a conference will produce more legislation.

1777. When the council passed this resolution did they contemplate the Bill would be passed?—Yes. We had before us the 1924 Bill and we regarded that as something on account. (Mr. Eaton.) We want the Bill passed and the conference afterwards.

1778. And the council said the only true method was to have a conference?—There is a history behind that report.

1779. Chairman.] The resolution of the Durban Council regarding the conference was passed before the correspondence between the Union Government and the Government of India was made public. After the correspondence was published did the community of Durban agree with regard to the attitude

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of holding a round-table conference?—(*Mr. Wadley.*) There has been no expression of opinion on that point. Our community has been quiescent lately because they have been expecting legislation. (*Mr. Eaton.*) Councillor Kemp and myself have appeared on a public platform and expressed our opinion and a definite resolution was put to the meeting accepting the Bill in its entirety with a round-table conference.

1780. There was no definite expression in Durban and Natal against the attitude of the Government with regard to a round-table conference after the correspondence was published?—No.

1781. *Mr. Coulter.*] Your resolution was passed on the 6th of February, 1926, and the correspondence was published on the 18th of February, 1926. Has there been any further discussion or modification of that resolution?—(*Mr. Wadley.*) No.

1782. According to the views of the Durban Town Council a conference is essential and is the only method of dealing with the question at the present time?—You will appreciate in bodies of our character that resolutions are passed but it does not necessarily mean that every member of the council has subscribed to it. It is therefore a difficult matter to give a composite view. I think the general view is that in order that something palatable to the Indian people might be obtained it would be best to go about it by means of a conference. We do not in the meantime, however, want this legislation side-stepped or shelved.

1783. I see 11 voted for it and 2 against?—That was the 1924 report.

1784. I take it from page 19?—Yes, that was the 1924 report.

1785. I see on page 7 you did not record the numbers of the division?—(*Mr. Eaton.*) Which division?

1786. I refer to the division in adopting this report.—There were three dissentients. I was one of the dissenters and the council chose me to represent them here so as to give effect to both opinions. The council wishes to support the Bill and I was elected for that purpose.

1787. What is the view of the Council at Durban? Are you in favour of the conference?—(*Mr. Wadley.*) Yes.

1788. Do you want the Bill postponed?—Certainly not. We want even more than the Bill. I told you that yesterday but I do not know whether we are likely to get it.

1789. Has the council any idea where it will have its residential class area?—There is at present a certain amount in the Grey Street area and certain portions would be turned into a class residential area. Assuming we were given powers we should have to acquire land adjacent to our existing boundaries.

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1790. That will involve an application to the Provincial Council to extend your boundaries?—No, not if you confer the power we suggest on the urban authority.

1791. Have you considered to what extent you would have to acquire these areas for occupation?—We are formulating a scheme regarding the land Durban has already acquired for our Indian employees. We should naturally desire to develop any acquired ground and then lease it to Indians for the purpose of building. In the last resort we should have to consider the housing question.

1792. Do you propose to have streets, water, sewers and electric light?—Certainly. We should consider it our duty to give them just the same facilities as we give the town.

1793. That would be a *sine qua non* of the establishment of a class area?—Yes, in the case of ground specially acquired by us.

1794. Have you gone into the cost?—No. But we are dealing with it already in regard to this piece of ground for our own employees.

1795. What is your rate to-day?—Sixpence on land and threepence on buildings.

1796. Would you levy the same rate on the added areas?—We have never differentiated, and there has thus far been no suggestion that the principle of differentiation should be brought in.

1797. It might involve a considerable burden on the older community?—Yes, but it is one, I believe, they would cheerfully shoulder for the advantage to be obtained.

1798. Are you prepared to consult the Indians on this question of selection?—I take it the Bill will give them the right.

1798A. Do you approve of the Indians being represented on the Commission by an Indian member?—We have not considered it, but we are asking to be represented directly on the Commission, and therefore it would be difficult to suggest reasons why they should not be represented.

1799. Presuming it was decided to defer this Bill before the conference, in order to stabilise the position as it is to-day, would public opinion be satisfied if restrictions were placed on the rights of Indians to acquire a freehold or a lengthy leasehold title on land?—It is never easy to say what public opinion would be.

1800. What is your opinion?—I would agree with that. I would do nothing that would prejudice a decent settlement. Public opinion is difficult to gauge, and is not always reliable.

1801. Mr. Alexander.] You are aware the Bill is dated 1st August, 1925?—(Mr. Wadley.) Yes.

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1802. Supposing the Bill was left in Parliament whilst the conference is held, but the date remains as 1st August, 1925. Would the position be prejudiced from your point of view?—I think I mentioned that yesterday. You might have changes. Changes can take place very rapidly. You might have a different set of officials to deal with. You might have a different Minister and a different Government. The policy might be changed.

1803. Would there be an object in holding a conference if this legislation was already put through?—It all depends on the spirit in which the conference is approached. As I suggested yesterday, I think if the Bill was made law it would be distinct evidence to the others that we mean business.

1804. The Bill being law already, how would the others hope to get consideration for voluntary repatriation, and what then would be the good of the conference?—There is more to be achieved than is covered by the Bill.

1805. You expect them to come to a conference after you have forced your way through?—I don't take it as forcing your way.

1806. The Indian Government object strongly to the Bill. How could you hope for a successful conference if you passed the Bill through?—Would the Indian Government object to the terms of reference.

1806A. Supposing the conference is a failure from your point of view and you could not get from the conference the results you expected. Surely then, in the next session of Parliament, the legislation could proceed. Would that be all right provided you keep the date to 1st of August, 1925?—Supposing that pressure was brought to bear on the Government to annul it?

1807. If public opinion is strongly in favour of the legislation, what pressure could be brought to bear? There have been 35,000 voluntarily repatriated up to now. That is a considerable number. Don't you think that this legislation, being before Parliament, will prejudice voluntary repatriation?—If their conditions are so terrible here I should have thought they would have been glad to go.

1808. But was not the day of humiliation a protest against the present Bill and not against the conditions under which they live. It was not an agitation against their conditions, but it was against this particular Bill being passed?—(Mr. Eaton.) The Indian Congress, in order to keep them alive, has to keep the people on the move.

1809. But the day of humiliation was against this Bill?—Both perhaps.

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1810. They timed it for the same day as this Bill was before the House?—(Col. Molyneux.) The speakers referred both to the Bill and the conditions that existed. The speakers were definite in speaking of the conditions and what this Bill might impose on them.

1811. The Bill was specially referred to?—Yes.

1812. You say you had a great deal of competition in connection with the Indians' home industries. Would it not become greater if they are established in areas?—Take the furniture trade. You would have to face that competition. What would the position be?—(Mr. Eaton.) It would show the tendency of these people to go outside the Borough because of not wanting to live under our conditions.

1813. But would this Bill prevent that?—I am referring to their tendency to live under insanitary conditions.

1814. But would that kind of competition be prevented under this Bill?—We have the Wage Act.

1815. Then class areas will not affect them?—The people are by nature dirty, and we assume that under the class areas there would be greater control and we could look after them better, and we should see that they did not make their furniture in the back yard.

1816. You think they will be under stricter control than in the municipality inside?—We can control things in our areas, but now they run away outside the Borough; they run away from control.

1817. And you hope that the control will be as effective in the class areas as in the municipality?—That is what we hope for.

1818. Speaking of the increase of population, have you seen the census figures for the increase of the whole Union. The increase seems to be much less for the Indian than for the European—the percentage increase. From 1911 to 1921 is less than the European. That is because so many have left voluntarily?—There is a grave suspicion that these people do not register births, and that they evade filling in the census form.

1819. You think the census forms are not to be relied upon?—Yes, as far as the Asiatics are concerned. (Mr. Wadley.) Might I ask where the information is available which distinguishes between the Asiatic and the European.

1820. The Minister gave it in Parliament; it is in the Year Book?—The only information we have classifies Europeans and non-Europeans.

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1821. You will find them there. Now with regard to insolvency. The figures supplied this morning show there are less Indian insolvencies than European?—That is understandable, because in the whole of the Union there are not so many Indian traders as European.

1822. And the percentage of crime is less among the Indians than among the European. These are figures you cannot hide or evade. If the figures are correct they surprise you?—I understand it with regard to insolvency but I am agreeably surprised that the Indian is a better man than the European.

1823. In 1922 the figures were, when they took in common theft, Europeans 17.5, Asiatics 37.2, Bantu 43.6, other coloured 92.7. For 1923 when common theft was not included as a serious crime unless the amount exceeded £50, the figures were 16.6 Europeans, 16 Asiatics, 27.2 Bantu and 57 other coloured?—Figures are capable of various interpretations. Personally I should not have said, in view of these figures, that there was an indication of less serious crime among the Indians than Europeans. It was more than double apparently in 1922.

1824. But the reason is given that for 1922 petty thefts were not included as serious crimes. So far as the native and other coloured are concerned there was a tremendous advantage in favour of the Indian during six years. You don't wish to offer any observation on this. You are surprised at the figures?—No, I am not surprised now I see them. I interpret them differently to you.

1825. Would you speak of the class that they come from as being the labouring class?—(Col. Molyneux.) I think it is notorious that the labouring community anywhere is not the highest class.

1826. Something was said about the question of their absorption and you assume they were to intermarry with Europeans. Supposing they were absorbed by intermarriage with coloured people. Would you object to that?—(Mr. Wadley.) I have only superficial knowledge on this aspect and am diffident in expressing an opinion. I don't like these mixed people in the Cape and I would not like to see these conditions in Natal.

1827. But they must not bring their wives from India except within a certain definite time?—Well, that can be altered if really necessary.

1828. But some are young people. 85,000 are under 21?—But there is the usual proportion of women amongst them.

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1829. You would not allow them to introduce one wife from India?—To attempt to create an unnatural condition that way would be to our detriment but whether we shall have to bring the women from India I don't know, women are born here as well as men.

1830. How do you propose to compel South African born Indians to go to India?—I admit it is a difficult question.

1831. How can you compel these people to be taken by another country?—We shall have brains at the conference and they must endeavour to find a way out.

1832. Is there no other way apart from the conference that you can suggest to lessen the Indian population?—I don't think there is.

1833. With regard to the Town Councils' attitude you had the present Bill before you?—Yes.

1834. And it was after you had the Bill that you came to the resolution about the conference?—I do not think so.

1835. You remember the Minister laying the Bill on the Table last year and it was on the Table before your meeting?—That does not mean to say that we had the Bill.

1836. Were you aware that the Bill had been read a first time?—Our municipal year ends in July; there is an entirely new council in August.

1837. Did not you know the Minister had introduced the Bill in Parliament?—We knew there was legislation pending. We knew for many reasons. The Minister was in Natal investigating and we knew he was contemplating bringing in legislation. The conference resolution was passed on the 5th of July, 1925.

1838. The conference resolution was passed in 1926?—No, it was referred to in the report as part of the Council's views.

1839. At that date you knew about the legislation?—Admitted. And the report covers the whole ground. It covers our approval of the Bill and the general question of repatriation.

1840. *Chairman.*] With regard to the question of the conference. When you passed that resolution it was before the correspondence between the Union Government and the Government of India was published. You did not know the contents of the correspondence. Is it not so that the correspondence shows that the Union Government was not opposed in principle to the holding of a conference. In so far the standpoint of the Union Government and the Durban Council agree. It transpired after the correspondence was published that the Union Government was willing to enter into a round-table conference on certain conditions, one of them being

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that they should have the assistance and co-operation of the Government of India with regard to the repatriation scheme which they had in their mind. Those conditions set up by the Union Government were not agreed to by the Government of India. The whole attitude of the Union Government with regard to the holding of a round-table conference was influenced by the attitude of the Government of India. As to the attitude of the Government of India you did not know anything when you passed that resolution?—No.

1841. If you had known the attitude of the Government of India your resolution might have been different?—That is conceivable but it depends upon whether we interpreted that attitude as being antagonistic or otherwise.

1842. *Mr. Alexander.*] Is there not a chance of misunderstanding on that?—Misunderstandings do arise.

1843. Supposing they came forward and did not object to a conference to discuss repatriation. Would you object to that?—If South Africa enters such a conference it should be with that distinct expectation. (*Mr. Eaton.*) Would it be a three-cornered conference representing the Imperial Government as well?

1844. There has never been a suggestion that the Imperial Government should be represented at the conference?—We should be satisfied if it were understood that it would facilitate repatriation.

1845. Supposing we kept the 1st of August, 1925, and the conference turned out a failure. What would your point of view be?—The council are satisfied to trust the Government in this matter.

1846. You have made derogatory remarks about District 6?—Yes.

1847. Have you any experience of it?—In 1910 I worked there as a boy.

1848. Things have improved since then?—I am glad to hear it. You lost a good citizen through the conditions then.

1849. *Mr. M. L. Malan.*] I would like to give Mr. Eaton an opportunity of correcting a statement he made in a question by Mr. Coulter. Mr. Eaton said the building trade in Natal was controlled by the trade union?—The Master Builders' Association and the trade unions have the whole matter in hand and white labour is used throughout.

1850. The standards are not set by the trade unions but by the joint board?—We had our standards long before that.

1851. Do you consider the Indians of Natal are on a higher level than the natives of Natal?—(*Mr. Wadley.*) We don't
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come in contact with the natives in quite the same way. If you ask me which is the better class of people I should say relatively the natives.

1852. From a sanitary point of view how does the Indian compare with the native?—The native is under some control. Within the town the majority of the natives are housed in barracks or on private premises and they are fairly well under our own control and consequently fairly good conditions are created. There is, I am sorry to say, a residue not properly provided for.

1853. What are the social relations between the Indians and the natives?—They do not mix at all.

1854. *The Rev. Mr. Hattingh.*] You don't think they mix in their homes?—Not in any way socially.

1855. Have you a fair knowledge of their association with the natives in their stores?—They come into contact as traders but I don't think the natives mix with the Indians.

1856. Don't you find in the ordinary course of their business that when a native comes in they place the native on a level with themselves?—They treat him as any seller treats a customer. I mean social association. I don't think there is any degree of familiarity. (*Mr. Eaton.*) I have heard the Indian try to get hold of a native mind by suggesting equality not only between the Indian and the native but also with the white.

1857. That is my point. Is there not a danger of the poorer class of white through the Indian influence being brought down to the level of the better class of native?—I cannot say that.

1858. You find there is an increase in Asiatic licences and a decrease in European?—(*Col. Molyneux.*) There is a nominal increase of 50 owing to the Provincial Council having altered the type of licence. There has been none apart from that.

1859. Is there a decrease of the European section?—The European traders are increasing rapidly.

1860. Regarding the question of insolvents put by Mr. Alexander, have you any knowledge of the fact that the Indian seldom comes to court in cases of insolvency; he either assigns his estate to creditors or makes some arrangement?—They are often going insolvent and they don't go into court. They are always complaining about each other.

1861. Do you think there is a danger that politically the Indian and the native will later combine to acquire political rights?—I don't think so. The Zulu looks down on the Indian and the Indian looks down on the Zulu. They don't mix and that is the plain truth.

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1862. *Mr. Fordham.*] You have a large number of Asiatic stores in the centre of Natal?—There are some which deal with curios, etc., and a few shops which cater for the lower class European, but there are very few.

1863. Have you any Asiatic stores which employ Europeans?—Yes, there are one or two. I am referring to the Asiatic trader who deals in curios.

1864. You have no idea of the rates of pay?—I have never heard of any complaint.

1865. Do they conform to the European standard?—As regards sanitary arrangements they have to comply and if they have different sexes employed they have to have separate arrangements for them.

1866. I mean with regard to rates of pay?—I do not know that. (*Mr. Wadley.*) I cannot speak of what they pay Europeans but their rate of pay to their own clerks and assistants is very much lower than the Europeans receive. In cases I have handled as a trustee the figure has been £6 or £8. Of course, they live in and get a certain amount of board, but the figure I have mentioned would be a big one. I have handled cases where they pay a full grown man £3 a month.

1867. Can you tell me, Mr. Eaton, have you noticed the class of labour employed on building?—(*Mr. Eaton.*) If you take a decent building they have a European architect and a European builder, but if they are only putting up a room in a back yard you would have a cheaper type of Indian worker but that is not general. They have not got into the trade to any considerable extent.

1868. Would you say that the master builders and the trade unions secure a considerable amount of this work from the Indian community?—Yes, a considerable amount. (*Mr. Acutt.*) In the case of the Indian owning 200 houses he tells me he employs Europeans because his own people do him down.

1869. *Mr. Reyburn.*] Colonel Molyneux, will you put in a statement of the licensing figures?—(*Col. Molyneux.*) Yes.

1870. Outside Durban the census shows 3,175 Asiatics to each 1,000 Europeans. This Bill will not help the Durban Corporation to deal with this?—No, unless the suggestion made is carried out to give the local health authorities power and urban areas are made where there will be control.

1871. Is there any penetration into the European factories and trade in Durban? Has tailoring gone into the hands of the Indians?—Tailoring has gone entirely into the hands of the Indians.

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1872. The only European tailoring shop is the Durban Corporation?—No, I don't think you are correct in that.

1873. Does the Durban Corporation employ Indians?—
(Mr. Wadley.) Yes.

1874. Why do you employ them instead of Europeans?—We hold while these people are there that they are entitled to live and we must not deny them the right to occupy positions suitable for them. Occupations distinctly native or European are filled by those people except that we have five cases of Indian servants that we don't want to get rid of on account of their length of service, but in the main they occupy positions that we Europeans do not occupy.

1875. Why don't you employ natives?—Would you suggest we throw the Indians out and let them starve? We have a certain amount of humanity about us and we cannot throw them out.

1876. Have you employed any new ones?—Not where we can get Europeans. On certain services we cannot get natives to do the work but probably you can point out cases where Indians are employed and we could employ natives.

1877. Can you say there is friction between the European population and the Indians?—Yes.

1878. On the trams, on the beach, and at a recent carnival?—Yes.

1879. And the juxtaposition of the two races causes friction?—Yes.

1880. Is there a tendency on the part of the Indians to encroach on the European social life?—Yes. That is always a difficulty in our social functions. For instance, the sporting people set aside a place for Indians. It was no use pointing out to the Indians that it was done in their interests as much as the Europeans. They still wanted to go into the same positions as the Europeans. The coloured people will not mix with the Indians and we had to provide separate sporting grounds for them.

1881. Unless something is done this feeling will continue and will probably cause trouble?—I do not know what form it will take, but it is there and is not diminishing.

1882. There will be elements of disturbance?—I do not know what form it will take. It was suggested this morning it might take an extreme form.

1883. Are the Indians penetrating practically over the whole of the lower part of the town?—Yes.

1884. Mr. Duncan.] You said if the Bill came into force he hoped that the Health Committee would be able to

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set up class areas outside?—Until recently outside municipalities and local boards there was no control in Natal except from the Administration and Provincial office. Health Committees were created but there was a defect in the legislation and the committees could not function. That has been put right and now these outside areas come under elected health committees, elected by the European inhabitants of the district.

1885. The Indian who is in a majority of three to one has no voice?—I believe not.

1886. *Mr. Reyburn.*] Do you think these urban areas will be able to afford the expense of a class area?—It depends upon what view is taken of the obligations. I think the Durban Council will take a high view of their obligations but they are able to finance it better than some people. I can see either the provincial administration or the Government will have to afford these people some help. The mere creation of a class area does not involve expense.

1887. Administration does?—It depends upon how it is interpreted. (*Mr. Eaton.*) But how can Durban create a class area that belongs to another authority?—(*Mr. Wadley.*) It would cease to be under the jurisdiction of the other authority if our views are given effect to.

1888. If the Health Committee found difficulty in establishing a class area you think the Union Government must assist them?—Yes, I think so. (*Mr. Eaton.*) Will you, Mr. Chairman, use your authority to see that we can extend our Borough boundaries?

1889. *Chairman.*] When the committee deliberates after hearing the evidence we will take that point into consideration?—(*No answer.*)

1890. *Mr. Marwick.*] Could you provide us with a map of Durban showing the areas in the possession of the Indians?—(*Mr. Wadley.*) We could, but it would be a long job. I take it you do not want meticulous accuracy in it.

1891. I want to visualise the actualities of the position, to see their holdings in the various wards. That cannot be brought home without an illustration?—We would only do it as regards Durban and that would require an extended inspection of the register. Our Estates Department could do it, but it would take time and expense.

1892. With regard to the figures of insolvency. These show that there were 52 Asiatic insolvencies in 1923 and 58 in 1924. How do these figures compare with the European insolvencies?—I don't know.*] *Mr. Alexander* said there was a bigger

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number of Europeans than Indians and I pointed out that that was understandable. The number of traders among the Indians is much less than those amongst the Europeans.

1893-4. The Government of India deputation in their evidence quoted a statement made by Colonel Molyneux before the Asiatic Enquiry Commission—

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

1895. Do I understand you to say that is part of the policy having for its object the restriction of the Indian to certain areas for trading purposes and is it dictated by these considerations?—(Col. Molyneux.) It is true as it stands and it is dictated by the consideration that we don't want more Indian traders in Durban.

1896-7. Your object was to confine the Indian trader to Grey Street area?—Yes, that has been my policy.

1898. If you granted every Indian application for a licence what would have been the position in Durban to-day? Would the friction have been ameliorated or exaggerated?—Indian traders know they have little chance of getting licences in Durban to-day. If they all had the licences they want it would increase the difficulty.

1899. *Chairman.*] Does that finish the evidence for Durban?—(Mr. Acutt.) I just wanted to say that since we have been in the room we have heard a great deal on the question of the round table conference. As far as the sub-committee of the Durban Council is concerned that point was never in the forefront. We have heard a lot about it in this room. The sub-committee dealt with the Bill, and although its report, which came before the Town Council, records a resolution passed by a former town councillor, it was put in as information, and not as a recommendation.

1900. You wish the Committee to understand that this resolution has been referred to in the report merely for the information of the Committee—(Mr. Wadley.) I must make that clear. We are here to give you as far as possible a composite opinion. Each of us may have totally different ideas as individuals to those we have expressed. I differ from Mr. Acutt. This was a resolution passed by the Town Council in July last year. It certainly passed and it was repeated in this report without comment. I have tried to interpret what we believe to be the composite opinion of the

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Council and we have also given our personal opinion when asked for and clearly distinguished between them.

1901. *Sir Ernest Oppenheimer.*] It would be a bad thing to lead the Committee to think that Durban did not want a round table conference?—(*Mr. Acutt.*) We have only heard it discussed down here.

Friday, 19th March, 1926.

PRESENT:

THE MINISTER OF THE INTERIOR (Chairman)

Mr. Alexander.

Mr. Duncan.

The Rev. Mr. Hattingh.

Mr. Lennox.

Mr. Marwick.

Sir Ernest Oppenheimer.

Mr. Pearce.

Mr. Reyburn.

Mr. Rood.

Messrs. John Stewart Young, William Cox, M.P.C., and Alfred Townsend, examined.

1902. *Chairman.*] You are the Mayor of Port Elizabeth, Mr. Young?—(*Mr. Young.*) Yes.

1903. Can you give us some idea of the number of Asiatics in Port Elizabeth?—Roughly a thousand Indians. 1,228 Asiatics all told.

1904. These Asiatics who are not Indian, are they Chinese?—Yes.

1905. How many are Chinese?—I think 230 and 990 Indians.

1906. Do you know the proportion of these Indians to the population?—Yes; the European population of Port Elizabeth is 26,350.

1907. You are using the census figures?—The latest figures provided by the Health Department.

1908. According to the census figures there are over 50 Asiatics to every thousand Europeans. More or less, is that correct?—Yes, about 4 per cent., I take it, according to the total population.

1909. What occupations do these Indians follow?—They are practically all traders. There are 262 Indian licences in Port Elizabeth. If they were in proportion to the population there would be 27.

1910-1. What is your impression, are the numbers increasing or decreasing or are they stationary?—The total population
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of Indians is not increasing but the trading is increasing. Take the case of butchers. In 1903 there were 50 European butchers and 3 Asiatics. To-day there are 24 European butchers and 18 Asiatics. That will show you the hold they have on the trade. I should say they kill one-third of the sheep and goats in Port Elizabeth to-day. In 1908 they killed 11,000 sheep. To-day they kill 32,000 per annum.

1912. What about general dealers' licences?—There are 38 Indian grocers. In 1909 there were only 16 and the number of European grocers has fallen from 52 to 37.

1913. What is the position with regard to hawkers?—There are 27 British and 130 Indians and of the 27 British practically none are of English or Dutch descent.

1914. So you would definitely say that proportionately the Indian trade is increasing?—Undoubtedly.

1915. Although the numbers are not increasing?—I have not been able to get the figures of the Indian population backwards, but I don't think they are increasing.

1916. Now these Indians living in Port Elizabeth, do they retain their distinctive character or are they conforming to European standards?—No, they remain a race apart and owing to their style of living and insanitary habits they cost the town an enormous sum of money annually in looking after the question of licences.

1917. Do the Indians live in a particular quarter?—No, they are spread over the poorer class of the town.

1918. Is there any particular quarter occupied by them?—No, there is one quarter where there are a fair number but the majority are in the part of the town occupied by the poorer class of people. If an Indian lives in a house he depreciates the property alongside.

1919. As the Bill stands now if it becomes law it cannot be applied to any particular municipality unless there already exist a certain measure of voluntary segregation. There must be a particular quarter where Indians preponderate, a quarter wholly or mainly occupied by them. If the Bill remained unaltered as far as that is concerned it would not be applicable to Port Elizabeth because that is no particular quarter wholly or mainly populated by Indians?—No, it might be an argument, but it would be difficult to prove. I would like the power to say that in a certain area no person other than a European would be allowed to live on trade.

1920. On that point you think the Bill should be amended?—I think it would be an advantage to say that non-Europeans should not have trading rights or residence in that particular area.

1921. Can you tell us anything about land ownership?—There is no restriction in the buying and selling of land and

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in regard to licences. I was a member of the Committee and I have never known a licence in Port Elizabeth refused to an Indian on any ground except that the premises were unsuitable or the person was dirty and filthy in his habits or a criminal. There has been no distinction between the Indian and the European in any respect at any time during the last 15 years.

1922. So your conclusion would be that if no restriction is placed on Indians the natural tendency will be to extend and encroach on the European?—The chief Licensing Officer has said that in the old days a widow or a disabled man could start a small shop to eke out their livelihood, but this is impossible to-day owing to the competition.

1923. What is the feeling generally on the part of Europeans in Port Elizabeth in regard to Indians? Do they think they are a menace?—The view of the people of Port Elizabeth is that the Asiatics should not be allowed to live in this country.

1924. That is the general feeling among the Europeans?—Yes, that is subject of course to the people who are born in this country. It is a great mistake to ever have had them here at all.

1925. It has been suggested that this Bill should be applied to the Transvaal and Natal and the Cape should be excluded?—I don't see any reason why it should be excluded. I hope if it is the exclusion would not mean that they would filter through from Natal to the Cape in consequence.

1926. Do you think if the Cape is excluded and restrictions are placed on Indians in other parts of South Africa that the problem in the Cape Province would be accentuated?—Undoubtedly.

1927. *Sir Ernest Oppenheimer.*] You said you made no difference in granting licences between Indians and Europeans so long as you had no reasons to object on sanitary ground?—Undoubtedly.

1928. You had power to refuse the licences?—Always.

1929. Might I suggest that you acted in that manner because the people of Port Elizabeth like you so to act?—No. We just carry out the law. The Indian has the right to go to the Supreme Court and to ask on what grounds the licence is refused.

1930. At any rate, you make no difference. Surely the Town Council, selected by the people of the town, would not act in that manner, having the power to act differently, if they thought they were acting contrary to the wishes of the people?—I want to obey the laws of the country first. Our own prejudices and opinions should not interfere with that.

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If the legislation says we must not grant them we shall not do so.

1931. You knew as a council that the people were against granting licences and yet you granted them?—Yes.

1932. Did not the Mayor of Johannesburg transmit a resolution asking you to be stricter in the treatment of Indians and you brought a resolution before the Council and the Council would not pass it?—The resolution was submitted and it was passed on to the Committee and the Committee unanimously recommended that they were not in sympathy with the resolution. The report was submitted to the Council and Councillor McCane said it was a political matter and should not be discussed. I said I thought it was not a political matter and that it ought to be discussed. The council were nervous of passing things that did not belong to them and said they would leave politics alone. Eighteen of the twenty-one councillors sympathised with the resolution—probably there were more.

1933. They did not go so far as to support the resolution?—They did not go so far as to oppose it. They are careful not to discuss politics.

1934. I think you probably state more your own personal views than those of the people of Port Elizabeth. I cannot imagine a Town Council knowing that the town support a certain action and a resolution is brought forward which they know the town wants and yet they shelve it?—The Port Elizabeth Council is different to most. They are not so anxious to placate public opinion.

1935. You say there are 38 general dealers' licences?—There are 130 hawkers and fruiterers, 34 cafes and 15 tobacconists.

1936. You mentioned a certain number of hawkers' licences and you said that some of them were Indians and the rest were not British. What are they then?—Mostly coloured men and mostly from Eastern Europe.

1937. You put it that way chiefly because you are prejudiced against these people?—Not at all.

1938. Then why go out of your way to say that they were not British?—I said there were 27 who were not of British or Dutch descent.

1939. Why did you go out of your way to mention that? I wanted to show that in a country which is British and Dutch there is not a single hawker in the town of either of those nationalities. Last Sunday there were 67 shops open, 42 were Indians, 4 Chinese, 7 British, several of whom were naturalised Greeks, 2 Russians, 2 Portuguese, 2 coloured and one Italian. Of the 7 British there were not two English

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names. Here we have an English civilisation in South Africa which objects to trading on Sunday and a British town has 67 shops open on that day, and there were not two of English or Dutch birth among them. Our whole system is opposed to this kind of thing.

1940. I am to understand and this Committee is to understand that the Town Council knowing the whole European community wants a certain thing cares so little about the opinion that they acted differently from what the people wanted them to do?—They want to obey what is the intention of the law. The council want to do many things but they find it impossible because they are immediately taken into the law courts. Indians have taken us to the Supreme Court and it has cost several hundreds of pounds.

1941. In Kimberley the Indian population is as big as at Port Elizabeth, but the same feeling does not exist and we do not grant licences indiscriminately. I want to come to the point that Port Elizabeth is not hostile to the Indian population and therefore would not pass the resolution?—I have stated the position before.

1942. Port Elizabeth has an objection to Indians trading there and the Town Council still grant licences because their sense of justice prevents them doing anything else except to follow the strict letter of the law?—Yes.

1943. *Mr. Duncan.*] I understood you to say that the feeling is that Indians should not be allowed in South Africa?—Yes.

1944. What should be done with them?—Compensate them for removal.

1945. And those born in South Africa?—I should give an extra inducement to them to go out of the country.

1946. What inducement would you suggest?—It depends upon what he is earning, what his income is.

1947. You would buy him out?—I would not give enormous compensation.

1948. Is it likely they would go?—Not many of them because they are treated better here and in Natal than they are in India.

1949. So the idea of repatriating Indians who are born here does not seem to hold much hope of a solution?—What are you going to do with them? I do not think it is in the interests of South Africa that an alien race should be allowed in the country or allowed to remain here longer than we can help.

1950. If you were starting with a clean sheet it would be all right, but we have them here already and that is the difficulty?—I can only suggest a certain amount of repatri-
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ation or send them to another country where Indians are allowed.

1951. You say they are not increasing?—They are not allowed to increase.

1952. Their numbers roughly are 1 to 30 Europeans?—Yes.

1953. Do you think that is a serious matter?—I think it is a serious menace. Instead of having 27 licences as they ought to have in proportion to the population they have 262. In the course of time the Europeans in that class of trade will be eliminated. I do not object to the high caste Indian coming here, but I do object to these because they live in such a state that it is impossible for Europeans to live under those conditions. There is one respectable Indian I would not dream of keeping out, Dyken's brothers. He employs 100 European girls and he pays them well and treats them well, but at the same time I do not think it is a nice thing.

1954. Then you think the ordinary European trader cannot compete with the Indian?—Quite impossible.

1955. Why?—Because the European trader cannot live on £8 to £15 a month.

1956. Are you alluding to the wages they pay?—No, to the income they get from their shops.

1957. You mean they sell at a lower rate of profit?—I do not think they sell at a lower rate of profit.

1958. If they do not how is it they are driving out the European?—They do a special class of trade, mostly with the coloured people. A considerable number trade with Europeans but the trade is chiefly with coloured people.

1959. If they sell at the same price as Europeans why cannot the Europeans compete?—Take their employees, they pay a smaller sum in wages.

1960. You say they pay a lower rate of wages?—Yes.

1961. Are they European assistants?—No, they don't employ Europeans.

1962. Can you tell us what the effect is?—I have some particulars here. Let me read a letter addressed to the Finance Committee of the Town Council a few years ago:

I mentioned just now that there were 21 Asiatic butchers' shops in Port Elizabeth. Of these 21 shops the proprietors of only three of them are married men. For their residences they pay respectively £4, £3 and 15s. per month or an average of £2 11s. Do you know of a European butcher paying such a small rental as this for residential purposes? Worse is to follow. Eighteen of the proprietors are unmarried men and therefore they are satisfied with a single room and in several cases they share their-room

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with other Indians. On one occasion last year I visited at midnight a private house in the south end of the town and there in one room I saw in bed three master butchers. The room was not overcrowded according to our present legislation and therefore from a sanitary standpoint we could take no action. The eighteen unmarried Asiatic butchers pay the following monthly rentals for their residences: 30s., 5s., 5s., 4s. 2d., 4s. 2d., 10s., 10s., 8s., 5s., 5s., 5s., 25s., 20s., 17s., 15s., 10s., 10s., and 15s. That means to say that these eighteen men pay a total sum of £10 3s. 4d. per month or 11s. 4d. each for their residences. Again I ask what chance has a self-respecting European to successfully compete with this kind of thing?

1963. You say they do not make a less rate of profit, so how does it matter how they live?—I do not know how that would work out.

1964. Can the Indian who wants to spend his money go to a theatre?—Yes.

1965. And occupy a good seat?—No.

1966. Can he go to a hotel?—No.

1967. Then what can he do with his money?—He can send it to India as many of them do.

1968. Is that not your grievance?—No. Our grievance is because they are there at all.

1969. You say you do not like him because he does not spend money. What chance has he for spending money?—I am not going to teach them how to spend their money. My great complaint is that the Indian cannot be assimilated with South African nationality.

1970. Tell me what you can do?—Crush them out at once. Do not wait for conference, but go on.

1971. Do you think you can deal with them by repressive measures?—I don't know what is happening.

1972. In Natal they have taken away the municipal franchise. Do you think repressive measures would reduce their numbers and send them away?—I do not want to be unjust, but I do not think it is in the interests of South Africa to have an alien race among us. In their own interests it is not right they should be allowed to remain here.

1973. There is a long gulf between that and a practical step?—I am not a politician but I suggest the policy should be to clear them out—the sooner the better.

1974. Do you think the Town Council would endorse that?—I think the fact that I am Mayor carries some weight with my view.

1975. Is there any tendency of the Indians to encroach on European residential areas?—Not to a great extent. There [S.C. 9-'26.]

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is not much danger there. They asked permission recently to put a mosque or a church hall in a residential area but it was turned down on the ground that it was a European area. We have turned down others; not only Indians. We turned down the Seventh Day Adventists because they might be a nuisance to their neighbours. If the Indian puts a house in a residential portion of the town there would be a hullabaloo.

1976. Then the main thing is commercial competition?—My view is they will never be assimilated in South Africa, and we have already too many racial complications in South Africa without the Indians.

1977. Have you any idea how many of the Indians in Port Elizabeth were born in South Africa and how many in India?—I cannot give you that.

1978. Is there any particular portion of them?—I don't think so.

1979. They don't intermarry with coloured people?—There may be occasional cases.

1980. Have you any Malays?—Yes; a number.

1981. Do the Indians inter-marry with them?—Not to any extent. The Indians, too, are mostly traders, and not cultivators or producers.

1982. Do you know if any number have come from Natal or are they direct from India?—I think they all came originally from Natal.

1983. If this Bill was passed I take it Port Elizabeth would apply for permission to set up a separate area?—I think so.

1984. No attempt has been made in the past to do that?—No.

1985. Would the Council be prepared to find the necessary money to make that area suitable?—I do not think it would be necessary. If you declare a certain portion of the town to be an area where Indians can reside and trade it would settle itself.

1986. If there is no area at all it would mean shifting the inhabitants?—They would naturally buy property there themselves and the fact that it was declared an Indian area would make them get out of European areas and the ground would be cheap.

1987. That may have a serious effect on the value?—If there are many Indians in other parts of the town it will not be too cheap. I do not think it will be necessary to build a new town.

1988. You don't think there will be hardship?—No, not if you give them a reasonable time to get out—say, five years.

1989. Do Europeans trade with the Indians?—Yes, to a certain extent.

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1990. Is it only the poorer class?—Yes, the poorer class.

1991. Why do you think they trade with them?—Because it is a small cash business. They buy in small quantities, and Indians are more obsequious to Europeans.

1992. You think the Indians have monopolised the small cash business?—Yes, they and the Chinese, but they are restricted to-day. The Chinaman is a much cleaner man than the Indian.

1993. Mr. Lennox.] Do you know what is the percentage of Europeans provided by the 1921 Government census?—I have not got the Government census.

1994. The percentage here is 50.5?—The percentage of European to the whole population.

1995. The number of Asiatics per 1000 European in Port Elizabeth and suburbs?—50 per cent. That is about right. In the Divisional Council area we have 30,000 Europeans and a total of 64,000 people.

1996. Do you know the percentage in Durban?—I do not know.

1997. 837.4 per thousand?—The number of Europeans?

1998. Indians to Europeans?—800 Indians and 100 Europeans, almost 83 per cent.

1999. Mr. Duncan.] Not 83 per cent.—No, about 33 per cent.

2000. Mr. Lennox.] You see we have a problem there?—Yes, greater than ours, but don't shove them on to us.

2001. Where do the Indian traders deal?—All over the town except the central part. Port Elizabeth is built on hills and the north and south ends are the less healthy part, the working class part, and those are the parts where the Asiatic holds full sway. There are none in the centre of the town except in Parliament Street.

2002. They are confined to the north and south end of the town?—Yes, bar Parliament Street, and they have always been there since the time when there was a native location in that area.

2003. Is it the centre of Parliament Street or one end of it?—About the centre.

2004. Is not Parliament Street one of the best residential centres?—Not to-day.

2005. Are they Indians or Chinamen?—Indians. I can remember when there were 25 European shops and now there are none. It is not a first-class residential area though it has improved since the location was moved.

2006. You have replied to a question put by Mr. Duncan with reference to the class of people the Indian supplies. I want to be clear on that because in Natal we have not so [S.C. 9-26.]

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much competition from the Chinese as the Indian. I was under the impression you had more Chinese traders than Indian?—We have amongst the grocers. We have 82 Chinese licences against 262 Indians.

2007. When you say there are 18 Indian butchers you mean Chinamen as well?—No, I don't. There are no Chinese butchers.

2008. Do they supply good class people?—They supply anybody.

2009. Have they customers among people on the hill?—They supply nearly all the poorer class and a sprinkling of the less well-to-do Europeans.

2010. Do you consider the competition of the Indians against the European in these areas is unfair competition?—Undoubtedly.

2011. And that they have succeeded in driving out the European traders the same way they did in Parliament Street?—That is so.

2012. Are you sure most of the Indians come from India, or have they been born at the Cape to Malay men and women?—All the people who have licences are Indian born people.

2013. Which part?—I don't know.

2014. How many of these 990 Indians would be waiters at the hotels?—There are not a large number. A lot of Indians go in for the boot trade. They will work day and night and in fact some of the Asiatic shops are open as long as 98 hours a week. How can Europeans compete with that?

2015. Why don't you prevent it?—The law allows it. For instance they are permitted to be open for the sale of fruit.

2016. I suppose with a licence your refreshment people can open on Sunday?—Yes, any person who sells consumable goods is allowed to open on Sunday for the purpose.

2017. Do you find any of the Indians live in decent residential European areas?—No.

2018. Have they made an attempt to acquire property there for residential purposes?—No.

2019. Supposing an Indian was successful in buying a house in Park Drive?—There might be a riot.

2020. What would be the effect on adjoining property?—Well, if it was worth £6,000 or £7,000 it would come down to £3,000.

2021. You think the effect of an Indian purchasing a residence in a residential area would depreciate it?—If an Indian came near me I should take steps to sell mine.

2022. It would depreciate the value of the surrounding property?—Undoubtedly.

(2023. Mr. Marwick.] Is the opposition to Indians growing in your neighbourhood?—No, I don't think it is growing. It

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is dormant. People see that the Government are dealing with the matter and are taking active steps, but the feeling has been latent that they do not want them. They have never changed their opinion. We were one of the communities which fought hard to get the Chinese Exclusion Act passed and we got it.)

2024. Are most of the Indians engaged in commerce?—Almost all.

2025. And the objection is mostly against unfair trading?—That is the public objection. My objection is that they are undesirable as a racial element.) (I don't object to them trading personally because I don't do any business with them. In the Western Transvaal the whole business is entirely in the hands of Indians.)

(2026. Their methods are such as to exclude fair conditions of competition?—The Englishman and the Dutchman cannot compete with the Indian.

2027. Residentially as neighbours there is considerable objection to them?—Yes.

2028. On what ground, as one taking part in the public life of the municipality is that objection based?—Socially.

2029. In regard to sanitary matters, are they difficult people to get to attain to any standard?—Very difficult. The sanitary inspector says it is a constant trouble to get them to come up to the mark. We employ 10 sanitary inspectors and they devote most of their time to Indian traders.

2030. *The Rev. Mr. Hattingh.*] You said the Indians sell at a similar profit to European traders and in a question by Mr. Duncan you put it this way, you said you cannot say why the European cannot compete on that ground?—The turnover is not very high.

2031. Your contention is that the turnover might be small and the Indian can exist on it?—Yes.

2032. And the bit he takes from the European trader makes it impossible for the European to exist?—Yes.)

2033. Take the shops you mentioned as being open on Sunday. Were they open legally?—Yes. Recently we allowed a number of cafes to sell fruit on Sundays for consumption off the premises. We did that for the sake of the travelling public. Of the 67 shops which were open only 17 had permission to open for that purpose.

2034. All the others were open illegally?—No, because they call themselves tea shops and sell tea or mineral water and they are allowed to open for that purpose, but they sell other things besides.

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2035. Do you know anything about the prosecutions of Indians?—They are very law-abiding. They are no trouble at all.

2036. With regard to their way of living. Is there any danger of them lowering the status of the lower class of European?—I would rather think about that question before answering. The class of Indians in this country is a very low class.

2037. Is it a tendency for them to put themselves on the level with the poorer class of Europeans or to bring the poorer class down to their level?—That would naturally be the case. We are all subject to environment.

2038. With regard to spending money?—The Indian goes to the bioscope.

2039. Is it not because they live on so low a standard, and do not require the same clothes and housing, etc., that they cannot be brought to the European standard of civilisation?—I don't think you will ever bring them to the European standard—not in a thousand years.

2040. And you don't think they will ever be a spending power?—No.

2041. *Mr. Pearce.*] You said the majority of Indians were traders?—Yes.

2042. That is not borne out by the census?—Well, they are.

2043. Have you not a lot of them workers in industry?—No. We have 262 traders alone out of a population of 990. At least a fourth of this total must be adult Indians because in the total are women and children as well.

2044. There must be a large number working for a livelihood?—I don't think so.

2045. You have 262 traders and the total Indian population is 990. That leaves 600?—What about the women and children.

2046. There must be a number who are waiters, etc.?—Not a large number. There are only three hotels.

2047. Would there still be an objection to the Indians if they had been connected with industry and were working men?—I think there would be the same objection, but they do not appear as competitors in the labour market at all.

2048. They are competitors in the commercial market?—Yes, in the small commercial part.

2049. And if it was not for the fact that the Indians monopolise certain trade there would not have been any feeling against them?—I think there would be a feeling in any case, even if they only came as holiday people to enjoy themselves.

2050. Have you not a large number of Indians connected

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with tinsplate manufacturing?—No, it is not large. There are only two people engaged in that industry.

2051. There is no feeling against these men working at the tinsplate factory?—I don't know. I don't think there are more than 20 people altogether employed in the tinsplate factory.

2052. If these men had been working in the factories there would not have been so much feeling?—I don't think that question of competition is a vital question at all. It appeals to many but not to me.

2053. You don't think then if it was not for them entering the commercial world everything would be all right and they would be welcome visitors?—I don't think they will ever be welcome visitors.

2054. How long have you lived here?—Twenty years.

2055. And this feeling has been intensified by the number of Indians trading?—When I came the feeling was very strong and it is still very strong to-day. It has been tolerated.

2056. If it were possible for Indians to be repatriated would it not affect the industries and the large hotels which utilise them?—It would not cost us a single penny.

2057. If the Indians were utilised more as real workers, market gardeners and producers you would not have the same objection?—I have the objection on racial grounds. They never have been producers.

2058. If the workers of Port Elizabeth have shown a feeling against Indians for working at less pay you still think that would not be a material factor?—If they objected.

2059. Were Indians working for less rates of pay in the metal industry?—You object to a low class of labour competing with high class European labour then why should not the Europeans of Port Elizabeth be protected against a low class of labour?

2060. How was it the opposition to the Indian grew tremendously as the trading licences also increased?—That made it more vocal. We have always objected.

2061. You think people have an objection not only because they hold licences but because they work for less rates of pay than European?—I don't think they compete in the industrial market, and that is not the point.

2062. Therefore the people of Port Elizabeth are only concerned about the Indian in so far as they have been able to get hold of a large number of licences?—That is only part of my contention. There are not 10 Europeans in Port Elizabeth but who would be pleased if there was not an Indian left in Port Elizabeth.

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2063. You agree if they were working as artisans and labourers there would not be the same feeling?—I cannot say that; I don't know.

2064. You have had no experience of the Indian artisans in Port Elizabeth?—No. There may be a few here and there in odd jobs but generally speaking it is not a labour factor at all.

2065. Those working and following trades are a benefit to the country?—I do not think so.

2066. You don't agree with the opinion that the agitation has been intensified by Indians entering the commercial field but that as long as they were content to be workers there was no feeling against them?—I don't see why you should trouble about Indian workers in this country when you have such an enormous number of workers to call upon.

2067. If the Indians had been content to be workers would there have been the opposition to them?—I cannot exactly answer that question.

2068. *Mr. Reyburn.*] This Bill enables urban authorities to segregate the Asiatic?—Yes.

2069. Would you treat the Chinese on the same grounds as the Indians?—Yes.

2070. You have no legal power to say the Asiatics shall have a licence here or there. You cannot refuse an Asiatic licence in an urban area?—You cannot refuse a continuation of a licence. They are not renewed annually.

2071. Can you refuse a new licence?—Yes.

2072. Do you?—No, except for insanitary conditions or dirty persons.

2073. Have you a legal right to refuse a licence?—If we do we have to show cause in the Supreme Court why we refuse the licence.

2074. Will this not be sufficient cause?—The Supreme Court of the Cape would not hold that view.

2075. The Licensing Officer of Durban says they strain the law?—We don't strain the law.

2076. If this granting of licences goes on will you continue to be law-abiding?—We shall always be law-abiding. I hope the people will be made to obey the law. I hope the Government will see that the law is obeyed whether it is satisfactory or otherwise.

2077. Do you think there is any chance of friction in Port Elizabeth?—No, I don't think so.

2078. Would the Port Elizabeth people object to Europeans being segregated?—No, they would not object. In fact that is adopted now in the country. I cannot buy land in the Transkei and I cannot live there, and it is a garden. I would

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like to get hold of some land in the Transkei because it is valuable land.

2079. Then you think it would be better to set apart ground for Europeans?—I would rather have it that way.

2080. Has the Indian any influence on public opinion?—No, I don't think so.

2081. You said you preferred that they did not wait for a conference but that they should get rid of them?—Yes.

2082. If this committee came to the conclusion that this Bill instead of getting rid of them would encourage them to stay here don't you think it would be better?—I think India will always come out best in any conflict with South Africa.

2083. If the meaning of this Bill is to stabilise conditions in South Africa and keep the Indian here then some of the measure must be introduced?—It must; you cannot go on this way. It is the real essential that we should reduce their numbers to a minimum.

2084. Mr. Rood.] Does this factory that employs white girls employ Asiatics?—No, the owner is a very respectable man and if they were all the same as he there would be no objection, although, from a racial point of view, even that might be a mistake.

2085. Are the conditions the same as those of other manufacturers?—Quite as good.

2086. Mr. Alexander.] Has Port Elizabeth ever complained to Parliament about the Indian population?—No.

2086a. The Indian question has been before Parliament lots of times?—Not that I remember.

2087. Why has there been no complaint from Port Elizabeth. The position you indicate has been the same for some years?—Yes, but we have never been so affected as the people in Natal.

2088. Why has Port Elizabeth never made a complaint?—Parliament does not listen.

2089. You have your members?—They do not even listen to them.

2090. Have you no confidence in them?—Yes, we have.

2091. The Town Council has never asked for the matter to be brought forward?—No.

2092. You say you want to reduce the Indian population. Is this Bill going to reduce the numbers?—I don't know.

2093. You know a large proportion, 102 out of 161 of the Indians are South African born?—I don't know.

2094. How are you going to settle the fate of the South African-born Indian?—I would segregate him as well.

2095. That will not lessen the numbers?—I don't know that it will not.

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2096. Is it not the experience that in herding them the birth-rate is higher than if they were spread about?—If they live on themselves the position will be different.

2097. And they would be starved into submission?—We have to live by ourselves and exist.

2098. But you know if he is segregated his trade will soon go?—They have to live like that in India.

2099. No. They have not. We have the evidence of the Indian deputation?—They do so in Nepae. Scarcely any of the Indians in South Africa, even Gandhi, would be allowed to enter Nepal.

2100. But in other States there is no restriction?—I admit that.

2101. What makes you say India will always get the better of a conference?—I have read history, and I think from what I know of the Indian and the Hindu mind, he would get the better of any discussion.

2102. You are speaking of the Government of India?—I would put the Government of India against the Government of South Africa. Lord Reading is a far cleverer man than anybody we have got in this country.

2103. Have you no confidence in Parliament to make recommendations?—I would rather trust the conference than trust Parliament.

2104. On the point of the council's granting of licences, are you not rather wrong in your statement of the law to Mr. Reyburn?—The Indian takes us to court and what happens?

2105. The only place where they have been opposed was where the only reason which had been given was that the man was an Indian?—Cannot an Indian then apply to the courts for a reason as to why a licence has been refused?

2106. Do you say the court has compelled municipal councils to give reasons?—We never give reasons.

2107. From the time of that case they still refuse them, and gave no reason—Well?

2108. Suppose you refuse a licence to-morrow and the Indian takes you to court and you refuse to give a reason? The court would uphold you?—Are you sure?

2109. The court has laid it down that it will not compel an administrative body like the Town Council to give reasons?—I know we had to pay the costs, although we won. They cannot make an insolvent pay the costs, and he does not become insolvent until he goes to court.

2110. If Port Elizabeth refused every Indian application for a new licence, and gave no reason, the man cannot succeed in compelling you to give a reason?—No. I am not aware of it, but we should still continue to grant the licences.

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2111. But you have the power to refuse it?—Why didn't the legislation state clearly that we should refuse it?

2112. I want to know if you know that you have full power to refuse new licences to Indians. Are you aware of it?—I was not aware of it.

2113. Has there been any case where a municipality refused a licence and they compelled them to give it?—Not that I remember.

2114. What are you going to do with the people who have acquired property under the existing laws in Port Elizabeth? What is going to happen to them?—It is a difficult question. If they sell to-day they get a good price.

2115. Are you going to compel them to go out?—Yes, within reason.

2116. You want the legislation to force the man to sell property to a European?—Yes.

2117. Do you think that is a just measure?—Yes.

2118. A man acquires it under the protection of your law and then you tell him to get out. But you allowed him to do it?—Well, then we have the right to take it away.

2119. *Mr. Lennox.*] I understand you to prefer the Bill to give you a right to compulsorily segregate Indians?—No. I thought it would be an advantage to declare an urban area.

2120. You would like the power to do it?—Yes.

2121. Without further application to the Government?—Yes. With the approval of the Provincial Administration or the Minister of the Interior. We do not want to be unreasonable. This Bill does not give the power to say that this is an area where Indians shall reside. I say give us an area where Europeans only shall reside.

2122. You mean segregate the European?—That is what it will come to.

2123. *Sir Ernest Oppenheimer.*] Have you read the Bill?—No, only what I have seen in the press.

2124. And the Town Council have not discussed the Bill?—No.

2125. *Mr. Pearce.*] If the Town Council have not discussed this Bill, are you representing the Council?—The Council have not discussed the Bill.

2126. You come here in a personal capacity?—Yes.

2127. I understood that you were appearing before the Committee as the Mayor of Port Elizabeth, and represented the Council. But it now appears you only appear in a personal capacity?—I am here as the Mayor of Port Elizabeth.

2128. With a mandate?—I don't require a mandate. There was no possibility, after getting the telegram to attend this Committee, to consult the Council.

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[Mr. W. Cox, M.P.C.]

Mr. William Cox, M.P.C., examined.

2129. *Chairman.*] You are the chairman of "Young South Africa," Pietermaritzburg?—Yes.

2130. Your Executive Committee has prepared a short memorandum on the Bill?—Yes; it is as follows:—

We desire to support the Areas Reservation and Immigration and Registration (Further Provision) Bill, and request that the Chairman of our Society, Mr. Wm. Cox, be summoned by the Select Committee to give evidence on our behalf. For many years there has been a demand in Natal for the protection of Europeans against the unfair industrial, trading and other competition of the Indian population. This demand has become more insistent from year to year, but Indian influence in the Province seems now to be so great, particularly in the towns, that if the Bill before Parliament is not passed during the present session many Europeans will abandon hope of adequate legislative protection ever being given to the white inhabitants of the Province. The obstruction and opposition of the Government of India to measures for the preservation of white civilization in South Africa have been largely responsible for the delay that has taken place, and the proposal of a round table conference of representatives of Britain, India and South Africa would be regarded by the majority of the inhabitants of Natal as fatal to the interests of Europeans and the general welfare of the province and of the Union. If our Chairman is permitted to give evidence before the Committee, it is our wish that he should do so upon the following points:—

(1) The extent of Asiatic penetration in Natal. (2) The character of the Indian population. (3) The Smuts-Gandhi understanding and the Indians' claim to civil and political equality with whites. (4) Indian activity in a grave and threatening anti-white campaign among natives and coloured people in the Union. (5) Suggested amendments to the Bill.

We may say that, in our opinion, it is most important that the provision for residential and trading segregation in the towns should be compulsory and not permissive, and that the prohibition of further purchase of land by Asiatics in the rural areas of the Province of Natal is imperative whether the proposed coast belt is agreed to or not.

2131. *Mr. Duncan.*] What is the "Young South Africa"?—It was formed two-and-a-half or three years ago for the purpose of influencing public opinion and, if possible, securing legislation on the Asiatic question.

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2132. It confines itself to the Asiatic problem?—Yes, entirely.

2133. Where are its members?—Its headquarters are in Maritzburg and there are three branches outside. The Society was formed by some of the members of the South African League in Natal who thought more active steps should be taken to request legislation from Parliament and from the Provincial Council and the enforcement of laws at present in existence by administrative bodies. The Society was formed in Maritzburg and, as I said, has three branches outside. The Class Areas Bill was introduced and, in consequence, no further steps were taken to increase the membership. We had quite a lot of representative men of all shades of political opinion inside the Society. The present Bill followed, and the result has been that no more active steps were taken to spread the organization.

2134. What is your membership?—I cannot give the actual membership. We started with 300 members at the first meeting in Maritzburg and we have doubled it since then, but we have not carried on the campaign.

2135. Have you a list of members?—Yes.

2136. Do they pay a subscription?—Yes.

2137. Where are the branches?—We have another branch at Ladysmith.

2138. My experience is that you usually start with a large number of members and then they gradually diminish?—Yes. But this Society is formed in connection with a question on which public feeling is very great.

2139. Do you have meetings?—Yes, we organize meetings and we have held one or two public meetings. We had one in connection with the Class Areas Bill and one in connection with the present measure and, at the last meeting of the members of Maritzburg, we had a very big public meeting. It was really a town's meeting, but the Society was the driving force in getting the meeting.

2140. Can we take it this statement is approved by the Society?—Those are the views I am authorized to put forward by the executive of the Society.

2141. How many members are there on the executive?—Twelve or fourteen.

2142. Are they representative of different parties?—Yes, of all parties.

2143. Can you give us the names?—There are members of the Nationalist Party, Mr. Ferreira, Mr. van Rooyen and Mr. Elliott; there are members of the Labour Party, including myself, and members of the South African Party, Mr. Mason and Mr. McAlister and others. The three parties are fairly evenly represented.

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2144. Did they hold a meeting to consider this memorandum?—Yes.

2145. And you are appearing here with the authority of that meeting?—Yes.

[2146. *Chairman.*] I think Mr. Cox had better read his statement now?—The statement is as follows:—

Origin of Indian Immigration.—The early colonists of Natal have been held responsible for the introduction of Indians into South Africa; but as a matter of fact, the Natal colonists opposed the importation of Indian labourers at the very outset. Natal's first general election took place in February, 1857, and there were 24 candidates for 12 elective seats in the newly-created Legislative Council. Of the 24 candidates only two advocated or even mentioned in their electoral manifestos the introduction of coolie labourers. These gentlemen were Messrs. J. B. Saunders and W. H. Addison, who stood respectively for the sugar-producing constituencies of Victoria and Durban Councils as enthusiastic supporters of the introduction of indentured Indian labour. Both these gentlemen were badly defeated, Mr. Addison was ignominiously beaten, securing only 6 votes out of 112 polled. Governor Scott, in Natal's first legislative session in 1857, submitted a Bill for the introduction of Asiatic labourers. It was rejected by nine votes to four. The nine were the elective members, the four were the Government members. But the Governor insisted upon having his way. On June 10th, 1859, the Legislative Council was compelled to capitulate and order to save the nascent colony from the ruin that threatened it owing to the Government's refusal to help the planters and other cultivators of the soil to obtain native labour. There was plenty of native labour. The "Natal Mercury" of April 28th, 1859, said: "The fate of the Colony hinges on a thread, and that thread is labour. . . . We know of men at this moment, who, after incredible toil, are sinking under sickening despair in the now foreseen want of the labour absolutely indispensable. And yet this state of affairs exists in a country overrun with 150,000 capable native labourers, ninety-nine-hundredths of whom are refugees on the soil (from Zululand), owing their very lives to British protection." Governor Scott, however, objected to the natives working for wages. He said they would benefit more by raising cotton on a communal basis. The Government coolie Bills were passed in a few days, and the first shipload of coolies came from Madras and Calcutta in the barque "Truro," and were landed at Durban in November, 1860. The coolies numbered 341 in all—197 men, 89 women and 55 children. These were the pioneers of the thousands of Indians who have since flooded

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Natal, and are claimed by their advocates to have been "the Saviours of Natal," An old colonist, who has had exceptional opportunities of knowing the full bearings of this immigration, says: "Anyone, who has any knowledge of the deplorable conditions in which these people were, who were originally imported from India, cannot help thinking that all those Indians who were sent to Natal were very gladly got rid of by their own Government at the expense of South Africa."

Restrictive Measures.—Crown Government ceased in Natal in 1893 when the colonists obtained responsible government and at once took active steps to deal with the menace that had developed from the introduction of indentured coolies. These steps took the form of the introduction of and, for the most part, of the passing into law of the following restrictive measures: Act No. 37, 1894, abolishing the annual Government grant of a sum not exceeding £10,000 in support of Indian indentured immigration. Act No. 25, 1894, abolishing the Asiatic Parliamentary franchise (this being vetoed). Act No. 8, 1896, carrying out the abolition of the Asiatic Parliamentary franchise, but in more acceptable and general terms. Act No. 17, 1895, providing for indenture-expired Indians to return to India with a free passage, and in default to take out the yearly £3 licence to live in Natal. This £3 licence was in the nature of a penalty for these people having broken their contract to return to India. Later on the Union Government abrogated the Indian licence fee. Act No. 1, 1897, Mr. Escombe's famous Immigration Restriction Act, copied later on in Australia and New Zealand, and held up as an example in Canada. (See Canada Hansard.) The Bills carried by the Moor Government in 1908 to stop Asiatic trading in the colony, which measures were passed by strikingly large majorities in both Houses of Parliament. The Acts were vetoed, but the Natal legislature was unable to do anything further owing to the supervision of the South African Union.) All these remedial efforts by Natal, extending over a period of 15 years, were made in the face of much obstruction and determined opposition from various quarters. Since Union in 1910, Natal has urged on the Union Government and Parliament, through the Provincial Council, farmers' and other conferences, public bodies, and in other ways, the necessity, in the interests of the Union, for legislation to protect our white civilization. Perhaps the most striking illustration of the widespread demand for restrictive legislation is the passage by the Natal Provincial Council of measures respecting licences, the purchase of corporation land in Durban, and the municipal franchise. On May 13th, 1924, the follow-
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ing resolution was passed by the Natal Provincial Council without a division: “(1) That this Council resolves, in terms of section *eighty-seven* of the South Africa Act, to recommend strongly to Parliament that, in the opinion of this Council, the Asiatic problem presents a serious menace to the Union, and recommends—

- (a) That no further acquisition of land by purchase, lease or other means by Asiatics be allowed.
- (b) That Provincial Councils be authorized to pass legislation that no further licences be issued to Asiatics and no further transfer of existing licences, and that the licence of any Asiatic, who becomes bankrupt or compounds with his or her creditors, shall be cancelled.
- (c) That the sum of £5 be increased to Indian emigrants under the voluntary repatriation scheme.
- (d) That fair and reasonable compensation be paid to Indians who own property and who wish to leave the country.

(2) That Mr. Chairman be requested to convey the resolution by a respectful address to the Administrator for presentation to Parliament.”

(Extent of Asiatic Penetration.—When the Asiatic trader followed in the wake of the indentured Indian labourer, the former gradually established trading relations with the natives until white shopkeepers, doing a native trade, were practically eliminated. The Asiatic underlives and undersells the European. Since capturing the native trade, serious inroads have been made upon white business and occupations. Asiatic competition is acutely felt by almost every class, the farmer, the storekeeper and the skilled craftsman. The farmer suffers indirectly by the restriction of his markets through coolie competition and the limitation of the European population; the storekeeper by the unfair competition of his Indian rival and his assistants, who are engaged at a beggarly wage; while the skilled craftsman is surely, if in some cases slowly, being supplanted by the Indian craftsman. Thousands of Indians in Natal are doing work which, in the Free State and Transvaal, and in other Dominions, is performed by white men, the while, our sons are unable to find employment. It is well known that the purchase of land by Indians has steadily increased until the European farmers throughout the province are alarmed at the prospect of Indian competition. The figures have been put before the committee of the ownership of land in Natal; 73,000 acres being owned by Indians in the coast belt and 89,000 acres in the province. The Euro-

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pean fruit farmers on the coast have been nearly wiped out by their Indian competitors. The tailoring trade was one of the first skilled occupations to be attacked. In 1900 there were 240 white journeymen tailors in Durban; notwithstanding the rapid growth of the town, in 1920 there were only 50 white journeyman tailors left and of these 6 were employed by the Durban corporation. The furniture trade in Durban has been almost entirely captured. The European cabinet makers have been reduced to a remnant whose positions are precarious. Over 600 Indians are employed in the furniture factories in Durban. Maritzburg has also suffered and the last white cabinetmaker's shop of any size in this town, Reid's Cabinet Works, recently capitulated to coolie competition by securing a coloured foreman and coloured workmen from the Cape Province at lower rates of pay than those ruling for white. I understand that Reid's Cabinet Works also employ Indians. In the printing and book-binding trades large numbers of Asiatics are employed, but in the former the big majority of the employers have co-operated with the Typographical Union in keeping Asiatics out of the higher branches of the trade. Nevertheless it is stated by printers that there are more Indians than Europeans employed in these trades in Durban. There were 250 Indians and 185 Europeans in the printing trade according to figures given two years ago. The building trade has been one of the last to be invaded. Indian contractors are doing work for Europeans on the north and south coast and in two large towns of the province. Coolie carpenters and bricklayers are employed on the construction of dwellings for whites. They are cutting into the small work. Mr. Barras, a well-known European builder of Maritzburg told me only a few days ago that work for which a white man submitted a tender of £180 was done by an Indian contractor for £90. Other occupations have been invaded and almost all are threatened. Even the Council of the Natal Law Society issued a circular 2½ years ago to see that members' Indian interpreters did not encroach on work formerly done by Europeans in their offices, and has taken steps to prevent Indian clerks from encroaching on work formerly done by European employees in legal offices. Mr. J. B. Chalmers, B.A., on behalf of the Durban Juvenile Affairs Board has drawn the attention of the Durban Town Council to unemployment among white boys and in doing so pointed out the encroachment of Indians into European spheres of labour. He said the evil was tending to grow and added "Unless
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it is checked now and a firm stand made against it there are serious dangers ahead." Mr. Graham Mackeurtan, ex-M.L.A. for a Durban constituency, speaking at a largely-attended meeting at the Durban Town Hall in August, 1923, said: "I have been closely connected with the problem of unemployment in Durban for the past two years—(he was Chairman of the Unemployment Relief Committee in Durban)—and I have no hesitation in stating that a large amount of it is due to Asiatic competition. I have come across hundreds of cases in which decent white men have been thrown out of employment and forced to take anything they could get through Asiatic competition," I have personally met quite a number of men in similar circumstances. The whites are being displaced by Asiatics. The census returns show that 19,478 Asiatics are engaged in agriculture in the Union and of these 19,023 are in Natal. No fewer than 12,073 are engaged in commerce, finance and insurance occupations, and of these 4,625 are in Natal. Over 6,000 Asiatics are employed in personal service and there are nearly 1,000 in the furniture trade, the majority of whom are in Durban. Transport and communication absorbs 3,500 Asiatics, and 2,000 participate in mining and quarrying. The following is an extract from the evidence given before the Economic and Wage Commission by Mr. F. J. Moffitt, Inspector of Factories, Durban:—

The exact number of employees engaged in these factories cannot be given, but taking the figures from the original forms of application for registration the numbers are approximately—

European males, 4,573; coloured males, 830; Asiatic males, 10,089; native males, 13,146; European females, 715; coloured females, 251; Asiatic females, 551; native females, 71. Totals, 28,636 males and 1,568 females.

There are Asiatic females at work also: 1,784 female agriculturists, 600 engaged in commerce, 1,100 in personal service and 63 as makers of food, drink and tobacco. Employed in industrial establishments throughout the Union there are 12,313 Asiatics who draw in wages £362,126, and of these 11,798 are in Natal, and the wages they draw totals £333,162. Asiatics own over £1,000,000 worth of property in Durban. In 1919 they owned immovable property in Maritzburg of the rateable value of £98,548. During the previous five years the value of property bought by Europeans of Asiatics was £1,408 and of property purchased by Asiatics from Europeans was £32,238. Asiatics have bought immovable property from whites in Martizburg in that period twenty-one times as fast as the white bought from them. That indicates the rapidity with which property in the capital of Natal is passing into

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the hands of Indians. The Europeans of Natal are in danger of being slowly but surely swamped by Asiatics, people who have been declared in the Appeal Court of the Union: "Unsuited on economic grounds to the requirements of the Union." This dictum was enunciated by Mr. Justice Solomon.

Census Returns Unreliable.—I am asked to make representation with regard to the alleged unreliability of census returns. The census of 1921 showed that there were 140,871 Asiatics in Natal and that of these all save 2,000 were Indians. The European population of the province was given as 137,742. A comparison of the census of 1911 with that of 1921 has frequently been made to show that the white population increased by 40 per cent. from 1911 to 1921, whereas the Asiatic population increased by only 5½ per cent., and the excess of Asiatics over Europeans has been reduced from 36 per cent. in 1911 to less than 3 per cent. in 1921. These figures are regarded in Natal as unreliable in view of the perceptibly large increase of the Indian population in the towns and rural districts during the period in question. Since the passive resistance movement of 1913 led by Mr. Gandhi, Indians have evaded the census. According to Mr. G. H. Hulett, M.P.C., they have openly declared on the north coast that they objected to be numbered by the Government. Mr. P. W. Stride, Town Treasurer of Pietermaritzburg, who is the chief census officer for the borough, has informed me that the returns for the city are not to be relied upon, and the census enumerators have admitted experiencing difficulty in securing correct returns. I was spoken to by Captain Arthur, of Mooi River, who was engaged on the Union census, and he said it was almost impossible to secure a correct return. The enumerator was given a certain amount of work to do in a certain area, and the only way he could get a correct return of Indians would be to visit them at night. The following is a letter, dated 20th January, 1926, from Mr. G. H. Hulett to Mr. T. J. Henderson, of Pietermaritzburg, in which that gentleman mentions two instances of false returns being made. It is as follows:—

Yours of the 16th to hand. I can give two instances on this farm. The Indian policeman called on my Indian servant and asked him how many children he had. He replied two, whereas he had eight. The officer then went to another Indian working for my son. He got a similar reply. He had seven and gave the number as two. I asked the first-named man for his reason and he frankly replied it had been arranged they were not to give the correct number of children.

A large number of children are not registered as Indians and no longer required to carry passes. . . .

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In both cases the head of the family returned the number of children as two, whereas there were seven children in one family and eight in the other. Mr. Hulett states that one of the Indians who made a false return on being questioned by him admitted that Indians had arranged not to give the correct number of children. This statement was made in the Provincial Council, and the consequence was that in January we got a statement in writing from Mr. Hulett. There is a disparity between males and females returned as married. I am not quite certain of the figures, but there is the fact that 97,356 males are returned as married but only 68,395 females are returned as married. This is said to be due to Indians maintaining their wives in India which may partly account for the discrepancy. Polygamy is, however, said to account to some extent for the discrepancy, it being reckoned that 561 Asiatics have two wives, while 590 have two or more. Polygamy is surely no explanation of the small number of wives returned. It would make the number of married women larger than the number of married men. The marital condition figures are curious.)

Character of Asiatic Population and Segregation.—It is estimated that fully 85 per cent. of the Indian population of the Union are of the lowest type of Indian, of the depressed class, which in India numbers 50,000,000, while the remainder are of the petty trader class. In view of the caste system in India, India is not entitled to complain of the provision for segregation contained in this Bill. A plea for tolerance to the local Indian has been made on the score of loyalty to the Empire of the Indian fighting caste in the Great War. The Indians of South Africa are not of the fighting caste. The number of South African Indians who performed war service was 702. I understand that not a single Asiatic trader enlisted. That allegation has been made over and over again and has never been contradicted, so I think you may take it as correct. (The Wragg Commission reported in strong terms on the insanitary habits of the Indians in Natal and resistance of Indians in boroughs and townships to sanitary by-laws render segregation necessary. It is essential on sanitary, social and moral grounds that Europeans and Asiatics should occupy separate areas. Indians not only observe rigidly the principle of segregation in their own caste system in India but themselves demand in East Africa that Africans should be segregated from the Indian community. My authority for that statement is Bishop Willis of Uganda, and the statement has been freely made in Uganda and has never been contradicted. Segregation as between European and Indian is, however, resented as inconsistent with the

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status of complete equality. The Asiatic Enquiry Commission of 1920 reported on this subject: "Segregation of some kind was the panacea invariably recommended by witnesses." The Rev. C. F. Andrews, who has opposed segregation, in speaking to an audience of Indian students in London two years ago, urged that in the fight against racial segregation in South Africa and elsewhere India lacked clean hands, for there were still within the confines of India nearly 50 millions of untouchables, many of them, particularly in the South, being also unapproachables. They should remember, he said, India's own sins and weaknesses and racial domination. The Smuts-Gandhi Alleged Understanding: The correspondence comprising the Smuts-Gandhi Understanding, in the opinion of "Young South Africa," does not constitute an agreement between the Government of the Union and the Government of India, or even with Mr. Gandhi himself. Mr. Gandhi did not agree to the condition imposed by General Smuts that the placing of the Indians Relief Bill on the statute book of the Union, coupled with the fulfilment of assurances with regard to other matters, would constitute a complete and final settlement of the controversy and would be unreservedly accepted as such by the Indian community. Mr. Gandhi, in his letter of the 30th June, 1914, refused to comply with this condition, and stated: "Complete satisfaction cannot be expected until full civic rights had been conceded to the resident Indian population." So there was no agreement. I would like to put in extracts from statements by Dr. Krause, addressing the Transvaal Indians Select Committee of the House of Assembly on April 10th, 1919, and April 11th, 1919, when Dr. Krause said on April 11th, in reply to Mr. Alexander: "I do not think that Mr. Gandhi, when he wrote that letter of the 30th June, 1914, had it in his mind that the settlement was the final settlement of the whole Indian question. I think the letter of the 30th June itself shows that the matter was not finally settled." Then there is a statement by L. W. Ritch, who, in the course of his evidence on April 11th, 1919, stated: "I say that the compromise which was arrived at was a purely temporary affair. I question whether you have any right to bind the future generation by what the present generation does."

Smuts-Gandhi Agreement: Question of Breach of Faith.—
 Dr. Krause in addressing the Transvaal Indians Select Committee of the House of Assembly on April 10th, 1919, said, *inter alia*:—

"The people on whose behalf I am speaking here think that the time has now arrived not to speak of vested rights, but they consider that they are entitled, as far as their [S.C. 9-'26]

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trade, residence and occupation are concerned, to the full rights of any citizen of South Africa. That is their attitude at present. They are not dealing with the interpretation of the law, but they are coming to you as the committee appointed by the legislature to make representations and to say that the time has now arrived when they should have full civic rights like any other British subject in South Africa. (In reply to the Chairman) Yes, they do want to go further than the agreement. It was an agreement not for all time, but until the prejudices of the White race could be overcome, and until the White man had learned to understand that the Indians were an industrious and law-abiding people, and were among the people of South Africa as part and parcel of the community." Further, Dr. Krause stated: "Mr. Gandhi on the one side was representing the Indian community and General Smuts on the other was representing the Government. The agreement entered into was binding in so far that the Indian community were grateful to the Government for the concessions made. But it was merely a temporary arrangement, and the Indian community reserved to themselves the right to press for any further rights in the future. Mr. Gandhi at the time was certainly acting on behalf of the Indian community."

On the following day, April 11th, 1919, in reply to Mr. Alexander, Dr. Krause said:—

"I do not think that Mr. Gandhi, when he wrote that letter of the 30th of June (1914) had it in his mind that the settlement was the final settlement of the whole Indian question. I think the letter of the 30th of June itself shows that the matter was not finally settled."

Mr. L. W. Ritch in the course of his evidence on April 11th, 1919, stated:—

"I say that the compromise which was arrived at was a purely temporary affair. I question whether you have any right to bind the future generation by what the present generation does."

(Mr. Paragon Krishman Naidoo, secretary of the Transvaal British Indian Association, living at Johannesburg, stated to the Select Committee on the same day, April 11th, 1919:—

"I consider that the settlement with Mr. Gandhi is not a final settlement, and I consider that it is binding-only in

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regard to immigration, and that the administration of the existing Laws should be sympathetic." (In reply to Mr. Blackwell) 'Indian Opinion' was, and still is, the organ of our Association. It published the settlement which was arrived at in its issue of July 8th, 1914. The settlement only dealt with the matter involved in the Passive Resistance movement.")

Anti-White Propaganda.—I may point out that the Europeans in Natal are becoming exasperated by the interference of Asiatics in the grave and delicate native problem of the Union. At the last Indian South African Congress held in Cape Town about four months ago a resolution was passed asking for citizen rights for all unrepresented people in South Africa. Shortly afterwards Indians identified themselves with the Rev. John Dube, a notorious native agitator for political equality as between whites and natives. Mr. Dube delivered an address at the Durban Town Hall meeting when the Indians of Durban assembled to protest against the Bill which the Select Committee now has under consideration, and a very large audience assured Mr. Dube while he was speaking, by shouts all over the hall, that they were the friends of the native. The secretary of the Natal Indian Congress spoke at a meeting in Maritzburg quite recently from the same platform as Professor Thaele, when the latter in inflammatory terms advocated unity between natives, Indians and coloured people against the Europeans, and a policy of: "Voetsak the white man." If it is of any service to the Committee I put in the "Natal Witness" report of that meeting. Mr. Naidoo spoke at the meeting and true it is he did not agree with everything Professor Thaele had said but he said they must combine against the common danger. They are endeavouring to combine natives, Indians and coloured in a campaign against the whites. It is significant that this meeting was held in the Oriental Hall.

Suggested Amendments.—Young South Africa suggests that the provision for segregation should be compulsory upon the municipalities and townships, not permissive, and after careful consideration is of opinion that land purchase outside urban Asiatic areas should be prohibited throughout the Province.

The Indians' objections to the Bill are based on their claim for civil and political equality. The case for the Europeans is the duty of the whites to maintain European civilization, and to hand it down unimpaired to their children. We appeal [S.C. 9—26.]

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to the committee to strengthen rather than weaken the Bill and to facilitate its passage through Parliament during the present session.

(Mr. Alfred Townsend, examined.

2147. *Chairman.*] You represent the Victoria County Farmers' Association?—Yes. It is one of the most important associations in Natal.) It has taken a very keen interest in the propaganda brought to a head by the introduction of this Bill. The following is a memorandum drawn up by the Association and deals with certain questions in connection with the alteration or the tightening up of the present Bill:—

“ The members of the Victoria County Farmers' Association approve of the action of the Government in introducing legislation to deal with the Asiatic menace. They consider the Bill wants amending in certain respects, and respectfully indicate the lines on which it should be amended :

(1) The reservation of residential and trading areas should be made compulsory, and not, as provided in the Bill, dependent on the request from an urban local authority.

(2) That any property held by a person belonging to the class of persons referred to in the Bill, elsewhere than in the reserved area, should only be sold or disposed of to a European; and local authorities should have the right to acquire these properties should they desire to do so. It is further suggested that local authorities should be given the power to grant a licence holder a certain period in which to dispose of his stock, after which the local authority may acquire the property either by private treaty or at a valuation.

(3) In regard to Section 5, it is considered that no licence to trade should be given to the class of person for whom the areas are reserved outside the said areas, and that the granting of licences outside the areas should be left to the present licensing authorities, otherwise the Governor-General may not authorize a licence for an area that a local authority considers should be reserved exclusively for Europeans.

(4) That in Section 10, sub-section (a), it is not clear as to whether an Asiatic who may have entered into a lease on July 1st, 1925, for 10 years, could renew the same lease for a further period of five years at the expiration of such lease. As regards sub-section 2 of Section 10, it should be clearly laid down that a European may acquire land held by an Asiatic, either by purchase or hire, in which case he should not be allowed to sell or lease to an Asiatic.

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(5) Provision should be made in the Bill to the effect that "no Asiatic shall, in the reserved areas, or outside, be allowed to hold more than one piece of land." This will prevent a few wealthy men buying up the land and establishing a system of rack renting. In Zululand a European is only allowed to hold one farm.

(6) The members of the Association strongly object to sub-section 4 of Section 10. They consider it will result in a large influx of Asiatics from other parts of the Union to the coast belt. The Association would prefer that in place of making the whole of the coastal belt an area in which Asiatics may acquire land, rural class areas be established throughout the province where Asiatics may acquire holdings of stipulated size; and all lands outside these areas should be acquired by Government and be dealt with as Crown lands. The value of these lands would rapidly increase, and Government would not lose on the transaction. Whenever these areas became congested, the Asiatics would either go to work as labourers outside the areas or consent to be repatriated.

(7) This Association respectfully points out that Section 10, as well as other important sections, can only be put into operation by a proclamation of the Governor-General, consequently, if a change of Government occurred, the whole or part of the law may be virtually suspended for an indefinite period, and to avoid this the Association suggests that the word "shall" should be substituted for "may".

(8) The members of the Association agree with the resolutions of the several municipalities, that the most effective way of dealing with the question would be to raise a large loan for compensation and repatriation. The Association respectfully urges that the Bill be proceeded with, and the process of buying up Asiatic properties be gradually carried out.

(Then the following is a statement showing the position in regard to the Asiatic storekeeper in Victoria County:—

Before the Asiatic storekeeper invasion, about 35 years ago, there were in Victoria County 35 European storekeepers, almost all married with families, and one or two European assistants. To-day, in the same area, only seven remain, whereas in the same area there are 156 Indian storekeepers and licence holders, not one employing a European. The seven European storekeepers say they have to employ a few Indian assistants in order to enable them to compete at all with the Indians. In Victoria County [S.C. 9-'26.]

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alone, farm lands held by Indians are in extent close on 29,000 acres. They hold in the townships of Verulam, Tongaat and Stanger 75 per cent. of the erven. The fruit trade is almost entirely in their hands. Quite recently the "South African Sugar Association" asked the Government to eradicate all canes susceptible to Mosaic disease. The Department of Agriculture stated it would take from nine to ten thousand pounds to compensate the holders of Mosaic canes, of which fully £8,000 would have to be paid to Indians, and they asked the "South African Sugar Association" to face the bill. The Indian won't agree to eradicate these canes. If Indian areas were established in Victoria County, the most suitable places would be up the Umbeni Valley, New Glasgow, outside Verulam, Glendale, between Umhlali and Tugela. On behalf of my Association, I appeal earnestly for the tightening up of this Bill. Any weakening of it would be disastrous. We urge upon the committee the necessity for the passage of this Bill during the present session.)

2148. *Chairman.*] Do you wish to amplify these statements? —Dealing with the question of the alteration of the Bill in connection with section *five*, we consider that no licence to trade should be given to the class of person for whom the areas are reserved outside the said areas. The Government generally has the power by proclamation to allow trading outside actual prescribed as an Asiatic area, and our association feel the Bill should be so tightened up that no concession should be given after a given date. Section *ten*, sub-section (*a*) is not quite clear as to whether the Asiatic who may have entered into a lease of 10 years can renew the same for a further period of five years at the expiration of such lease. That is a difficult problem we should like elucidated, whether the Indian having taken lease for 10 years would be entitled to a further lease of five years at the expiry of the ten, given 15 years in all. Provisions should be given in the Bill that no Asiatic should be allowed to hold more than one piece of land in the reserve areas. In Zululand Europeans only hold one farm. Asiatics can now acquire any amount he wants, and if wealthy men should acquire a great proportion they could establish a system of rack rents for the people occupying the area. Provision should be made against sub-section 4 of section *ten*. We strongly object to that because we think it would result in Indians coming from other parts of the Union to the coast belt. I think that has now been modified, and so long as agriculture is protected from absorption by Indians we shall be satisfied. Instead of the whole coast area being con-

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sidered an area in which Asiatics can acquire land there are certain areas which could very well be set aside as prescribed areas to be occupied by Asiatics only. There are large areas which are suitable for the purposes of the Indian where they can trade and carry on their business inside the area.

2149. An Indian reserve?—Yes, an Indian reserve. In the urban areas the Bill provides, unfortunately, that in all urban areas Indians will be allowed to retain the land which they hold to-day in perpetuity, but they are allowed to sell to their own class and the two races will not be able to sell to each other. My association feels that it should be altered so that a European can purchase from an Indian to enable him to sell out so that he can go into his prescribed area. That would relieve the pressure as far as we are concerned.

Monday, March 22nd, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. M. L. Malan.
Mr. Coulter.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
Mr. Fordham.	Mr. Reyburn.
Rev. Mr. Hattingh.	Mr. van Hees.
Mr. Lennox.	

Messrs. Alfred Townsend and William Cox, further examined.

2150. *Mr. van Hees.*] Whom do you represent?—The Victoria County Farmers' Association.

2151. Have you a statement?—It is put in.

2152. It has been suggested that a conference should take place. What are your views? Do you think any good purpose would be served?—Our Association are entirely opposed to any conference taking place, and I am entirely opposed to the same. We recognise that the present Bill is an irreducible minimum, and such a conference we suggest would weaken the Bill.

2153. What are your reasons?—If a conference were to be held it would really be for the purpose of obtaining concessions and weakening the present Government, and my Association feel that in view of the urgency of the passing of the Bill a conference is undesirable.

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2154. You do not think it would lead to a better understanding if we did have a conference?—No, I do not see how it could, especially in view of the fact that Dr. Malan has already told us that an opportunity was given to India to discuss the question on certain conditions and that was turned down by India, which leads one to suppose that concessions were to be obtained from the Union but not to be given by India.

2155. Do you think that is the opinion of Natal generally?—I think so. All with whom I have discussed the subject are opposed to a conference.

2156. Your Association employ a very large number of Indians?—Yes, quite a large number.

2157. In farm labour?—I could not give you the number. Every industry employs Indians to a certain extent, but a large percentage employed in Natal are recruited natives.

2158. How does their way of living compare with that of the Indians?—Of course, he is a man whom it is impossible to make live under anything like sanitary conditions. We have found it impossible to try and impose sanitary conditions upon them.

2159. Is he any worse than the native generally?—Oh, yes; the native is much more sanitary.

2160. Do you think there is unfair competition?—Yes. The European standard of living is naturally different from that of the Indian and he stoops to a condition of trade that the European will not and naturally, being of the same colour as the native and adopting a means of trading which the European will not adopt, he has a sympathy with the black man. I am speaking from actual experience. In isolated stores the prices charged by Indians to natives are exorbitant and far above fair profit. It has been stated to me by natives and Indians that rather than pay these excessive prices they even travel as far as Durban. So it is quite clear that the Indians will exploit the natives.)

2161. You said that the majority of European storekeepers have to employ Indian assistants in order to compete with Indians. It does not cover their low standard of wage?—They pay a very much lower wage than the white man.

2162. I will put it this way. They take on Asiatics as assistants because they pay him as a cheap form of labour?—No, I would not put it like that. They look upon him as a tout to bring trade.

2163. *Mr. Alexander.*] Do I understand you have two grievances. the first that they charge too little, and the second

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that they charge too much? I mean in regard to methods of trading?—What I make is a statement of fact.

2164. I suppose you mean as a fact against their methods of trading?—It is a personal complaint made to me by Indians and natives.

2165. Why does the Englishman compete with them then?—Because he is already overwhelmed. An Englishman would not stand a chance.

2166. So the Englishman does not stand a chance in either case?—It would be very easy for them to get the European out.

2167. What is going to happen to their trading when they go into these areas? Will they be able to trade at all?—I presume so.

2168. With whom will they trade?—They will trade among their own people.

2169. You think they will still be able to trade as successfully in the areas as outside?—Yes, quite as well in the prescribed areas as outside.

2170. They trade with Europeans now?—Yes.

2171. Do you think the Europeans will go into those areas?—No, I do not think so.

2172. With regard to this question of a conference, is your idea that you want to see the alien population reduced in South Africa?—The object of the Association is clearly stated here, but I can see no gain by acceding to the suggestion of a conference for the simple reason that the Bill, as far as we are concerned, does not go far enough.

2173. You have not answered my question. Is your object the confining of these people in areas, leaving the numbers as they are, or is it to find some way of reducing their numbers?—The object as far as we are concerned would be to reduce the numbers.

2174. Do you think you are likely to reduce the numbers by this Bill?—I dare say it will.

2175. How will it reduce their numbers?—I think it will. Automatically, they are getting into excess of the carrying power of the land, and they will automatically go into other parts of the country.

2176. Do you mean they will voluntarily go?—Yes.

2177. But the Bill does not provide any machinery by which you can get them to go?—It will naturally occur that a man will go elsewhere to get employment.

2178. The suggestion was made that if a better atmosphere was created, you may be able to get some form of voluntary repatriation?—Yes. India turned it down.

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2179. That is not a fair way of putting it. You have studied the Bill?—Yes.

2180. It goes back to 1925. If that date were kept, how would the Bill be prejudiced by a conference?—If the contention of the Government is that the Bill should not be reduced and the Indian Government refused to consider the question of repatriation, there can be no object in a conference.

2181. The point is, if you want co-operation in regard to voluntary repatriation, might it not be worth while to wait a little bit for the Bill?—I am afraid we have been waiting too long, sir.

2182. You would rather have no conference at all?—Certainly not. The Durban people have told us as far as they are concerned they think a conference would do no good.

2183. You heard the expressions given at the committee?—They were divided in their expressions there. I do not represent Durban.

2184. You do not go as far as they go in their evidence. You do not agree with them?—No, I do not wish to enter on an opinion there.

2185. You do not like their methods of trading at all?—The Indians? There is a case in point where you find that the Indian population are not playing the game.

2186. You have men who have propagated a soft variety of canes?—The Indian community were growing these canes and selling them to retailers and making a big profit. They absolutely refused to participate in the movement to eradicate the canes. The Association asked the Government to take the matter up. The Government expert said they had to be eradicated. The Government suggested £10,000 for the eradication of the disease. You will see that £8,000 to £9,000 will be absorbed by the cost of eradicating the Indian canes.

2187. Do you blame the Indians for it? Has the Government got powers to compel people to get rid of diseased canes?—Evidently they have not. It is a matter for the Union Government I think. It is hardly a noxious weed but at the same time it is a menace. The Government throws the onus on the industry.

2188. Are you in favour of these men if turned out of their own areas being given facilities to farm?—You will find in the suggestion made by the Association that in restricted areas on the north coast certain areas should be set aside for the purpose of farming.

2189. You would be in favour of that?—Oh yes, because they are suitable for that purpose. I do not think it would

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be a hardship on the Indians. They could have a little Provincial Council of their own.

(2190. Your memorandum, Mr. Cox, proceeds on the lines that the people of Natal were against the introduction of indentured Indians?—(Mr. Cox.) The people of Natal were opposed from the outset to bringing in indentured coolie labour.

2191. How did the people give expression to their views?—There were two elections. I have given the year of the first election. There was another, but the Governor at that time, Governor Scott, refused to allow colonists to employ natives. The natives were mostly refugees from Zululand. The colonists asked for facilities for the employment of these natives, and they were refused. They were in urgent need of labour to reap their crops. The sugar industry was at its very beginning at that time, and they had the offer of Indian indentured labour pressed upon them. It was only after the second election that Governor Scott and his Downing Street appointed colleagues succeeded in forcing their policy of introducing indentured coolies. It was the policy of the Imperial Government at that time to give young colonies indentured Indian labour.

2192. Did the people then take the Indians?—There were these two elections, and at the second election it was said by some of the candidates "we must have Indian labour; we must give way to the Governor." Only those candidates were returned at the second election who said they would still press for native labour, and they would only consent to Indian labour to save the Colony from ruin.

2193. You could not get native labour?—That was so. The planters were compelled to take Indian labour in order to save themselves from ruin.

2194. The first Proclamation dealing with it was 1843?—Yes.

2195. Was any exception taken; did you ever object to this Proclamation?—There was no objection at the time.

2196. Was the Durban Corporation in 1859 representative of the people of Durban?—Quite possibly, although I do not know that municipal corporations are thoroughly representative of the people. The reason is there are not many men who are prepared to give up the time necessary to serve on a municipal council, and in Natal there are very few contests for seats.

2197. I just wondered if you remembered the address to the Government in 1859?—Oh yes, I remember that. The Durban Corporation asked for Indians. The position in those [S.C. 9-'26.]

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days was that many were compelled to ask for what was being forced upon them.

2198. What was the date of the second election you told us about?—I think it was about eighteen months after. I think possibly the second election took place prior to the request of the Durban Corporation in 1859. The position was that people in Natal were compelled to ask for what had all along been forced upon them by Governor Scott and his colleagues.

2199. I do not see how the Indian is to blame in the matter. The people of Natal asked for the Indian labourers?—Yes, under the circumstances I have explained.

2199A. Yes, but you do not hold the Indian Government responsible for that?—No.

2200. Do you know the law with regard to giving them the right to take land instead of going back to India. Can you explain how the law came to be passed—Law 2 of 1870. Is that not rather peculiar for those who were so much opposed to the Indians?—That was a close form of Government. There were nominated members.

2201. Do you know the circumstances under which that law was passed—historically, I mean?—Yes. The position was that as the Indians came in the agriculturists and farmers upcountry seeing this labour was available applied for it. It was very convenient to have indentured Indian labour, which was cheaper, and certainly the Indian worker was more industrious and more intelligent than the native; he did not go off after a few months to his kraal. It was certainly more convenient, and once the thing started a large number of men on the land applied for this cheap labour.

2202. I was not asking you that. I was asking you why they passed a law making it possible for them to remain?—I do not know all the circumstances. I do know I have looked up the matter as to whether there was a definite promise of land.

2202A. This was a Statute?—Yes, I know, but there were only about fifty cases where land was given and there was no definite promise it would be given.

2203. I am asking you why it was thought necessary to pass legislation to that effect?—That was an inducement to get more Indians to come. Once the Indians had come in there was a big demand for this cheap labour, and people did not realise the consequences that would ensue.

2204. Do you remember the Commission of 1886 that went to Natal to report on the question of Indian labourers?—I think that must be the Wragg Commission.

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2204A. Their evidence was favourable to the Indian community as labourers?—Except that the Wragg Commission spoke in strong terms about the insanitary habits of the Indians.

2205. Sir Henry Binns said “in my opinion the Indian section are a most useful section”?—He represented a planting constituency. At that time the feeling of planters was very different from what it is to-day. It is only gradually that the full consequences and effects of this Indian population have dawned upon the community. It was very pleasant to get cheap labour. The early stages of a rake’s progress are proverbially pleasant.

2206. Do you suggest they have changed their view now?—Certainly, the planters are alive to the position to-day.

2207. Do you want the Indian population to go?—Yes.

2208. We were told by one witness of one case in which some men had agreed voluntarily to go back, and the planters got them back on to the plantations?—I do not know anything about that.

2209. You referred to an Appeal Court judgment. You do not seriously suggest that the judge was expressing his opinion upon this political question?—I have quoted the words he used.

2210. The Government had issued an order under the Musgrave Act and these words occur in the course of a judgment?—I quite understand that, and may I suggest that Mr. Alexander will be able to lay the full judgment before the Committee.

2211. This is part of the memorandum. I just point that out in fairness. You spoke about enlistment. What opportunities were given to the Indian community to enlist. In what corps? Would they have been accepted in the South African regiment?—No.

2212. Of course not. Nor would they have been admitted into the Cape Corps which was for Cape Coloured people. You know people went to the Front who had been following sedentary occupations all their lives?—Europeans all come of a fighting race. The Indians have fighting castes and they have castes who do not fight.

2213. Were they given any opportunity in Natal?—No appeal was made to them to enlist as far as I am aware.

2214. Then you gave some quotations from the evidence of the Select Committee of 1919. Did you want to give the impression that Dr. Krause and Mr. Knight thought no arrange-
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ment was made with General Smuts.—I want to give the impression that the words should convey.

2215. Were they not just considering the Transvaal grievances at that time; did the Committee deal with anything else?—No.

2216. The agreement was to be for those Indians in existence in the Transvaal at that time. The witness contended that the rights of future generations were also safeguarded. They did not contend that any arrangement had been made.—I do not wish to be unfair.

2217. You admit you cannot take out a sentence from the witness's evidence and draw a conclusion from that. They were contending for far more than was granted by this committee in 1919 were they not?—Yes, I think they were.

2218. They certainly did say on page seven "from the above it appears an agreement was arrived at" and so forth, but the committee found there was an agreement. It has been called an agreement, but I cannot see any agreement.)

2219. *Mr. Alexander.*] One question, Mr. Townsend. You do not want any discretion to be given to municipalities at all about class areas?—(*Mr. Townsend.*) Yes.

2220. You do not want the Government to have any discretion about issuing the Proclamation?—We do not see the necessity for it.

2221. What you want is that local authorities should have no discretion and the Government should have no discretion?—That is so.

2222. *Mr. Marwick.*] Mrs. Naidu in referring to that agreement said it is not necessarily a binding agreement; it is an understanding. (*Mr. Cox.*) Yes, that is so.

2223. That is the suggestion you wish to convey. The representatives of the Indians before the committee cast a doubt upon the permanency of this agreement?—Yes, that is so. I think that is clear from their statement. I do not wish to be unfair and separate their statement from the context, or from the report of the Committee, or from the whole of the evidence. I quoted those words as showing that the representatives of the Indians themselves before that Committee did not recognise that agreement as anything but a temporary matter.

2224. You are a member of the Town Council of Maritzburg?—Yes.

2225. May I ask you to reply to this passage of the evidence of the Government of India deputation: "The municipality of Maritzburg only last December made use of its authority

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under the Boroughs Ordinance to eject a number of old-established Indian merchants from their premises mainly because the locality adjoined European trading areas." Is that correct?—No, sir. I am very much surprised to hear that that statement has been made, especially by a Government deputation. The facts are these and as a member of the Council I am well acquainted with the facts. A block of buildings opposite the Town Hall was purchased by the Corporation from the estate of the late W. Leathern. That block of buildings comprises a number of European stores in Church Street and a number of Indian stores on the Commercial Road side of the block. Indian tenants were under the terms of their agreement with the estate entitled to one month's notice; the European tenants had made different terms with the estate and were entitled to three months' notice with the exception of one man whose lease had not expired at the time. The Corporation sold the property, part to the African Theatres Trust and part to a bioscope syndicate. The Indians who were entitled to one month's notice were treated in the same manner as the European tenants who were entitled to three months. They were all given three months' notice, but whereas the Europeans obeyed the terms of the notice some of the Indians did not, and gave a lot of trouble to the African Theatres Trust. The matter has nothing to do with the Boroughs Ordinance. I was a member of the Committee that considered it, and all I can say is that statements have been made to the members of the deputation from India and they have not enquired from the Corporation as to whether those statements were correct. You will have a deputation from the Municipal Association of Natal, and they will be able to give evidence on the point. I am very much surprised to find a statement of that kind has been made to this Committee, and I will make it my business to lay the matter before the Town Council. I think they ought to make representations on the matter, because it is an entire misstatement. If the rest of the evidence is not more reliable than that it must be unreliable indeed.

2226. Have you read a printed pamphlet containing a statement of the case for the Indians by Mr. Andrews?—Yes.

2227. How have you managed to have access to that?—It is being sold at booksellers' stores. In Maritzburg it is being sold for a shilling. I was rather astonished at this, seeing it had been laid before a Select Committee of the House of Assembly. I thought it rather an extraordinary thing,
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and I was also astonished to see that it was apparently a Blue Book; the colour gives it a sort of official significance.

2228. A good deal has been made of the loyalty of the Indian storekeeper. Can you express any opinion about that?—They have claimed to be loyal. They have mentioned sums given to patriotic funds. I have no evidence as to the amount they gave to the Turkish funds but it has been said very freely in Natal that while they displayed the Union Jack at the front of their premises they were at the back praying for the success of the Turks.

2229. Where is the Oriental Hall where recent meetings have been held?—I really do not know. I did not know of the existence of such a hall until I read the report in the "Witness." It is very significant indeed that it was held there. I believe it is in Upper Church Street at the back of a number of Asiatic stores, but I am not positive.

2230. Among the remedies proposed by Mr. Andrews is one of the absorption of the Indians; he talks of the science of eugenics and says that is a statesmanlike solution. He speaks of the fusion of the Indians with the whole social order?—I do not think that is the first time Mr. Andrews has made that statement. I remember the Town Treasurer of Maritzburg a year or two ago drawing my attention to a pamphlet just issued mentioning that Mr. Andrews advocated the fusion of the two races, the Asiatics and the Europeans, as a solution of the difficulty, I do not think I need make any comment upon that. One naturally feels very indignant at a suggestion that our daughters should marry Indians.

2231. What interpretation could you place upon the words of Mr. Andrews—"the best solution of the Asiatic problem would be the gradual absorption of the comparatively small remaining Indian population into the whole social organism." Is it possible for the Indians to be absorbed by the natives?—What Mr. Andrews undoubtedly means is that they be absorbed into the European population, or that the European population be absorbed into the Asiatic population, one or the other—a fusion of the races. That is the interpretation I put upon Mr. Andrews' words, especially in view of his previous statement.

2232. Would absorption by Malays or coloured mean absorption? What would be the effect of intermarrying with the comparatively small number of Malays in the Union? Would it alter the essential features of the situation?—Not at all that I can see.

2233. He goes on to say the method would be the same as that the United States has employed. What deduction do you

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draw?—The United States has absorbed European races and you have Americans. The United States has Americanised Englishmen and Frenchmen and Germans and Italians and other European races; they have become Americans.

2234. What is the attitude of your Society towards the proposed conference?—We are opposed to the proposed conference in view of the opposition of India at all times to every step that has been taken for the protection of Europeans. In view of the wide difference between the outlook of India and that of South Africa we think that any conference is bound to be futile. Nothing will satisfy India but civil and political equality with Europeans, and our firm conviction is that India will concede nothing whatever. The danger of delay is such that we regard it as the duty of Parliament to pass this measure during the present session.

2235. What is the attitude you assert towards the proposed coast belt?—We regard the proposal as a concession to India. We came to the conclusion finally that it would be better if there were no coast belt; that is if the purchase of land by Asiatics were prohibited throughout all the rural areas of the Province.

2236. Have you had opportunities of judging the feeling in Natal generally in visiting the various centres?—Yes, I have visited almost every centre of the Province in connection with this question.

2237. Perhaps you would say what the feeling is?—I found the feeling in the country districts very much stronger than in the towns, among the men on the land particularly. The reason is that Asiatic influence is not so great in the country districts. For instance, the wholesale merchants in the towns do business very extensively with the Asiatics, and then some retailers do business with them. The position in the towns is considerably undermined by Indian influence, and those who have business interests are inclined to think there can be no danger. Men like to think that what suits their pockets must suit the country. In the country districts the farmer is becoming alarmed at the outlook for his family. The isolated Indian storekeepers in the country are in a very different position to the Indians who are in a village or a township, or a municipality. The former certainly overcharge the natives, and it is alleged that they become receivers of stolen property. This is a great nuisance to farmers. Stock disappears, and there are thefts of various kinds. I would like to give one instance of a store which for a number of years was run by an Indian, and the proprietor of a hotel nearby himself informed me that there was a lot of trouble in connection with that particular store.

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The son of the ex Town Clerk of Durban, young Henderson, took over that store. The natives who before complained of being overcharged have supported him, and he is making a good living there. I know that the Indian who was at the store formerly was concerned in a case of receiving goods that had been stolen from Hilton College. I know a Durban advocate whose son's coat was found on the premises. There are cases of that kind, and there certainly are allegations by the farmers generally that the Indian storekeepers receive stolen property.

2238. As a member of the Council, what is your experience as to the Indian's compliance with sanitary requirements?—In regard to the question of sanitation my experience is that you cannot get the bye-laws applied to the Indians. The position is that they do not observe them. European residents who live near Indian premises complain over and over again, but it is only after considerable pressure that you can get action taken, and then it is evaded. I will give one instance. Mr. Marwick will know the premises occupied by Amod Bayat at the top of Church Street—a very big store. Complaints were made about the back premises. At last the Corporation were compelled to move in the matter. Amod Bayat approached Mr. White, sanitary plumber, of Church Street—I have his permission to mention his name—for an estimate for putting the stables and other premises into a state that would comply with the bye-laws. The estimate was put in. A few months passed, but nothing was done. Seeing Amod in the street, Mr. White asked him if he was going to have the work done: "Oh, no!" he said, "I have arranged matters." The Committee can put what construction it likes on that.

2239. *Mr. Duncan.*] Bribery of officials, you mean?—I can come to no other conclusion.

2240. Did you take any action?—I have attempted to get the Town Council to move, and I have introduced a motion asking for the application of the bye-laws to Indians in the same manner as Europeans, especially in European localities.

2241. Have you taken any action in regard to this allegation of bribery?—Well, I can prove nothing. I am not privileged in the Town Council. I have taken action to get the bye-laws enforced. As you know, it is a very difficult thing to get positive proof, but I can get positive proof of attempts to bribe. Where you can get proof is where men have refused money.

2242. *Mr. Coulter.*] Did you enquire of the Committee why they did not proceed with the sanitary inspector's recommendation?—I was not a member of the Council at the time, but

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almost immediately after, and when I first moved there was considerable opposition to the enforcement of the bye-laws, and there was a majority of one against me in an open Council meeting ; but now there is an endeavour being made to enforce these bye-laws, only we have to wait until the Urban Areas Act is applied, because the Indians and the native population so far as the lower sections are concerned are occupying the same premises in many cases.

2243. *Mr. Marwick.*] How would you regard a statement made to this Committee that the Indians have as high a commercial morality as any other race? Has that been your experience?—Well, I am not a commercial man, but commercial men tell me that the European is on a much higher grade commercially than the Indian, and they complain very bitterly, men who are dealing with Indians, of the way in which they compound with their creditors, especially of recent years.

2244. Does your impression correspond with the figures of debts and compositions advertised by the Supreme Court between January 1st, 1908, and May 31st, 1910, in which there were eighteen European compositions and forty-four Asiatics?—I would not be surprised at more.

2245. In view of the lower standard of living of the Asiatic, would you expect the figures to be reversed?—Yes ; they can exist where the European cannot.

2246. *Mr. Lennox.*] How long have you lived in Victoria county?—Sixty-three years.

2247. Were you born there?—(*Mr. Townsend.*) I was born there.

2248. Will you please explain the extent of Victoria county. Is it not bounded by the Borough of Durban on the one hand and Belmont on the other hand?—Yes.

2249. You have had great experience of the Indians? Do you speak the language?—Yes, I speak Hindustani indifferently.

2250. The county represents 120 miles in length?—From Durban it is somewhere about that.

2251. The Indians are principally engaged in agricultural pursuits?—Yes, that is the Indians introduced under the Immigration law.

2252. Are there many traders as well?—The traders came in at a later date. The trader has nothing to do with the indentured Indian from India. You would find a very large proportion came from the East coast of Africa ; never from India.

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2253. The Indian was introduced as a labourer for your community?—Yes.

2254. Is not that where sugar is cultivated?—It was found necessary to increase our sources of labour. It was found impossible to obtain labour to reap the crops. Affairs were in such a state that I and my brother had to go into the fields.

2255. What do you know about the introduction of Indian labourers then?—I think Mr. Cox would rather answer that question. The largest employers of Indians were the Government themselves. The railways were the largest employers and the Durban Corporation also employed a very large number. The reason was that in the early stages of the railway it was impossible to get them to work more than three months consecutively. They had to obtain staple labour and that was at the bottom of the introduction of Indian labour into Natal.

2256. You say the Natal Government imported for railway service Indian labourers. To what extent?—I have no doubt the figures can be obtained from the Immigration Department at Durban, and from the Municipality also. Yes, they relied almost entirely upon Indians for their municipal work.

2257. Do you know anything about the terms of contract with the Government in those days?—Similar to those imported for the sugar industry, namely, a five years' contract of service; at the expiry of that a further period of five years, the man to be able to engage himself where he chose. At the end of twenty years he was compelled to return to India. The planters all contributed to the return passage money. The Government through their own action allowed these men to remain, and I believe to-day something like £200,000 is held by the Government that is moneys which should have been utilised for return passages.

2258. If the terms of the contract had been carried out we would not have had this trouble to-day?—I think the contract was on the right lines.

2259. What was the type of Indian recruited at that time?—The type of Indian introduced in those days was of a very low order indeed. A very large number were loafers, men who apparently had not done a day's work in their lives. It took at least three months before you could get anything like any kind of work out of them. They were totally ignorant of field work. I presume they were recruited from the slums of the towns. Until a man had been there six months he was of little use.

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2260. You would call him a low caste Indian?—Very low caste. There were a few better class Indians came with them: I questioned one of my men. I asked him why he treated these people in the manner he did. He was very rough on them. He said to me, "I would sooner allow a pig in my house than allow those men to cross my threshold."

2261. How long ago was that?—Thirty-five years ago. That, of course, referred to the low class of Indians.

2262. Can you tell us anything about this £3 tax?—They realised a curtailment of this influx of Indians was necessary. They imposed this £3 tax as an inducement to repatriation. Unfortunately, the Government in a weak moment repealed the tax. (*Mr. Cox.*) May I say these men to whom the tax applied were under contract to go back to India. (*Mr. Townsend.*) It only applied to the man who was a free man, a man who could re-indenture for three years.

2263. In the townships in Victoria county what is the position of the Arab trader?—At one time one place contained a large number of European storekeepers, butchers, bakers, general storekeepers, and a number of residential properties. To-day there is one European storekeeper and one butcher, and that is all. Stanger is practically on the same footing. The Indians control the vote there; they have the majority vote.

2264. Europeans can hardly live there?—No; unless he is supported by Europeans he does not make a living at all.

2265. The Indian has ousted all the European storekeepers. Is not that the case in other villages?—The natural increase would have been considerably more.

2266. The Arab trader is stated to come from Bombay. What is your experience?—He is called a Bombay "wallah," but he is about as much one as I am. They are mostly East coast traders.

2267. Do you think they are really loyal to the flag we are loyal to?—I have no reason to doubt that.

2268. When the Consul-General of Turkey came here he was feted by these people?—Yes.

2269. These Indians in the Victoria county, I understand, hold a lot of land. How many acres?—29,000 acres.

2270. What do they do with this land?—In the majority of cases they cultivate it in small lots. They are not seriously sugar planters. They go in for mixed cultivation.

2271. Have you not sugar estates controlled by Indians?—Yes. I know of one instance of an Indian who holds 4,300 acres mostly planted with cane. Another man holds 500
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acres and in another district 600 acres. Then there is something like 1,000 acres held by a syndicate of Indians.

2272. There are not many sugar planters apart from those cases?—No, they are mostly engaged in general farming tobacco, mealies, etc.

2273. You object to any conference in this matter?—I do ; at least my Association does.

2274. What is your idea?—The idea is that in view of the position they conceive that no good would be achieved by a conference on this question. (Mr. Cox has put it very clearly. In a conference there is a suggestion of giving and taking. We are convinced that the Indian Government expects the Union Government to give without giving anything in return.)

2275. You are in favour of this Bill being passed by Parliament as it stands?—Yes, my Association are emphatic on that point.

2276. There are certain recommendations specially with regard to rural areas. My Association feel that that is rather a move in the wrong direction. We feel in these rural areas that Europeans should have the power to acquire the land of a man deceased so that in the gradual course of time owing to the natural change of land they would be eliminated.

2277. You come from the Municipality of Maritzburg?—(Mr. Cox.) I do not represent the municipality. I represent Young South Africa, but I am a member of the Town Council.

2278. In regard to your reply to Mr. Marwick about the coast belt your reply did not strike me as being very emphatic. Speaking for Young South Africa I should have thought the suggestion of Indians being concentrated on the coast belt thirty miles from the coast would not have appealed to you?—It does not appeal to us. I am sorry if I have conveyed a wrong impression. We are opposed to any concession in the matter of land purchase, and we are opposed to their being allowed to purchase in freehold in areas to be delimited in townships and municipalities as Asiatic areas, but that has not been put forward. We realise there are difficulties.

2279. Mr. Duncan.] You say your Association is strongly in favour of this Bill being carried into effect immediately?—(Mr. Townsend.) Yes, that is the recommendation here.

2280. How do you reckon that is going to help the European population?—Under the Bill it is going to restrict the operations of Indians and in the Rural Areas Bill it provides that they shall acquire no more land than they hold to-day.

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2281. You told us a large number are now engaged in cultivating the land. What are they going to do?—The suggestion is that certain areas in Victoria County should be set aside as prescribed areas.

2282. Would those areas be sufficient to enable them all to continue their vocations?—I think so.

2283. In what way would it limit their competition with the white man in regard to trading?—The position to-day is this, that if these people are allowed to continue as they are doing there will be no white population at all.

2284. I want to know how this Bill is going to cure it. You say they will still trade?—Yes, among themselves.

2285. Are you going to allow them to sell to Indians?—You cannot restrict them in that respect.

2286. Very well; how is this going to help you?—It is going to curtail their operations.

2287. In what way?—By limiting them to certain areas.

2288. Are they not still going to compete with the white man?—In any case they will compete with the white man, but this means they will be limited in their operations.

2289. Accepting your point of view that they are going to eliminate the Europeans, in what way is this Bill going to protect the Europeans?—We want the Bill tightened up so as to give us the protection we require. We say it does not go far enough.

2290. What protection do you think this Bill or any amendment of the Bill can give the European? I am most anxious to know. At present the Indian is at liberty to buy as much land as he likes in Victoria County. Under the Bill he will be prevented from buying any more than he holds to-day. We suggest that when the Indians are prepared to dispose of this land it should be purchasable by European settlers. In the course of time the Europeans will eventually recover all the land held by Indians to-day.

2291. But if you drive the Indian off the land you do not drive him out of competition with the European. He has to live somehow. What is he going to do?—The law of economics will apply. If he is not able to compete he will have to go to other parts of the world. He can go back to India or to Mozambique where he came from. We do not see why he should be forced upon us in Natal.

2292. Who forced them upon you?—They forced themselves upon us. A very large number of the Arab class are not British subjects. These class of people are far more dangerous to the community than the native of India.

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2293. Putting it in plain language, you want to drive them out of the country—is that it?—No, I will not go as far as that. After all is said and done there is a fair view to take of the position. We reckon the Bill is for the purpose of curtailing these people and keeping them within reasonable bounds and protecting the future white population of the Union.

2294. What I want to get at is how by driving them out of the country you are going to protect the Europeans. In everything they do they compete with the Europeans, do they not?—That is a very difficult question to answer. We have come to give evidence to show the necessity of curtailing the Indians. We have asked the Government to bring a Bill into force to meet our requirements. I am not going to lay down what the details should be.

2295. You told us the Bill was most urgently needed in order to protect the European population. How will it do that?—I think I have indicated the necessity of this urgency, and the proper direction in which that can be obtained is for our Ministers.

2296. Your Association employs large numbers of Indians. Do you want them to go too?—The community are quite prepared to make a sacrifice and employ native labour. We have a Labour Association which practically supplies the bulk of labour to-day and they are mostly indentured boys up to six months. They are mostly of the juvenile class, boys from 12 up to 20. This labour is replacing Indian labour; in fact many are using it in preference to Indians.

2297. But getting rid of Indians does not appear to make any room for Europeans. Europeans are increasingly employed on the estates as managers, etc. As a matter of fact I have already engaged a young Dutchman, who is coming next month to take charge of the natives on the farms. There is room for many others if we can get the right class of young men.

2298. You said the indentured Indian was obliged to return at the end of his indentures?—Under his contract after ten years he was forced to return.

2299. Why didn't he?—Obviously he found it a happy hunting ground.

2300. You do not think he was encouraged to stay?—No, I do not think so.

2301. Are there many Indians still under indentures?—Yes, indentured from time to time.

2302. Do you think it a satisfactory system?—In many of the estates it is encouraged.

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2303. You said in some of the villages the Indians are practically in control?—They have the controlling vote. There is a board elected by them.

2304. Are you aware if it is based upon rateable property?—No, I know nothing about it.

2305. Supposing that was so, how would you regard it?—They have practically eliminated the white population there. At one time there were several prosperous stores.

2306. *Mr. Coulter.*] Have the selling prices of land not enormously increased to Europeans? One man told me he was practically unable to sell property unless it was bought by an Indian.

2307. *Mr. Duncan.*] Can you tell me how this Bill will protect the Europeans?—(*Mr. Cox.*) If the sale of land is prohibited throughout the rural areas of the Province we think it will assist the Europeans. If this Bill is passed our view is the Indian will see we do not want him here. We may as well be frank about it. In the fight for possession of the country the Europeans are determined to protect themselves. It is a matter of self-preservation; we do not put it on any other ground. We think conflict between the two races is inevitable, because as the Indian becomes more powerful his behaviour will become intolerable to the European, and we wish the matter dealt with before that happens.

2308. Do you think taking the European population and taking the Indian population it can seriously affect European control?—Our opinion is that the Indian problem is not understood in every part of the Union and its seriousness is not appreciated except in Natal, because the European community is being undermined there and the Indians have a great deal of influence even on public bodies.

2308A. Is it your view that the European population in Natal has not grown as it should have done say in the last ten years?—Yes, that is our opinion, because the Indians are continually invading positions held by Europeans.

2309. Do you know the census shows an increase of 40 per cent. on the European population?—We are quite prepared to admit the European figures are correct.

2310. I am putting it to you that the figures show an increase in the European population in the last ten years of 40 per cent?—We are part of a young country. There is a big development going on, but we shall get to the point where that development will undoubtedly slow down, and in the meantime the Indian is consolidating his position and undoubtedly

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the European population would have been much larger had not the positions formerly held by whites been taken by Indians.

2311. If you compare the increase in Europeans in Natal with that in the three other Provinces you will find that Natal is far and away the biggest Province of all?—Yes the Europeans there are very enterprising.

2312. But in view of these figures do you not think your view may be a little wrong?—No, I do not think so.

2313. These figures are just what you expect?—No, I do not say that. The explanation we contend is that the country is young, and Europeans are increasing at the moment, but the time will come when the increase of Europeans will stop; meanwhile the Indians are increasing all the time.

2314. Why should it stop?—Because the cheaper standard of the Indian means that more and more the Indians will be employed, and that is the view of a very large number of people in Natal. You will hear men say “It will last our time, but we had better think of getting out for the benefit of our children.”

2315. In every young country like this the population is increasing by emigration and natural means. Both those avenues are open to the Europeans, but only one is open to the Indian?—That is so, but the natural increase of the Indian is very much greater than that of the European.

2316. But have you looked at the infant mortality figures at all?—Their mortality is higher undoubtedly.

2317. Would you be surprised to hear that they do not increase naturally balancing gain against loss?—I would be surprised.

2318. You say greater cheapness. Cannot legislation by means of the Wage Act remedy that?—We think that would be evaded. The Indian is not guilty of crimes of violence so much as evasion of the law. He certainly is cunning in matters of evasion. It is a very useful Act to have, but the Society I represent want to show the Indians we are determined to prevent the Europeans from being driven out.

2319. I gather that you cannot show us that Europeans are being driven out now?—Except from occupations. We think the rate of increase of the European population in Natal will gradually dwindle until it disappears. Mauritius is held up to us in Natal as a warning. Mauritians came to Natal who were driven out. At one time in Mauritius there was a considerable European population. Mauricians have told me that each time they visit the island there are fewer Europeans

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there. I would like to read from a statement made by Professor Balfour, who wrote a report in 1921 on medical and sanitary matters in Mauritius. He says: "Port Louis is quite a disgraceful city. The yards are for the most part filthy and the streets are littered with garbage. It is difficult to imagine that such things could exist in a British colony. It must be remembered that the capital is now peopled entirely by Indians, Creoles and Chinese and that few persons of European origin, at least through the greater part of the year ever spend a night in it. It is a case of Paradise Lost to Europeans." In Natal Europeans fear that that is the fate eventually in store for them.

2320. Does the Society think conditions in Natal are just the same as in Mauritius?—Conditions are similar on the coast.

2321. Is it as easy for Asiatics to get into Natal as into Mauritius?—No, Mauritius is open to Indian immigration.

2322. Are you sure your Society is not too nervous about the position?—Undoubtedly there are members who may be inclined to exaggerate but a conservative element in the Society acknowledge the evil exists and they are insistent upon the necessity for this Bill.

2323. They want the Bill not so much because of anything it actually does but because it will induce the Indians to leave the country?—We cannot put our attitude on any other ground except self-preservation.

2324. *Sir Ernest Oppenheimer.*] I understood you to say that even now a large number of Indians are employed by you or members of your Association?—(*Mr. Townsend.*) Yes, a large number are employed on sugar estates but in proportion there are very few now to what there was five years ago.

2325. You also explained to us that in 1870 native labour was not plentiful and they had to take on Indians to work and that in 1874 representations were made to restore the immigration of Indians. Is that correct?—The Public Works Department of the day did employ Indians and reverted to the settlement system but natives were available and the Government required each chief to supply a certain number of boys who were under six months' contract.

2326. I do not want to say the sugar planters were responsible for the introduction of Indians but I also want to say the Indian Government were not responsible?—That is so. The Imperial Government were originally the factors.

2327. You gave us an explanation of the £3 tax. Was it not rather to force the Indians to become indentured labour—
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ers again?—No. The object was to compel these people to return to India.

2328. But surely you cannot say that was any inducement?—The object of the tax was simply a self-preservation tax.

2329. But you can imagine one effect of the tax would have been to make them re-indenture themselves?—No, the object was to get them to go home and a good many did.

2330. You say the planters would be willing to make a sacrifice and employ natives?—Yes. What I mean is that the planter is quite prepared to carry on the work with native labour which is just as efficient as Indian labour.

2331. If you had no Indian labour and you found you have to take on more expensive native labour would you not come to the Government for protection for your industry?—It would not affect it at all.

2332. By making a sacrifice you mean you will bear any burden yourself? Otherwise there is no sacrifice?—I do not know that is a question I care to answer here. We look upon the Government as our fathers and we come to them in time of need.

2333. You have a beautiful park in Pietermaritzburg. Do you employ Indian labourers there?—(Mr. Cox.) I am not quite sure whether there are any Indians left in the Park Department. There may be a few. The Town Council agreed to replace Indians as they left by Europeans or coloured persons, or natives, according to the nature of the employment. The Council has also encouraged Indians to leave, and they are given a bonus over and above the Government bonus on repatriation.

2334. Am I wrong in saying that Maritzburg has already confined Indians by granting them licences only in certain areas?—You are not quite correct in that, because Indians have obtained licences in European areas.

2335. Do practically 90 per cent. of your Indians live in one locality?—There are a large number of them in European areas.

2336. There is one area where the Maritzburg municipality has made it a habit to grant licences. Are the majority living there?—No, the majority of Indian storekeepers are not in that locality. It would be found that there are as many, if not more, in areas regarded as European areas.

2337. Is it correct that out of 100 Indians who applied for licences 99 would be refused?—For licences in European areas.

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2338. You say on page 2 there was plenty of native labour in Natal?—That refers to the time when Indians were being forced upon the colonists by the Government in 1857-8.

2339. Is there plenty of native labour in Natal now?—I am not an agriculturalist, and I am not entitled to speak as to the condition of the labour market.

2340. But you are entitled to speak of the labour market of 1859?—I know that from the newspaper files of the time, and the official records are available.

2341. Would you be surprised to hear that Natal recruits the bulk of its native labour from other parts of the Union than Natal?—It would not be a surprise to me if you told me that labour was recruited from Pondoland. On the other hand, the Transvaal recruits labour from Natal. We export so many natives to the mines—that may be the explanation.

2342. There are recruiting agencies in Johannesburg to recruit labour for the Utrecht Colliery and for the sugar industry?—We supply many natives for domestic service in Johannesburg.

2343. If you removed the Indians in the factories and took on Europeans your cost of production would go up?—(*Mr. Townsend.*) Slightly, yes, but the extra cost would be more than justified by the extra employment of Europeans. The circulation of money would be much greater.

2344. Will you explain what you mean by the farmers' markets being restricted by coolie competition?—(*Mr. Cox.*) The Indians have practically got the Maritzburg market. As a matter of fact it is a continuous complaint that they buy up produce there and then they get it put up again. The farmer himself says that as the Indians gradually capture the towns after they get a certain distance they will capture the whole place with a run. As a matter of fact there is a certain amount of restriction to-day.

2345. You are dealing with that fear always?—No we are dealing with facts to-day and the prospects of the future.

2346. Can you give us figures to support your statement that the purchase of land by Indians has increased?—I believe it has increased up to within the last two years. I think it is something like 73,000 acres held in the coast belt by Indians.

2347. It does not look very alarming when we see that there are 18,000,000 acres in Natal, and only $\frac{1}{2}$ per cent. are held by Asiatics. The Bill would be retrospective to the 1st August, 1925. At the moment it is not a colossal figure?—We grant that, but you have given the acreage of Natal, including Zululand. We desire legislation before it is too late.

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2348. You want to prevent it becoming a colossal figure?—
We do.

2349. The statement of the Minister that the Bill would be retrospective to the 1st August, 1925, gives you ample protection that these figures would not be materially altered?—I do not think so, because when measures of this kind are passed we have to be very careful; Indians are very clever at evading the law.

2350. What I am getting at is this. The chief problem put to us over and over again is not to be harsh on the Indians, but to reduce the population if possible?—Yes, we admit that is the chief problem.

2351. And you also do not want them to own more land?—That is so.

2352. I suggest you have the Immigration Law so that they cannot come in, and as far as land is concerned you have the Protection that the Bill will be retrospective whatever happens. Is not that sufficient reason for you to believe that a little delay and a conference would be more advantageous than pressing the Bill through the House?—No, our opinion is that the Indian Government are playing for delay. Delay will possibly be fatal. The Bill has already been delayed a year owing to the length of the debates in the House. Now the feeling in Natal is that the matter should be dealt with this session. It would be useless in our view to have a conference, because the Indian Government will not budge an inch.

2353. There have been no emigrants from India recently?—A lot of people claim that they are still dribbling in. A lot of Indian merchants have openly boasted they can get men through if they want them. The statement is made that a large number of storekeepers in Natal employ prohibited immigrants and pay them practically nothing.

2354. You say the Government are not efficient in carrying out the law?—It has been the case for a long time. I am quite prepared to believe that greater vigilance is exercised to-day than formerly.

2355. If the old law will not help you will the new one help you? We have also had evidence that there has been no increase in trading licences. Then how will delay harm you? You have protection about the land?—It is very easy to say $\frac{1}{2}$ per cent. of the land of Natal. In the first place you would have to eliminate Zululand from the total figures and the areas that are not cultivatable or useful. This $\frac{1}{2}$ per cent. consists of some of the most valuable land in the Province. Quite a number of people in Natal tell us it is too late to-day to move

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in this matter. They say: "If you had moved twenty-five years ago there might have been hope."

2356. The fact is, whatever facts are adduced if they do not suit your argument you do not believe them?—No, that is not the case.

2357. I would like to ask you whether you object to the employment of coloured or Asiatic persons because of their race or because they accept lower wages?—No, I do not object to them except that they are undermining our white civilisation. From that point of view the objection is common.

2358. Because they work for lower wages?—Yes.

2359. But does the Wage Act not give you protection?—No, because they will evade it.

2360. Then what is the use of any law?—Well, it will worry them a bit.

2361. No law will give you any real help?—I do not say that. The more we worry them, the more we give them encouragement to go elsewhere and the sooner they will accept the situation.

2362. You object to them on economic grounds?—We object on economic grounds, but also on other grounds. We object to the mixing of the white and the Indian population.

2363. In what way—inter-marriage?—The consequences of these two populations being brought into contact.

2364. Does it not strike you that if you prevent an influx of Asiatic women the result will be inter-marrying between coloured people, Malays and Indians?—That is a point that requires consideration, I admit.

2365. Would not the result be the disappearance of the Indian problem through inter-marriage with coloured and Malays?—It would create a worse problem. Instead of having a nation we should have a menagerie.

2366. Is it not surprising that your Association, seeing it deals with such an important subject has only between 300 and 600 members?—There were 300 members within a few days of our being formed. We do not canvass for members. These are men who voluntarily came and joined the Association.

2367. Is it not surprising you could not give the names of all your Executive?—I do not think that is quite fair. I gave the names of quite a number. (*Mr. Townsend.*) May I refer to one question as to the number of acres in Natal. It should not be overlooked that Zululand must be eliminated from that as Indians are not allowed to settle there.

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2368. *The Chairman.*] The question was asked you the extent to which voluntary segregation has taken place in Maritzburg. Do Indians as a rule live on their premises?—*(Mr. Cox.)* That is not the general rule. I think as a rule they have rooms at the back of their trading premises. I do not think as a rule the trader has a house in another part of the town.

2369. That very often accounts for the contravention of the sanitary rules?—Yes, it does in many cases.

2370. Do you agree it is not necessary for the Indian to live where he trades? He can live anywhere?—Yes, and every now and then there is an uproar when an Indian purchases property and lives in a European area.

2371. Unless you have compulsory residential segregation coupled with compulsory trade segregation then voluntary segregation as far as trade is concerned or the issuing of licences only in certain quarters, would not avail much?—No it does not meet the need. There is a pressing need for segregation in boroughs and townships. It is the universal opinion.

2372. The issuing of trade licences only in a certain quarter, if the sanitary rules are enforced more strictly, and if the Indian community becomes more wealthy, the result might be that they would trade in one place and live all over the town?—Yes, that is so.

2373. What do the Indians generally think of the voluntary repatriation scheme we have now. Are they opposed to it or not?—*(Mr. Townsend.)* Those who have taken advantage of it have done so voluntarily. There are quite a number who look forward to returning to India under this scheme.

2374. Then it is not right to say they are opposed to repatriation. Is there any propaganda amongst them as far as you know against repatriation?—No, none at all.

2375. As far as the Indians in your locality are concerned, are they concerned about this proposed legislation?—No, the Indian's in our district do not worry about it at all.

2376. What do you think would be the result if this legislation was passed in regard to repatriation? It has been stated that the Indians would refuse to go to India at all?—I think that is purely an invention by these agitators.

2377. *Mr. Reyburn.*] Do you know the position on the coal mines?—*(Mr. Cox.)* Yes, during a motor journey my attention was drawn to the fact that a mine train was manned by an Indian driver, an Indian stoker and an Indian guard. I do not know the actual extent which European mechanics are

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being displaced but I know that such displacement is going on.

2378. Do you know why. I presume because it is cheaper?
—Of course.

2379. Not because they are more efficient than Europeans?
—No. It is a question of cheapness.

2380. You said the Wage Act would be evaded?—Yes.

2381. Are you aware of the application of an industrial agreement under the Conciliation Act in connection with the printing industry?—In that you have the employers and the employees agreeing together, and you have a very intelligent class of men.

2382. But has not the effect been to displace a large number of Indians?—I am not familiar with the facts as to the effect of the agreement.

2383. Do you know anything about the building trade in Durban?—Yes, I know there was an agreement between the W.I.U. and the employers.

2384. Is not the effect that the Indians have largely been displaced?—That may have been the case.

2385. Is that not so at the furniture factories?—I only know of one firm that has been displacing Indians and taking on whites. In some others whites have been displaced even as setters-out.

2386. You say there are only seven European stores in the whole of Victoria county, is that right?—(*Mr. Townsend.*) That is so. I refer to where the Indians have trading rights; Greening Park is a prescribed area.

2387. Previously there were in that particular area 35 Europeans?—Yes.

2388. Do you think this Bill will reduce the number of Asiatics in South Africa?—(*Mr. Cox.*) Yes, I do.

2389. By economic pressure?—I have explained my point of view in that respect.

2390. Do you think by means of a conference there could be devised some scheme for the greater reduction of Asiatics?
—I cannot see any possible gain from holding a conference.

2391. Do you think it possible to have a conference without any restrictions on it. Do you think it is a desirable thing?—Provided the Government stipulates an irreducible minimum. But my Association are entirely opposed to the idea of a conference. Under the Act of Union we have the right to deal with our own internal affairs without interference from outside.

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[Messrs. H. M. Ross and D. J. P. Sanders.]

2392. *The Rev. Mr. Hattingh.*] Do you think there is a social danger as well?—Yes, I do. Mr. Spink, manager of the Natal Trading and Milling Co. and a leading member of the Chamber of Commerce, recently stated publicly that European women owing to solicitation by Indian merchants, are settling their accounts in the back rooms of Indian premises. Another case was reported of a young woman in a lawyer's office in Maritzburg who went to Durban to give birth to a child and it was said an Indian clerk in the office was the father of the child.

2393. Is it correct that there is illicit intercourse between Indian traders and native women?—I have been informed so.

2394. Do you agree that there is a considerable social danger?—(*M. Townsend.*) Yes.

—
Tuesday, 23rd March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR. (Chairman).

Mr. Fordham.	Mr. Marwick.
The Rev. Mr. Hattingh.	Sir Ernest Oppenheimer.
Mr. Lennox.	Mr. Reyburn.
Mr. M. L. Malan.	Mr. van Hees.

Messrs. Hugh Munro Ross, Arthur Edward Kirkly, representing the Johannesburg Southern Suburbs European Association, and *Messrs. Daniel Sanders, J.P., John Joscalin Belela Cooke, Henry Hosking, William Heron Pitcher*, and *Herbert Henry Kemp*, representing the Natal Municipal Association, examined.

2395. *Chairman.*] Mr. Ross, you represent the Johannesburg Southern Suburbs European Association?—(*Mr. Ross.*) Yes, I am the President of the Association, and Mr. Kirkly is the secretary.

2396. And you, Mr. Sanders, represent the Natal Municipal Association?—(*Mr. Sanders.*) Yes, I am President of the Association and an ex-Mayor of Pietermaritzburg. The other gentlemen who appear with me as representing the Natal Municipal Association are Mr. John Cooke, the Deputy Mayor of Estcourt, Mr. William Heron Pitcher, the Town Clerk of Estcourt; Mr. Henry Hosking, the Mayor of Dundee; and Mr. Kemp, a member of the Durban Town Council.

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[Mr. H. M. Ross.

2397 (I will first ask Mr. Ross to make a statement on behalf of the Southern Johannesburg European Suburbs Association?—(Mr. Ross.) On behalf of the Southern Johannesburg European Association I thank you most sincerely for the opportunity of appearing before you to state our case on behalf of approximately 25,000 white inhabitants, situated in the following townships: Ophirton, Booyens, Turffontein, Forrest Hill, Kenilworth, Rosettenville, La Rochelle, Springfield, Regents Park, and Klipriversburg. These townships represent one of the largest and most thickly populated white residential areas on the Rand, and is what is usually termed a working-class area. The majority of the white people own the property they dwell in, or are paying same through building societies, etc. In the year 1924 the white inhabitants became alarmed at the steady increase of the Asiatic, and the detrimental effect their presence was having in the district in general, and to the white population in particular. They were of the opinion that the time had arrived for them to shoulder their responsibility and put up a fair fight in defence of their rights. They resolved to form the Southern Suburbs European Association, with their slogan, "*Maintain a White Suburb.*" This Association has been formed on a purely non-political basis and the work is carried out entirely voluntarily. In the year 1918 we had eight Asiatic traders in our area, but in 1924 the number had increased to ninety-eight, average increase of fifteen per year. Under these conditions, which were forced upon us, we were compelled in self-defence to adopt all the means at our disposal to try and combat this menace. One of our first actions was to arrange an interview with the Minister of the Interior, and send a deputation representing the Southern and Northern Suburbs to lay the position before him, and to assure him that we were quite prepared to shoulder our responsibility in this matter and put up a fair fight for what we considered our rights, at the same time realising that our efforts would be futile without the assistance of the Government. We were told in plain words that the Government looked to the white people of the country to prove that the menace did exist, and we promised that we would do our best in this direction. (Our personal investigations in the district have proved up to the hilt that the Asiatic is a most undesirable class of people to have living amongst us, for the following reasons:—

- (1) The insanitary state they keep their premises in.
- (2) In the majority of cases they sleep on the premises alongside the goods they are exposing for sale to the general public.

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- (3) The most unsatisfactory methods they adopt in trying to sell their goods, by allowing Natives to handle them, and picking out what they think fit, the remainder being returned to stock in a most dangerous and contaminated condition.
- (4) Their methods of trading when opposed to a white man—they are prepared to sell or almost give away their goods with the sole object of defeating him, they being quite aware of the fact that in most cases the type of white man who undertakes the vegetable and fruit trade, to try and make a living by it, has not sufficient funds behind him to stand up against opposition of this nature.
- (5) The Asiatic is prepared to give unlimited credit, the white man cannot.)

Our experience has taught us that the Asiatics are a most defined class of people, and the attitude they have taken up, in our opinion, has been the cause to a great extent of the present-day trouble. There has not been so far as we are aware the slightest attempt made by them to place themselves in a more sanitary and healthy condition. They simply refuse to be moved from their present condition by any instructions or help handed out to them, by public bodies, health boards or from any other direction whatever. If we are to take experience of the M.O.H. for Johannesburg, Dr. Porter, who, after having had about 25 years' experience with them, as an example, then we are forced to the conclusion that it is simply impossible to move these people from their existing mode of living. Dr. Porter has stated his case in no uncertain manner, when he states that during an outbreak of plague in Johannesburg, he had to employ a special patrol of police and sanitary inspectors to try and get these people to comply with his instructions, and even under pressure of this nature, he was only partly successful. This is the Asiatic who to-day demands the right to mix up with the white population and go round from door to door carrying along in his trail, filth and disease. In our district to-day we have a large number of white men who for various reasons cannot follow their calling, and we as members of this Association submit that the Vegetable and Fruit Trade should be handled by white men in white residential areas. To give the Committee some idea of the Asiatic opposition in our district, we submit the following concreté cases where white traders have been compelled to close down:—

Messrs. Hamilton & Monson, Drapers, Ophirton.
Mr. Lawson, Grocer, cr. Ferreira Street and High
Street, Turffontein.

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A white grocer's at the cr. Tramway and High Streets, Turffontein.

The vegetable market at the cr. Geranium and Ferreira Streets, Rosettenville.

The vegetable market on Turff Road, Turffontein.

while Messrs. T. W. Boyce, Merchants, High Street, Turffontein, had their premises bought over their heads by Asiatics.

Messrs. Baxter & Pratt, Merchants, Geranium Street, Rosettenville, one of the leading firms in the Southern District, who have been established for the last sixteen years; this firm are employing five white assistants at an average wage of £25 per month, they were threatened with ruin, owing to a firm of Asiatics starting up almost next door to them, with three Asiatic assistants, and we are sure that it was only the efforts put forward by our Association that saved them. There is still another aspect of the case we would like to draw your attention to—the majority of the members of our Association are married men and women with families, who view with the greatest alarm, the future of their boys and girls, not a single case having been brought to our notice where white boys or girls have been employed by the Asiatics, and the parents earnestly hope that the time may never come when they will be compelled to seek employment for their children from such a quarter.

2398. Do you wish to supplement this statement made by Mr. ROSS, Mr. Kirkly?—Yes, I would like to say that in the early stages of our campaign we realised that the only solution of this vital question lay in legislation, and we urged upon the present Government the necessity for early legislation on the lines of the *Class Areas Bill* brought in by the late Government. We welcome the *Areas Reservation Bill* as a step in the direction of progress and have pleasure in submitting for your consideration four amendments which we consider of vital importance.

- (1) We note with concern that no provision has been made in the Bill for the issue of trading licences to be entrusted to the urban local authority. We are strongly of opinion that this omission should be rectified, either in this Bill or in complementary legislation such as the *Licences (Consolidation) Bill*.
- (2) Clause Four. We urge in the case of European residential and trading class areas that such lease, however, shall in no case be renewed more than once nor for a longer period than laid down in the original lease; also that the Asiatic trader shall not be

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entitled to transfer or sub-let his lease in favour of any other Asiatic trader or in respect of any other premises within such area.

- (3) Regarding Clause Five, we think the provisions should include hawkers and pedlars, otherwise future European residential class areas may be inundated with Asiatics who, being unable to secure shop premises, will take elaborate measures for trading on foot and wheel.
- (4) We strongly urge that in Clause Five a further subsection should be inserted to prevent Asiatic traders or other persons on their behalf from evading the law by securing fresh licences to trade in European class areas in the name of Europeans or of persons exempted from the operation of the Bill, otherwise we are of opinion that the main purpose of the Bill will be defeated.

Our experience has taught us that the Asiatic is just as far away from the European standard to-day as when they first came into contact. His whole mode of living is repulsive to white people. He simply will not conform to anything like a European standard. He prefers to live in filth, and the people of the Transvaal are not prepared to wait until our Province is overrun like our unfortunate neighbour, Natal. The Transvaal Municipal Association, representing the principal towns of the Transvaal, at the October Congress, unanimously approved of the Bill. We are told by the Indian Government deputation that since the Asiatic Inquiry Commission of 1920, the Indian has made no encroachment on the sphere of the European. Our experience proves the contrary because it is during these years that the encroachment into our district has been so rapid.

Unfair Competition.—They also state in regard to the payment of shop assistants, if board and lodging and other amenities allowed free to Indian assistants are included, the total wages paid to the latter equal those paid by European employers for the same class of work. Whilst it is impossible for us to arrive at the wages paid to Asiatic assistants, it is quite obvious from their mode of living that this is not the case, and a statement of this kind emanating from such an influential deputation can only have been made with the intention of misleading this committee or that the deputation have been misled themselves. An Indian hawker once told me that it cost £3 a month to keep his horse, but he could live on £1 a month himself. As legislators you have a common duty to the Asiatics and to Europeans. In our opinion there is only one way to deal efficiently with this

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question in the interests of all concerned and that way is segregation. Instead of making slums in every district the Asiatic will then be to himself, and the public health authorities will be able to quarantine him in case of any serious outbreak. It is no use to tell us that on account of his minority in numbers to the whites in the Transvaal he is not a menace. Our experience teaches us that whatever his numbers may be so long as he is allowed in white areas he is a social and economic menace. We feel there is no further time to be lost in getting this legislation passed, and we do appeal to the committee to carry out the wish of the people of the country. It has been said this is an Imperial question, that it is an Indian question, but what you have to consider—it is first and foremost a South African question that will not be any easier of solution by the lapse of time.

2399. I will now ask Mr. Sanders to make his statement on behalf of the Natal Municipal Association?—(Mr. Sanders.) The delegation from the Natal Municipal Association was appointed by a resolution taken at a meeting held in March last, and at that meeting it was unanimously resolved that we should support the *Areas Reservation Bill*. We hope to get the elimination of the provision in the Bill referring to Durban and the coast belt; we are here particularly to ask with all the power that we have that these provisions shall be eliminated from the Bill, because, not only will these provisions affect Durban and the coast belt, but they will affect the whole of the Province—anything detrimental to our ports and seaside resorts will be detrimental to the whole Province of Natal. Speaking particularly for the up-country towns—and in speaking of the conditions in Pietermaritzburg I think I can say that the same conditions apply in the up-country towns and villages. In Pietermaritzburg we have been for many years past seriously trying to ameliorate the conditions in regard to Asiatics, which have been growing from bad to worse—not only have we found that it is a question of unfair trading under almost impossible conditions, but it is also a question of the insidious penetration by Indians into the residential quarters of Europeans. I can tell you from my personal knowledge that Indians have taken premises in the European quarter; they have bought houses with a stretch of land and on that land put up barracks just about conforming to the law as regards the question of air space and cross ventilation, etc., and then the whole of the back premises become almost a rabbit warren, taking up the time of our sanitary officer and medical officer of health. Some few years ago I was living in a house and the house next to my bottom garden was purchased by Indians who put up barracks, and the con-
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ditions became such that I had to leave that house. I have another house, and I have just learnt that Indians have purchased the land at the bottom of my garden and are about to put up similar barracks there. These are only instances of undesirable conditions being perpetrated throughout the town.

2400. Does this depreciate the value of your property?—
Yes. Naturally the white people of Pietermaritzburg are not only perturbed, but they have brought great pressure on the local authorities and the town council to stop this great detriment to the town. Naturally, we have been trying as far as we could to keep the trading community in what we call "Below Retief Street," which is practically an Indian area. We have not been quite successful, and now that we have lost the trading and vocational licences in Natal, I am afraid our efforts in the past will be stultified, and we will have these Indians creeping in and making a much more undesirable condition of affairs than exists at the present time. Visitors to our town say, "Why on earth do not you clear out all these undesirable stores and premises between the station and your town hall." We only wish we had an Expropriation Act by which we could improve the amenities of our town by the removal of the danger that exists in the upper stretch from the station to the town hall. Leaving our town, towards Greytown, there has been established a very undesirable state of affairs, but we have been trying to restrict the Asiatic to that space between the last main street in our town towards the Greytown Road. Segregation absolutely is the only thing possible if we are to continue to carry on with proper progress in Pietermaritzburg, and I think you will find that this applies in many places. Mr. Cooke will be able to speak about the conditions applying in Estcourt, and Mr. Hosking will be able to tell the Committee of the conditions in Dundee. Unfortunately we have not a direct representative from Ladysmith, because there the conditions are very bad, and Ladysmith has a great grievance. We do ask that this Committee will consider the undesirable state of affairs obtaining in these towns of Natal at the present time, and the great danger that exists of these Indians penetrating from a residential point of view into some of the best European quarters of our towns. I have mentioned the question of an Expropriation Act as far as Pietermaritzburg is concerned, and I really think that the Indians, if they could be segregated in the lower part of Pietermaritzburg, would be a happier community than they are at present. They would live there under much happier conditions because naturally, although they get into our midst, they cannot be happy, as the white man will always resent such a state of things as they cause being at his next

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door or back door, and therefore as representing the whole of Natal we ask this Committee to give us relief. The evidence of the Durban Town Council has been given, and we strongly support their request—as to the coast belt provisions in the Bill—that they should be eliminated, and we do ask in the interests of our towns in Natal that this segregation should be carried out. I do not know whether I can say anything stronger in regard to having this segregation carried out as you have had voluminous evidence from our biggest town in Natal and what I say will perhaps be a repetition, but I cannot find words too strong to ask you to stop the state of things that now exists and growing as it does month by month and year by year. In Pietermaritzburg the town council has been put to a big expense in buying a block of ground right opposite our town hall, which ground has been a disgrace to Pietermaritzburg owing to its being occupied by Asiatics for years past. The corporation have bought that ground and the great object in doing so was to remove one of the standing disgraces and menaces to public health in the centre of our city. I think that is all I need say on this question as regards Natal.

2401. Will you make your statement Mr. Kemp?—(Mr. Kemp.) I was delegated by the Durban Town Council to attend the special meeting of the Natal Municipal Association in Maritzburg on the 5th of March with the Mayor of Durban, Mr. Wadley. The following local authorities were represented at that meeting: Maritzburg, Durban, Dundee, Estcourt, Harding, Paulpietersburg, Umkomaas, Newcastle, Greytown, Ladysmith, Utrecht, Vryheid and Mooi River. At that meeting we discussed at great length the report of the Durban Town Council on the Areas Reservatian Bill which report was placed before this committee when the representatives of the Durban Town Council gave evidence a few days ago, and our instructions were, when giving evidence before this Select Committee, to support that report put up by the Durban Town Council on the *Areas Reservation Bill*, with annexures. The Mayor of Durban, Mr. Wadley, and I have had the privilege of indicating to my colleagues in the Association the general trend of the evidence given by the Durban Town Council, a few days during the hearing of which I was allowed to be present, and I want at once to say that I associate myself with the evidence given on that occasion by the Durban Town Council delegation within the four corners of that particular report. I do wish to remove an impression which I think was made towards the end of the meeting by Councillor Acutt in regard to the question of the round-table conference which I moved in the Durban Town Council and which was adopted. I will be brief about that,

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but it is necessary to support the Mayor of Durban. It so happens that in February last year I communicated with other municipalities in Natal and I invited them to call a public meeting in their town halls to be presided over by the mayors of each town; the purpose of the public meeting being to consider two resolutions, one concerning the Asiatic question, urging the Government to take action in this matter, and the second on the licensing question. Every municipality and township in Natal held meetings on the 11th February, 1925, and in Durban there were two resolutions proposed with regard to Asiatics—one was moved by Gen. Wylie and the other by myself. This meeting was held in the Durban Town Hall and Soorabjee Rustomjee and other leaders of the Indian community were allowed to come on the platform and were received with every courtesy and allowed to speak and they were listened to with every attention. Finally we carried these resolutions and they were communicated to the Government. Then from February to April we did not see matters move, and in Durban we had been particularly patient on this question for a long time, and so in April I approached certain members of the Town Council—those who supported me and also those who opposed me, especially the Rev. Mr. Lamont, and we agreed that as a basis we thought it would be helpful to the Government, apart from any legislation the Government might bring in on the lines of the *Class Areas Bill*, if we asked the Government to arrange, in order to find a permanent and final solution of the Asiatic question, for a round-table conference between India, the Union and Great Britain. It was on the 20th of April, 1925—long before the question of the *Areas Reservation Bill* came up—that I submitted this resolution for a round-table conference to the Durban Town Council in the form of a written report. Unfortunately I had to be away from Durban when this resolution came before the General Purposes Committee of the Council and consequently it did not come before the Durban Town Council until the 5th of July. The following is the recommendation which I submitted: “That the Government of the Union of South Africa be informed that, in the opinion of this Council, the only true method of solving the Asiatic question in so far as it relates to this country, and particularly Natal, lies in the direction of a round-table conference between representatives of the Union, Britain and India. Further, that the Union Government and the Union Parliament be asked to take such steps as may be necessary for convening such a conference in this country without delay.” As already stated, that resolution which I submitted on the 20th of April only came before the

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Council on the 5th July, 15 or 16 days before the first reading of the original Bill was moved in Parliament. The resolution was adopted by the Durban Town Council. Mr. Acutt was not a member of the Town Council at that time; he was not a member until the election in August, 1925. Before the first reading of the *Areas Reservation Bill* was moved in Parliament a new Town Council was formed, and on the 4th August, 1925, I moved following up the invitation of the Minister of the Interior to offer criticism on the Bill, that a sub-Committee be appointed to go into this Bill in order to give the Durban Town Council some lead so that we could pass our criticisms on to Parliament. I also moved that Mr. Acutt should be a member of that sub-committee and he was appointed as a member. I was the only member of the Durban Town Council who never failed to attend every meeting of that sub-committee. One morning we took at least two hours in considering the question of the Council's resolution regarding the round table conference, and we put in the report of the 5th of July. The report was printed and we all met, including Mr. Acutt, and went through the report and we all signed our names to it. I think what I have now said will clarify the position in regard to what Mr. Acutt said in regard to the question of the round-table conference towards the end of the evidence of the Durban Town Council; he was not present on the occasion when the sub-committee agreed it should go in. Our report went before the Durban Town Council and was adopted, there being three dissentients; that particular resolution stands in the minutes of the Durban Town Council and has also been adopted by the Natal Municipal Association. Mr. Eaton, who gave evidence with the Durban Town Council delegation, voted against this report when it came before the Council, but he came down here and supported it. I am in the same position, because at the end of the report I placed a reservation and I am not now taking that into consideration. I am supporting the report of the Durban Town Council and not my own private individual opinion. There are one or two points I would like the Select Committee to give attention to in connection with the Bill itself. At the end of January last I addressed a letter to the Town Clerk, after General Wylie had given his opinion, and I had had the same opinion from Mr. Hofmeyr, of Johannesburg, who was on the Asiatic Enquiry Commission, corroborating the opinion of General Wylie, and in that letter I asked certain questions to be put to the Town Council, to which I have not yet had a reply. I would like to put them to this Committee to show what our views are in regard to the coastal belt as these may be of help when considering the Bill.

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The following are the points I raised in my letter of the 27th January to the Town Clerk:—

- (1) Section *four*: After the Governor-General has issued the Proclamation contemplated in section *ten* (1) of the Bill, it would appear that no Indian can acquire property rights in Natal save in the coast belt, and then only from another Indian. Before the proclamation is issued it would seem (section *four*) that there is no restriction created under the Bill anywhere in the Union outside urban areas, except as may be already provided by law, as, for instance, in the Transvaal and the Orange Free State (but not at the Cape). Is this correct?
- (2) I assume that Indians in Natal will, under the Bill, be able to continue to live in or outside the coastal belt but may hold no property rights, and that in the other provinces the laws in force will still apply to the provinces concerned except in regard to such residential or trading areas as may be established in any part of the Union under the provisions of the Bill. Is this correct?
- (3) With regard to the Asiatic population resident in the villages adjacent to the Borough of Durban, it is, I think, absolutely necessary that the Council should have the Bill amended to provide that the Town Council may acquire land outside its area and have the same proclaimed as class areas for residential and/or trading purposes by Asiatics. These are the spots where, to our knowledge, from a civic point of view, the chief mischief lies.
- (4) Clauses 5 (1) (a) and 13: No machinery is provided for ascertaining the information necessary. To me this appears to be a serious oversight. Besides what is a "controlling interest"? Cannot the term be interpreted in various conflicting ways? And cannot the terms of the definition be evaded with ease? I think so.
- (5) Section *nine* (2): With regard to the Advisory Board refraining from advising or purposely delaying its report: this is possible, but hardly conceivable. But would it not be better to delete the word "function" and substitute "duty" and insert after "this section" the words "with all reasonable dispatch"?
- (6) Whatever may be urged from a legal point of view concerning the result of the Bill, if enacted, I hope the sub-committee will not be under any delusion, if

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the coast belt of Natal is to be treated differentially from the rest of the Union, as to the general ultimate result: It will be in the direction of a gradual drift of Indians to the coast belt.

In regard to clause 10 (1), prohibiting the hire of immovable property for a period exceeding five years and the acquisition of immovable property, I came across an extraordinary statement by the Rev. Mr. Andrews published in the *Natal Mercury* of the 11th February, which does not coincide with the views placed on this clause by this committee the other day. The following appeared in the *Natal Mercury* on the 11th February: "In an interview with Reuter this afternoon, the Rev. C. F. Andrews stated that after careful consideration of the new draft of the Areas Reservation Bill published to-day he felt certain that the re-drafted section ten (1) was really intended to mitigate any hardships that might occur between the passing of the Bill and the establishment of the reserved areas. It was a method of helping to tide over the intervening period. He did not think it in any way implied that successive leases of five years' duration could be taken up by anyone outside the reserved areas after they had been established." I got the impression the other day an Indian could hire or lease for a period not exceeding five years from one of his own race only and under certain conditions, and then lease for another period of five years. That is evidently not the impression of the Rev. Mr. Andrews, and I want that clarified, because I do not want trouble later on. There is one other point, and that is with regard to clause 11 (c), (d) and (e). We would like to have the assurance either one way or the other whether, if an Indian has property, it can go by succession to one of his family on his death, or to whatever Indian he may like to leave it to. I am not sure whether that is clear. I would also like to deal with the question of peri-Durban areas. I live in the Malvern district, and I know the whole of these peri-areas well, and I can assure you that with seven or eight health committees there, each with a different set of regulations and bye-laws, and their lack of financial resources, it is no use putting them in this Bill to carry out any class areas; it is no use giving them this power if they cannot make roads and give sanitary arrangements. I do want to impress upon this committee the one factor that if the Durban Town Council's recommendation is adopted, and they are allowed to acquire land outside their borough subject to the approval of the Government, that land should be made a class area. Durban is taking on a tremendous responsibility in the matter of infectious disease which

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comes more from the Indian and native community. We shall find a tremendous difficulty in buying land outside the Durban Borough if these health committees happen to know what we are doing. The position of affairs in the peri-Durban areas is absolutely indescribable; I have been round those areas more than anyone else, and I know the conditions round there are more serious than anything you can really imagine. I remember the coolie location in Johannesburg when the plague broke out in 1902, and the conditions there were very bad, but the condition in these areas round Durban are worse than that. I made the following statement to the Durban Town Council in December, 1924: "The Asiatic population resident on the environs of Durban is greater in number than the population of Asiatics within the borough. Living as they do in dirty, dilapidated tin huts, without adequate means of ventilation and light, and huddled together on area regardless of air, space, or any other sanitary conditions, they are a great menace to the public health of Durban, and the position of affairs can only be contemplated with the gravest apprehension, and in the event of an outbreak of infectious disease, such as plague, it would be extremely difficult, if not impossible, to enforce the necessary preventive measures. As this class of the community mingles daily as food vendors and servants with the rest of the community, they are a grave and constant menace to the health of Durban generally, and in my opinion it is urgently necessary that, with the least possible delay, the matter should be radically dealt with. When we have a greater Durban, it will be very inconvenient to arrange buildings on these areas on account of the lack of town planning brought about by the presence of the Indians on our environs. Many buildings in the areas in question have been put up for the most part with little or no regard for regularity. To the most casual observer, the present arrangement of the roads, or rather the veld tracks, and buildings, is such as could not be paralleled anywhere else. Many of these tracks or lanes, while being irregular both in shape and levels, are also crooked and unmade, and are far too narrow and sinuous having regard to the future development of these districts. Scarcely more than mere tracks which have never been graded, formed or made; they are in many cases eroded and channelled and washed out to great depths by stormwater. Most of them are impossible for use by wheeled traffic, and under present conditions it would seem to be waste of money to do anything to them. They are incapable of, and unfit for, improvement, as the defects of width, gradient and position, which many of them have, are ineradicable, and can only

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be remedied by again laying out the districts in a rational manner." I would now like to come to the main point of the report of the Durban Town Council. As a Durban deputation, we want something on account in the shape of this Bill on the Statute book. It is no good saying you are going to have a conference; we want something on account, and we are quite prepared to support the Bill all the way through, subject to the suggestions we have made. We want this Bill on account right away; we want the Government to consider fixing up repatriation *en masse*—we want repatriation for every Indian in this country. I believe that since the early 'seventies, when the Government of Natal got the indentured Indians for the sugar and tea plantations, up to 1911, the Government of India's deliberate policy was to encourage emigration to Natal, and their obligation in this matter is greater than ours. India, with all its resources and with its civilization, ought to have known better than to have done what it did. With the help of Great Britain, they sent their nationals to Natal when we were practically a small village and did not know what the effect would be in time to come. I base my argument on the speech made by the Rt. Hon. Harry Escombe, when he was Attorney-General of Natal, in the Natal Parliament, on the 7th of May, 1895, when moving the second reading of the Indian Immigration Law Amendment Bill. He said: "And if those people (the Indians) are encouraged to come here for the purpose of working and with an understanding that this is not to be their home, but that they are to return to India at the expiry of their indentured term of service, I think the wish of the Colony generally will be met, namely, that the Indians are to come here as labourers, and are not welcomed as settlers and competitors." Two years later there was a disturbance in Durban—at the Point, as usual; the people of Durban had their backs up, and left their work on the 8th January, 1897, to see that not a single Indian from the two ships the Courland and the Naderi, when Ghandi came ashore, was allowed to land—the whole of Durban was in that demonstration, from the Mayor down. The Government sent Mr. Harry Escombe, then Acting Prime Minister, down to the Point to speak to the crowd, and a promise was made by Mr. Escombe to the crowd at the Point that the Government intended to stop the Asiatic invasion. On the 25th of March, 1897, when moving the second reading of the Immigration Restriction Bill, Mr. Escombe said: "Now as regards the Bill being un-English, I want to say as follows: The Government have got an object to accomplish. A promise was made by the Govern-

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ment to the crowd at the Point, 'We intend to stop the Asiatic invasion,' and we accept the responsibility for that statement. We mean, if we are allowed to do so, to carry out that pledge." Durban wants you to help to carry that out. Apart from who was responsible for introducing the Indians, what we in Natal feel is that the Government of the Union is responsible for our safety, and they are bound to take effective measures for the protection of Europeans in Natal. Yesterday I met Dr. Francois, who has recently returned from India. He is a well-known man in Durban, and at one time was Deputy-Mayor, and I do not think there is any gentleman in Natal who is more intimate with the Asiatic question than he is. He bears out the statement referred to by Mr. Marwick the other day, that "tremendous agitation in India" is all moonshine.

2402. You are now referring to the position in India whereas we are concerned with the question as it is in this country?—I am referring to this to show that the deputation representing the Government of India is not so much concerned about the Indians in Natal as it is to get some expansion for their nationals. The other day a very wealthy Indian in Durban applied for a licence in the Point Ward, which is the ward I represent. I opposed the application and got a petition from my ward against the granting of the licence. The licensing officer refused to grant the licence and I thought I had done something good, but the next day I found that he had scored a point over me, as when the licensing officer refused to grant the licence he went to the Receiver of Revenue and paid £5 for an auctioneer's licence and started trading as an auctioneer, selling the same things. We went to the chief constable and after 10 days we got him trapped; he got fined, but he is still trading there. We have no control over the Asiatic when he can go to the Receiver of Revenue and get a licence. In the same ward a gentleman named Mackenzie applied for a licence. I did not oppose it as I thought all Mackenzies were good. He got the licence, and I was told that an Indian had got the licence in the name of Mackenzie. In conclusion, I would like to say that there can be no permanent settlement of this Asiatic problem in the Union except by the co-operation of the Government of the Union of South Africa and the Government of India and the Indians themselves. If the Indians will realize the position in which they are going to be placed in future generations if they stay in Natal, they will, for their own sake, more or less agree to repatriation with full compensation. The feeling in regard to the Indian in Natal is very strong; every child in Natal says: "The damn coolie," and if the Indian remains

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in Natal they are going to get it in the neck in future generations. I think from the Indians' point of view, and certainly from the point of view of the safety of our children, we would rather go to a round table conference and have a separation order amicably drawn up; it is much better than a divorce.

2403. Will you make your statement, Mr. Hosking?—(Mr. Hosking.) I am the Mayor of Dundee. I would like to speak as one of the members of the Natal Municipal Association. I will be brief, and I take it my evidence will not be thought less worthy because it is brief. I represent the inland districts of Natal such as Ladysmith, Dundee, Newcastle and Glencoe Junction, altogether about 15,000 people. We are very strongly in favour of the Bill as it stands at present becoming law, as then we will feel that our residential and trading areas are being safeguarded. Our President, Mr. Saunders, has spoken about our views in regard to these residential and trading areas, and I do not think I can add anything to what he has said. I may say that as far as the position in my own district is concerned where there has been control by the local authority the Indian has not penetrated to any great extent—in Dundee the Indian has only penetrated to a very little extent. In Dundee we have established an Indian area and it has met with the approval of both the Indians and the Europeans, but it is, of course, not legalized. In Ladysmith the position is more serious. There they have Indians competing with the Europeans in the town, and similar conditions prevail in Newcastle and Glencoe Junction. In Waschbank and Dannhauser I find that the European has practically been ousted by the Indian. In Dannhauser, which is the centre of a powerful group of mines, the trade is practically entirely in the hands of the Indian. There were two European garages which had to close down, and when I asked the reason why these garages closed down I was told that it was absolutely impossible for them to compete with the Indian garages. As far as the country is concerned, practically all the native stores are in the hands of Indians. There is a very large native population in the country districts, and I myself act for many hundreds of natives there. All these places have Indian stores for trading with the natives, and that means that the white man has not a hope of making a living there. That is briefly what I wish to say in regard to the position in the inland districts of Natal. As far as the question of holding a round table conference is concerned, I think the position is this. The Bill, as at present drafted, is the desire of the people of South Africa, more particularly the desire of the people of Natal, as it represents the irreducible minimum. Therefore, we hope [S.C. 9—26.]

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that the Government will not lose time in putting the Bill through. The matters of repatriation are matters that can be dealt with at a later date. In regard to the matter of Indians being able to lease land for a period not exceeding five years, I have a suggestion to make. I suggest that whenever there is to be a lease of land in the rural area between a European and an Indian, that lease should be subject to the consent of the Government. The reason why I make this suggestion is that in my dealings as a conveyancer I have had experience in the matter of leases between Europeans and natives. The Government of South Africa says they are the guardians of the native people and they see that the natives get a fair deal, and whenever it is intended to draw up a lease between a European and a native, the Government makes us submit the lease to them, and if the Government thinks it is not just, it does not go through. In the same way the Government should protect the poor Indian. The position will be that when the Indians are not allowed to buy land there will be a rush for leases, and one can understand that unscrupulous whites may be tempted to ask extortionate rents from the Indians. To safeguard that happening, I think a copy of any lease entered into between a European and an Indian should be sent to the Government and the Government's consent obtained before the lease becomes effective. I think if this course is adopted the Indian as well as the white man will be safeguarded. There is no inherent right of renewal of these leases under the Bill, and there should be no inherent right of renewal. If a lease is renewed it should be to all intents and purposes a new contract.

2404. It is not so under the Bill?—I think there ought to be some provision for that. There is another point mentioned by one of the delegates about an Indian owning a house in the European residential area. An Indian has the right by will to hand that property over to his son or another Indian, as the case may be. I want to suggest that the ideal on both sides would be that the European should have the European quarter, and the Indian the Indian quarter. Therefore, supposing a European has land in the Indian quarter and leases or sells that land, he should only be allowed to lease or sell to Indians, and *vice versa* with the Indian owning land in the European quarter. In that way, I think, ultimately the ideal will be realized, the Indian will have his quarter and the European will have his quarter.

2405. Will you make your statement, Mr. Cooke?—(Mr. Cooke.) I am the Deputy-Mayor of Estcourt, and as a delegate of the Natal Municipal Association I represent one of the smallest municipalities in Natal, namely, Estcourt. In

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its general terms, the Bill is accepted as an earnest attempt on the part of the Government to tackle this difficult Asiatic question. Those who have a first-hand knowledge of the conditions that exist regard repatriation as the only final solution of this problem. If the so-called treatment of the Asiatic under the conditions of to-day is alarming the Government of India, then, quite clearly, so long as the Asiatic remains in our midst, must there be a running controversy with India, for the conditions and problems of the future will be far greater than those of the present time. If there could be an absorption of the Indian it might help, but that is out of the question. I have already said that the Bill as it stands is generally accepted, and while perhaps no evidence is necessary to warrant the passing of the measure, there is something to be said in improving its scope and provisions, and with this in view I would like to make a few remarks in regard to certain clauses of the Bill. Clause 1 requires widening in its scope. Some local authorities have not got "occupied areas." Provision is made in this clause that the Minister may under certain conditions "appoint a commission to report upon the desirability of applying to such area and to the jurisdiction of the urban local authority within which it is situated the provisions of this chapter" (Chapter I. of the Bill). In the interests of the local authority making the request for the appointment of the commission, it should also have a member on the commission. In regard to the cost, financial difficulties will arise, and in the case of the smaller areas there should be State aid. This is the view of Estcourt, but perhaps not the view of the Natal Municipal Association. Then, in regard to clause 2, defining the powers and duties of the commission. The matters into which the commission has to enquire into and report upon to the Minister should be modified so as to make it definitely clear that what the commission must safeguard is that the area selected is generally equal in regard to the usual public services to other parts of the town. The matters into which the commission have to go into are too much; it should have only to enquire into the site in question. In regard to clause 7—suspension of provisions of the Act—I think that in its present form this clause is too general. Provision should be made in this clause that the investigation must be at the instance of the local authority. In regard to clause 9 (1), dealing with the establishment of a class advisory board, the Estcourt Town Council expresses the view, based with its experience under the Natives (Urban Areas) Act, that both the Government and the local authority be represented on these class advisory boards, and further, that

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provision should be made to provide for requisite action by the local authority in the event of no such board being elected, or its neglecting to function. The provisions of clause 10 should be altered to make it abundantly clear that the restricted power to take leases is not circumvented by the perpetual renewal of such leases after each period of five years. Clause 11 (e) provides that nothing shall be deemed to invalidate or affect in any manner any agreement or transaction for the sale or purchase of land lawfully entered into before the 1st of August, 1925. I think that this clause should be altered to provide only for succession by duly proved next-of-kin. The power to leave land by will to any person leaves the door very wide. Clause 12 (1) provides that the Governor-General may grant exemptions from all or any of the provisions of the chapter in the Bill relating to the reservation of areas. It is felt that the clause should provide for the recommendation of the local authority for the exemption.

2406. Will you make your statement, Mr. Pitcher?—(*Mr. Pitcher.*) I am the Town Clerk and Licensing Officer of Estcourt. Mr. Cooke, the Deputy-Mayor of Estcourt, really appears here to-day as an official witness of the Natal Municipal Association, and it is the desire of the Estcourt Town Council that I should make a statement more on behalf of the Town Council itself. It has been made clear and confirmed by the Deputy-Mayor of Estcourt that the Estcourt Town Council accepts the Bill subject to the amendments that are being asked for, and which Mr. Cooke has detailed. The Estcourt Town Council accepts the responsibility of saying to the committee that the Areas Reservation Bill should be made law as soon as possible. This is the opportunity of making criticism, and our idea is to offer a little criticism from the point of view of improving the measure. What we want to say is that we feel—and I think the view has probably been expressed throughout most of the evidence given—that the Bill we are dealing with to-day only touches the fringe of the whole question. The clauses of the Bill make for a state of affairs which we feel can never be fully enforced. We feel, for instance, that the primary object of the Bill is the securing of the setting aside of places of similar racial characteristics into separate communities. Of course, the Bill as we see it is aimed entirely at the Asiatic community. After our experience with Asiatics we feel that, without a penal clause, the only parts of this Bill which are going to be of tangible use to the urban local authorities are those parts under which the Government will have the power of dealing with the question of the acquisition of land by

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Asiatics so that acquisition of the land can never be effected without registration of title. In regard to the question of Asiatics leasing land, there should be some definite arrangement made whereby there can be control, such as registration, so that the Government may know that the leases are not fictitious, but proper. Apart from that, we feel that the clause relating to persons living in class areas will be observed more in the breach than under the provisions contemplated under the Bill, and if it is possible for the Select Committee to tighten up these clauses so as to give the local authority power to compel these people to live in these areas, then that portion of the Bill which is perhaps the principal feature of the Bill will be of some use. The position in every town differs from the other in regard to its position as affected by the Asiatic. In Estcourt, the Indian population is dotted all over the town, and as the Bill stands we cannot go to the commission proposed to be set up under clause 1 of the Bill and say that we have an area which is either partly or wholly occupied by Asiatics, as we will be outplaced at once, because we do not comply with the conditions laid down in clause 1. Our position is even worse than if we had a class area. We cannot create a class area, because of the vested rights of these Indians all over the town; we have them living in the European residential areas; we have them trading in the European trading areas. In Estcourt they are almost entirely freeholders, and there seems to be no chance of our removing them to any area unless it is made quite clear that their properties shall not succeed to Asiatics except by devolution to next-of-kin. If the Asiatic is going to be permitted to will his property to any other Asiatic, the law courts will have the greatest difficulty in circumventing difficulties whereby properties will pass from Asiatic to Asiatic, and Asiatic freeholds will exist to Asiatics for all times.

2407. Estcourt is outside the coast belt, so it cannot?—I understand that freehold property owned by an Asiatic cannot be sold by him if there is a class area proclaimed. But apart from selling he may, by devolution through death, will that property to any Asiatic he wishes to. If that is the intention of the Bill, we say that Asiatic freehold property to-day in Estcourt will always remain Asiatic property. There is nothing to prevent another Indian taking over the property for which he would give security, and it would be very difficult for us to get at them. There is just one other point I would like to refer to, and that is a view of my own, and I do not think it is generally accepted by the members of the Natal Municipal Association. The small towns in Natal are
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now growing very appreciably, and I am certain that experience will show that when the town councils get together with a view to setting apart an area, that the position will be not to set apart an area adjacent to the area of the municipality, but to set apart some area away from ourselves. It seems that the commission contemplated in Clause 1 of the Bill will require of us to set up a state of affairs in regard to light and sanitation in the proposed class area which may be obtained in that particular town anywhere. We urge that the terms of reference in Clause 2 of the Bill, detailing the matters into which the commission are to enquire into, should be such that the commission should satisfy itself that the state of affairs intended to exist in the areas proposed to be set apart shall be no worse than the state of affairs that exist in the towns. One would not compare conditions obtaining in the town of Estcourt with the conditions obtaining in a town like Durban. The commission might reasonably read into the terms of reference as set out in Clause 2, that before they can agree to a place being set apart they would require such a state of affairs, for instance, as existed in such a town as Durban. In support of the necessity for proceeding with the present Bill, I would like to make a few remarks. The Estcourt Town Council ask the committee to consider not only what might be described as the evils of the Asiatic as they exist to-day, but the evils which must follow with the continuance of the Asiatic's existence here. I may say that the Estcourt Town Council have not only had the precedents of the Durban Town Council and their report before them, but they have also had the decision of the Natal Municipal Association before them, and they feel that what really should be aimed at is repatriation. To us it seems that there are only two alternatives, namely, absolute repatriation or absorption. It is inconceivable that the Asiatic population is a community that can be absorbed with the Europeans, and we think you will agree that the natives of South Africa will never absorb the Asiatic. The tendency would rather be for the Asiatic, who, generally speaking, is a superior type to the native, to absorb the native, and complexities would be set up which would affect primarily the local authorities rather than the Government itself. We who have to manage the towns are the persons who will be confronted with these difficulties. Already the Asiatics and natives say that they are represented by an educated class; that class has not reached such a state in our social life that we can recognize them, and we cannot absorb them. These are difficulties which will be overcome in time, but now they can only be overcome partially if the provision of setting up class areas can be tightened up so

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that we can compel them to live in those areas. It has been frequently stated that the Asiatics like to live apart, but that is not my personal experience. Our experience is that the Asiatic prefers to live amongst the white people. We feel that while the measure which we are discussing to-day is going to take us a very little way indeed, it does take us sufficiently far to warrant us asking this committee to report to the House that as far as the people of Natal are concerned they want this measure put into law. There are one or two definite recommendations which the Town Council of Estcourt would like you to consider. First of all we associate ourselves with the amendments which have been asked for by the Durban Town Council delegation. In addition to that, the Town Council of Estcourt go further, and they say with regard to the freehold acquisition of land that if this measure we are dealing with is to serve any real tangible purpose there must be no further acquisition of freehold land by Asiatics anywhere in South Africa. That is a definite recommendation of the Estcourt Town Council. If you are going to permit the acquisition of freehold land in areas, you are merely deferring to a day, which is not far distant, when you will have to give more land for the Asiatic. As soon as he has acquired all the land there may be in the area, provision is made in this Bill for the extending of that area, and provision is also made, I think in Clause 7, where the Governor-General may suspend the operation of the Act because he is not satisfied that the area is not big enough. Therefore, if the Government is going to allow the acquisition of freehold land within these areas, it means that under the provisions as they stand that we will sooner or later have to proclaim bigger areas if this measure is to have any fulfilment at all. There should be no freehold acquisition of land whatsoever throughout South Africa for Asiatics. With regard to leases, and may I associate with leases licences, we emphasize that there must be—unless these people are going to circumvent the position—there must be provision made for definitely securing that hidden interests and hidden rights shall not profit in leases and licences. It is provided in the Bill that licences may be issued to persons living in these proposed class areas and that these persons may not enjoy licences in other areas. We are not satisfied that the Bill as framed, if it becomes law, will sufficiently protect us against persons who live in these areas being able to acquire hidden interests in licences outside that area. In fact the only way the position can be made perfectly clear in regard to leases is that machinery shall be set up for the registration of leases. I am unable to say whether provision does not obtain for the registration of ordinary leases, but I

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know the position in Natal is that under certain circumstances a lease loses considerably in value unless it is registered in the Deeds Office. We feel that every lease should be registered within fourteen or twenty-eight days of being signed. With regard to the renewal of leases, reference has been made by Mr. Kemp and the Mayor of Dundee (Mr. Sanders). We do feel that unless an effort is made and some machinery set up whereby there may be some control—some limitation as to how long a lease may last—that practically perpetual occupation will take place. We are conscious of the difficulties of handling such a question; we are conscious that if a man acquires properties on which he is going to erect improvements, there must be some provision that he can be protected against losing the value of those improvements. That can be overcome by the lease being made longer if it is to be absolute, and a compensation clause being inserted. The Estcourt Town Council feel that the committee should amend the Bill in such a way as to prevent leasehold tenure becoming practically a perpetual tenure.

2408. *Mr. van Hees.*] Is there any particular area in the southern suburbs of Johannesburg to which you could apply the provisions of Clause 1 (a) of the Areas Reservation Bill, that is, is there any area in which a particular class of persons predominates?—(*Mr. Ross.*) Yes, in La Rochelle and Ophirton.

2409. Those are the only places where, under the provisions of the present Bill, you could proclaim a class area?—There is also Kenilworth.

2410. What is your objection in regard to the acquisition of landed property by Asiatics?—I do not know to what extent land is owned by Asiatics there.

2411. There is no land owned by Asiatics in the Transvaal at all?—No.

2412. Do you agree that there should be no acquisition of landed property by Asiatics?—Yes.

2413. Do you know the Transvaal well?—Only our own districts.

2414. *Mr. Fordham.*] What is the composition of the Southern Suburbs European Association from a political viewpoint?—All parties are represented.

2415. I believe you have quite a number of town councillors representing all political views, and also provincial councillors?—Yes.

2416. Besides representatives of the different political parties, you have neutrals who belong to no party?—That is so.

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2417. Are you in any way in competition with the Asiatic individually or personally?—The majority of the members of the association, including Mr. Kirkly and myself, are not.

2418. Your association has addressed public meetings on this Asiatic question. How do you find members attending these meetings? Are they hostile?—The parts I have personally attended to are Krugersdorp and Clairwood, and I have certainly found them very hostile towards the Asiatic.

2419. We have been told that the Asiatic trader lives pretty well on the same level as the European?—That is not so.

2420. How do you find the Asiatic trader living?—In a very low state indeed.

2421. Where do they live?—In most cases, in the rooms adjoining the back of the shop.

2422. Do you find any great number living together in any shop or store?—Quite a number.

2423. What class of labour do they employ?—Asiatic.

2424. All Asiatic?—All Asiatic.

2425. Do you know of any particular Asiatic store which employs one European?—None whatever.

2426. What rate of pay do you believe the Asiatic pays his assistant? Do you think it would be a rate that conforms to the European standard?—No.

2427. You think he employs the Asiatic purely because it is cheap labour?—Certainly.

2428. You are not objecting so much against the Asiatic on the grounds of colour as on the grounds of competition?—On the grounds of his methods of competition and living.

2429. When alterations are made to an Asiatic's premises, what kind of labour is used?—Coloured.

2430. Have you ever tried a boycott of Asiatic stores?—Yes.

2431. Were you successful?—Yes, in our district.

2432. Mr. Kemp, are you suggesting that a round table conference should be held before the passing of this Bill?—(Mr. Kemp.) Subsequently.

2433. Mr. Marwick.] Have you had long experience of municipal administration, Mr. Kemp?—Yes.

2434. Have you attended many conferences of the Municipal Association either of the Transvaal, Natal, or the South African Municipal Association?—Yes. From the very inception of the Transvaal Municipal Association, in 1902, I was employed by them, and I have attended every United South African Municipal Association meeting since. During the last ten years I have attended every meeting of the Natal Municipal Association.

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2435. What is the attitude of those Municipal Associations of which you have knowledge towards the Asiatic question?—The first action was taken in the Transvaal in 1902, when the Transvaal Municipal Association organized a convention at Boksburg to deal with the question. We pressed, on that particular occasion, for the compulsory segregation of Asiatic bazaars, but that did not go through.

2436. In the Transvaal you were connected with municipal administration from the time of the Peace Proclamation?—From the very first day the Johannesburg Town Council was formed.

2437. Even when it was nominated?—Yes.

2438. You had experience during the Bubonic plague?—I was clerk of the health committee at that time.

2439. You are aware of the proceedings that were taken in connection with the expropriation of the insanitary area?—Yes, I know all about it.

2440. Was that area occupied to any extent by Indians?—To a large extent, particularly in the coolie location. In other parts of the insanitary area there were a large number of Chinese.

2441. Briefly, what action was taken. Was the area condemned or was it expropriated?—Prior to the outbreak of the bubonic plague the Medical Officer of Health had indicated that that place should be condemned. The area had to be expropriated by the Town Council at a cost of one and a quarter million pounds.

2442. In that expropriated area to-day you have Newtown, the principal market place of the Union, and the whole of that area has been very much benefited by that process?—Undoubtedly.

2443. With your long experience of municipal administration as an official and as a councillor, do you think it would be correct to say that the difficulties of this problem increase by the inter-mingling of the races?—Undoubtedly.

2444. Would you agree with the opinion of Professor W. J. Simpson, who says: "Lack of control over buildings, streets and lanes, and over the general growth and development of towns and trade centres in East Africa and Uganda, combined with the inter-mingling, in the same quarters of town and trade centres, of races with different customs and habits, accounts for many of the insanitary conditions in them and for the extension of disease from one race to another"?—I would. I can give you an example in Vrededorp. We found out in 1905 that the poor whites were living in juxtaposition with the Asiatics and the people came to the town council time after time pressing them to do something, and

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that is why Vrededorp was made a white township by the Vrededorp Stands Ordinance of 1906.

2445. Do you agree with Professor Simpson's further opinion that ". . . it has to be recognized that the standard and mode of life of the Asiatic do not ordinarily consort with the European, whilst the customs of Europeans are at times not acceptable to the Asiatics, and that those of the African, unfamiliar with and not adapted to the new conditions of town life, will not blend with either"?—Yes.

2446. Would you agree with the opinion expressed by Lord Milner in the House of Commons: "My own conviction is that in the interests of social comfort, social convenience and social peace, the residence of different races in different areas --I am speaking now of the popular city areas—is desirable, and so far from stimulating it is calculated to mitigate hostility and ill-feeling."?—Undoubtedly. In the report of the Durban Town Council on the 1924 Class Areas Bill that point was brought out, because there is quoted a despatch from Lord Selborne where he recommended the Home Government to give sanction to the then proposed Vrededorp Stands Ordinance of 1906.

2447. Both Lord Milner and Lord Selborne, out of the wealth of their experience in South Africa, were of the same mind on this subject?—Yes.

2448. I would like you to look at Clause 1 of the Bill, Mr. Hosking. Under the present wording of Clause 1, do you not expect some difficulty in securing the segregation of any particular class of persons in an area other than in the area in which they are actually residing at the time you apply to the Minister to appoint a commission to consider the desirability of setting aside such an area?—(Mr. Hosking.) I think that this contemplates that we put apart a certain portion of our town.

2449. Is it not rather that they shall remain where they are—that their present residence shall be the only place?—I take it that way.

2450. In a borough where the Indian population is considerably scattered is that not going to present a difficulty?—Yes, in a place like Estcourt.

2451. The population there is not sufficiently concentrated in any one quarter to make Clause 1 in its present form applicable to it to be workable?—Yes.

2452. Mr. Lennor.] Are you aware, Mr. Ross, of the percentage of Indians in your suburbs to the European population?—(Mr. Ross.) The present number of Asiatics in our district is 83.

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2453. The percentage is 41 per thousand. In Durban it is 837?—The figure of 83 I have given to you refers to industrial Asiatics.

2454. I gave you the percentages to show the difference there is in the Johannesburg and Natal suburbs?—I realize that.

2455. Are these Indians in your suburbs under municipal control at all in regard to sanitary conditions?—Yes.

2456. I understood you to say that the Asiatic has bought out the European storekeeper?—I mentioned one case.

2457. Have you any idea how they are able to do that?—Through the company law, I take it.

2458. Is it not because they probably pay a great deal more than the value to get the stand?—Yes; it is given to the highest bidder.

2459. They bid high in order to get the position?—That is so.

2460. The white man has not got a chance?—That is so.

2461. You mentioned, Mr. Sanders, that Indians had purchased land alongside your own house?—(Mr. Sanders.) Yes.

2462. They are encroaching in the best areas?—Gradually they are, and I have conclusive evidence that there is a syndicate operating with Durban money buying up Maritzburg properties.

2463. In the European area?—Yes.

2464. What is the effect?—The effect is as I stated. I have left one house and I have bought another, and, owing to Indians having purchased the adjoining land, I am moving at the end of this month.

2465. What is the effect on the community of Indians purchasing property in the European areas?—It means that naturally the white man objects to live alongside the Indian, and will get rid of his property; that property will depreciate in value, and will very likely come into the hands of an Indian at a cheaper price.

2466. That is your experience?—Yes, and what I have seen going on. I have the experience, as President of Natal Municipal Association since 1909, of what has happened in other towns, and in the whole of my experience there has been this agitation by local authorities against this trouble, and there has been ever an increasing trouble owing to the Asiatic being in their midst. That is why we are so keen on segregation.

2467. Suggestions have been made that this Bill should be referred to a round table conference?—I think this Bill should go through. I do not profess for a moment that this

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Bill is the end of all this agitation, because the great outcry in Natal is repatriation. We need patience at the present time, but I feel that the only solution of this problem is that the Asiatic should have proper compensation and leave our country. We are anxious to get this Bill put through with the alterations that have been suggested by us, and the sooner it is done, the greater will the local authorities be pleased.

2468. I take it you object to this Bill going to a round table conference; you want it to pass into law first?—The unanimous opinion of all the local authorities in Natal is that we want the Bill to pass into law.

2469. Mr. Kemp, what do you understand of the definition of the Indian occupation of the coast belt provided under the Areas Reservation Bill?—(Mr. Kemp.) I want to get that in black and white.

2470. You said you are satisfied with it?—Satisfied with what the Chairman said the other day.

2471. What was that?—That gradually, as Indians died in other parts, their successors would drift to the coastal belt. Now, under clause 10 (1), I understand from the Chairman that an Indian may hire or lease land for a period not exceeding five years in any part of the Union, but that there is to be no migration of Indians from one province to another province. I understand that if that provision in the Bill goes through, there will be no necessity for them to drift down to the coastal belt.

2472. You mentioned another matter about the health committees in the areas surrounding Durban not having money to carry out what they are supposed to carry out. That is your opinion?—It is a fact.

2473. The Borough of Durban which handles money is powerless to deal with the Asiatic question across the Ridge Road, and the health committees who are responsible for these particular areas outside Durban are also powerless to deal with the question because they have no money. Is that correct?—They have no money.

2474. They cannot instal sanitary arrangements?—No, nor can they construct roads and the like.

2475. They have no power in Malvern, for instance, for the simple reason that they have not the resources to do it?—That is so.

2476. If the Borough of Durban did carry out the provisions of this Bill, the Borough itself would still have the problem of the Indians, because the health committees who are responsible for the outside areas have not the financial power to enforce any law?—That is so.

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2477. I understood you to say, Mr. Hosking, that the coal mines encouraged the Indian trader?—(Mr. Hosking.) No. In Dannhauser they are encouraged to set up trading stores by the presence of the coal mines. The coal mines do not encourage them.

2478. Mr. Cooke, do you observe the shop hours in Estcourt?—(Mr. Cooke.) Yes.

2479. Do you limit the hours of opening?—Yes.

2480. What time do the shops open?—Eight o'clock in the morning.

2481. They cannot open before that?—No.

2482. *Sir Ernest Oppenheimer.*] In your statement you said that if this Bill became law it would improve the position in the Transvaal?—(Mr. Ross.) The people in the southern suburbs look to segregation.

2483. You also stated that you wanted this Bill through because you did not want the Transvaal overrun by Asiatics as Natal is?—Yes.

2484. You know that migration of Asiatics from one province to another is not possible, and therefore such a state of affairs will not come about?—We want to safeguard ourselves.

2485. We have had information that general dealers' licences in Johannesburg have been reduced from 1,430 in 1921 to 1,236 in 1923; there has been a reduction in the number of licences?—In the southern suburbs there is an increase.

2486. Under the new powers local authorities can refuse to issue licences to Indians?—No. I understand that as far as the General Dealers' Ordinance is concerned, there are other ways and means that have been adopted to get licences, namely, by applying to the Receiver of Revenue direct.

2487. Surely the local authority can refuse the issue of licences to Indians?—Under the present conditions, if an Indian's application for a licence is turned down by the local authority, the Indian can still get his licence by applying to the Receiver of Revenue. (Mr. Kirkby.) Under the Transvaal General Dealers' Ordinance all licences have to be applied for in Johannesburg, and we have had cases in Johannesburg where licences have been refused by the town council and the Asiatics have then gone to the Receiver of Revenue direct and taken out a licence. The Transvaal General Dealers' Ordinance can be got round at the present time by the Asiatic by means of the Licences Consolidation Act of the Union. (Mr. Sanders.) We have a case in Maritzburg where an Indian had a manufacturer's licence and began selling goods he did not manufacture. The licence was taken away, he appealed, and our action was upheld by the court.

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Subsequently he went to the Receiver of Revenue and obtained a general dealer's licence, and to-day he is still trading in Maritzburg in anything he likes, even after losing his appeal against the licence being taken away. I believe we can upset that, but still that shows what may happen.

2488. Your objection to Asiatics is on economic grounds?—
(Mr. Ross.) Economic grounds and social grounds.

2489. You prefer to see a smaller Indian population in the Transvaal; that is the real thing to aim at?—That is so. Our experience has been rather unfortunate, for when we shift them from one suburb they simply go to another.

2490. Generally speaking, you prefer to reduce the Asiatic population than merely segregate it?—Yes.

2491. You say you agree with the report put in by the Durban Town Council?—(Mr. Sanders.) We support the report.

2492. In their report on the *Class Areas Bill* of 1924, the Durban Town Council says: "Generally, it may be said that the Bill, so far as Durban is concerned, will, if enacted, merely stereotype into the law the present practice obtaining within the borough as regards trading and residential areas." Durban tells us that is only done by straining the law. Do you agree?—I cannot agree to straining the law in any case.

2493. Is not Pietermaritzburg straining the law by following a concentrated policy of getting Indians in one area?—I will acknowledge that the town council has endeavoured, wherever there has been the opportunity, to eliminate the Asiatic from the area between Church and Main streets.

2494. That is far better than doing it forcibly?—Yes.

2495. You also refuse to issue licences to Indians as far as possible?—As far as possible we only issue them for trade in the Retief Street area. We have been hoping for a long time to get expropriation powers to improve the amenities of our town to clean up the top end of our main street.

2496. It would be far preferable to bring about a reduction of the Indian population than to segregate them?—That is our ultimate aim. A repatriation scheme would be better in Natal for the European and the Indian himself. As a matter of fact, things are coming to such a state that when town councillors are put up for election pressure is brought to bear upon them to eliminate the Asiatic by forcible means almost. The feeling is getting so strong that we are bound to take notice of it.

2497. Would it not be preferable to hold a round table conference if the holding of such a conference held out a distinct hope of getting a reduction in the Asiatic population?—We have been trying for so many years to get a start with this question, and now that there is a start, we do not want to
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stop the passing of this Act. We look on the conference coming afterwards for further action.

2498. Do you think that the passing of this Bill makes the conference impossible?—I do not.

2499. You cannot get further immigration into South Africa so where is the hurry in passing this Bill?—I do not think any argument will convince the people of Natal that this measure should be postponed.

2500. Mr. Kemp, in July, 1925, you recommended that the only true method of solving this problem was by means of a round table conference?—(Mr. Kemp.) As a permanent final solution.

2501. You still think so?—Yes.

2502. You said you dissented from the Bill *in toto*?—I am not giving evidence in my capacity as a private individual; I am representing the Natal Municipal Association.

2503. In your memorandum you said: "I dissent from the Bill *in toto*." Do you still adhere to that?—I am prepared to take something on account.

2504. You said you came here at your own expense to give your own views?—The Natal Municipal Association invited me to be one of their delegates on the lines of their resolution.

2505. It is not difficult for you to give me a reply "Yes" or "No" whether you dissent from the Bill *in toto*, in that it fails to obtain its object?—Last year we had the Class Areas Bill, and we had the opinion of Gen. Wylie, supported by the opinion of Mr. Hofmeyr, of Johannesburg, that the coastal belt provisions meant a gradual drift of all the Indians in South Africa to that coast belt, and that was why I was against the Bill.

2506. Now that you have heard the Chairman's statement in regard to that provision, you waver in your opinion?—No, I do not waver, because the Bill has been altered and is not the same as the Class Areas Bill of 1924.

2507. The great principle of this Bill is segregation, and that was also the great principle of the Class Areas Bill—that principle of segregation has not changed. You say about segregation "any attempt to enforce compulsory segregation would result in failure and lead to a resurgence of the passive resistance movement"?—That is a passage from the report of the Asiatic Enquiry Commission of 1921; I only quote it.

2508. You quote it because you agree with it. You say "I dissent from the Bill *in toto*, as it is, in my opinion, not only anti-Durban in its character, but repressive in its nature, and a measure which, I am satisfied, if enacted, will fail completely to achieve the object which its authors have in view". Do you still hold the same opinion?—I feel that the present Bill is a better one than the Class Areas Bill.

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2509. Please answer my question. You said that any attempt to enforce compulsory segregation would result in failure and lead to a resurgence of the passive resistance movement?—That was the view of the Asiatic Enquiry Commission of 1921.

2510. You quoted it. Do you still agree with it or not?—Since the new Bill was published, I have modified my views. I am giving evidence as a representative of the Natal Municipal Association.

2511. Unless the Indians are congregated in one area, no town council can ask for the setting up of a class area. Do you not think that if there are so few Indians in one town, that it is not a problem in that town?—(Mr. Hosking.) It is still a problem, because they are dotted all over the place.

2512. How many Indian licences are held in Estcourt?—(Mr. Pitcher.) There are six licences to-day.

2513. Would it not be absurd to apply a class area for six trading licences?—It is not if you realize that there are only 12 European licences.

2514. In a municipality where you have only 18 licences, surely it cannot be said that that is a place where the provisions of this Bill must be passed to make it possible to set apart an area for those six Indian licences away from the 12 European licences?—The setting apart of the area must be regarded as for the benefit of both the Asiatic and the European. Asiatics to-day right through the town are being refused licences. If there was an area set up where these Asiatics could trade, the probabilities are that there would be less difficulty in granting Asiatic licences. In Estcourt and similar towns, there is not an area which could be regarded as an Asiatic one. In these very small towns all over Natal, the Indian population is dotted about, and Indians and Europeans are trading alongside one another.

2515. It would be a hardship to confine the Indians to a particular trading area in such a small town as Estcourt, where there are only 18 licences?—The Bill should make it perfectly plain that it only contemplates action in big centres if that is the intention. We have read the Bill, and we read that it is as much for us in a small town as it is for the big towns, and we feel that if it is for us, it must be altered so that it comes within our reach. I submit that as the Bill is worded at present, we cannot make the application for the setting up of these areas.

2516. Generally speaking, am I right in assuming that you have powers which enable you to refuse licences?—We have powers preventing us granting licences to anybody.

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2517. And you use these powers not to increase the Indian trading community?—Generally so.

2518. Municipalities also, as far as they can, only grant licences in certain areas in the town?—That appears to be the custom.

2519. Migration cannot take place under the present immigration laws?—So we understand.

2520. The Chairman made it clear that the Bill would be retrospective from the 1st of August, 1925?—We understand that.

2521. The effect is that Indians have not been purchasing land. Would there be any harm, seeing that the provisions of the Bill are to be retrospective from August 1st, 1925, to have a conference with the object of reducing the Indian population, assuming that the Indian Government would give a hope to the Union Government for a successful issue of such conference?—The Bill does seem to definitely entrench the freehold acquisition of land by Asiatics continuing. That would be sufficient.

2522. The Bill is retrospective from 1st August, 1925, so an Indian who acquired land after that date would have no security for that land?—I am not prepared to say what the position will be if he has obtained registration of title.

2523. The intention was that he should not acquire land, and, even if he did, such acquisition should not hold good, otherwise there was no object in making the provisions of the Bill retrospective?—Exactly. Once a title has been obtained, it is difficult to upset it.

2524. Would it not be preferable to have a conference if, pending such a conference, some means could be devised preventing Indians from acquiring land?—It is generally believed in Natal than if this Select Committee takes the Areas Reservation Bill back to the House, that there is not a member who would dare to come back to Natal having voted against its passage. That indicates that the people of Natal are determined that the Bill should become law.

2525. You also dealt with the question of absorption. Do you not think this Bill will bring about absorption, not by the European or native, but by the Cape Malays and Cape coloured people?—There are no Cape Malays or Cape coloured people in Natal.

2526. Cape Malay women can go to Natal?—I believe that Indians are coming to the Cape for Malay wives.

2527. There is a great disparity between the number of male Indians and the number of female Indians in the Union and in Natal. Wives cannot be introduced from India after a certain date. Would not the very fact of passing this Bill

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be to bring about absorption in two or three generations of the Cape Malay, the Cape coloured and the Indian population?—Unless the male Asiatic is obliged to go back to his country to find himself a wife. The absorption will be rather peculiar; the native will not absorb the Asiatic, as the Asiatic dominates.

2528. Do you not think a large absorption would take place?—If this Bill is the first and last word, absorption would take place, but the justification for supporting this measure, which we regard as full of difficulties, is that we regard it only as something on account. We feel certain that the passing of this Bill is going to make it apparent to the Government that such a state of affairs cannot continue. We are hoping that the Government will take steps to consider entire repatriation.

2529. You admit some absorption will take place?—There is a degree of absorption taking place to-day.

2530. *Mr. Reyburn.*] You said that the Bill would reduce the number of Asiatics?—(*Mr. Sanders.*) If it does not reduce the number of Asiatics, it will prevent the increase of the invasion of the European areas by Indians.

2531. It will stop the penetration?—Yes; that is a good word for it. Penetration is going on very considerably in Maritzburg to-day.

2432. Has the Maritzburg Town Council got any particular area in mind for setting aside as a class area?—Our Indian area is below Retief Street—the lowest street towards Greytown, and between Longmarket Street and Boom Street.

2533. Will that suffice for a residential area?—For trade and residential purposes. The Retief Street area is practically wholly occupied by Indians and coloured. We have granted a number of licences in that quarter where they have been refused above Retief Street.

2534. You have been successful in clearing out the Indians at the top end of Church Street?—No.

2535. Are there many left?—Two thirds of the licences between the Norfolk Hotel and Temple Street are Indian licences.

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[Messrs. B. Desai and E. Norodien.

Wednesday, 24th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.	Mr. Lennox.
Mr. Coulter.	Mr. Marwick.
Mr. Duncan.	Sir Ernest Oppenheimer.
The Rev. Mr. Hattingh.	Mr. Reyburn.

Messrs. Ebrahiem Norodien, Burhamoodien Desai, Breyum Singh, representing the Cape British Indian Union, Shaikh Mohamed Rahim and Demshaw Mancherjee, representing the United Cape Indian Association, examined.

2536. *Chairman.*] You represent the Cape British Indian Union?—(*Mr. Desai.*) Yes.

2537. And the South African Indian Association which has been amalgamated with the Cape British Indian Union?—Yes.

2538. You are the President of the Cape British Indian Union, Mr. Norodien?—(*Mr. Norodien.*) Yes.

2539. Mr. Desai is the Secretary, and the others are members?—Yes.

2540. Could you tell me more or less how many members belong to your Association?—(*Mr. Desai.*) Over a thousand.

2541. Are you speaking only of the Cape Peninsula or of the Cape Province?—Mostly of the Cape Peninsula.

2542. Is that the only branch of your Association, or have you other branches in other parts of the Cape Province?—That is the only branch in the Cape Peninsula.

2543. Are the Indians living at Port Elizabeth or Kimberley organised? Do they belong to any Association?—I think some of them are connected with the Cape British Indian Council.

2544. What is the relation between your Association and the South African Indian Congress? A congress was held in Cape Town some months ago: were you represented at the congress?—No.

2545. Is there any branch of that Association which held the Congress here in the Cape Peninsula?—There is no branch here to-day.

2546. So that the South African Indian Association is practically confined to the other branches—Transvaal and Natal. It is not in the Cape Province?—The South African Indian Congress are represented in Natal, Transvaal and the

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British Indian Council. The Natal Indian Association are not represented in that Congress.

2547. The Transvaal Indian Congress is also not represented in them?—Not only Cape British Indians stood aloof, but many other Associations stood aloof also.

2548. With regard to the other Association—the United Cape Indian Association, who is the President?—Mr. S. Esmail.

2549. Can you tell us more or less how many members your Association has got?—(Mr. Rahim.) In the Peninsula there are 1,600.

2550. Your Association is practically larger than the Cape British Indian Association?—Yes.

2551. As I understand the position, your Association is a larger and more inclusive one?—Yes.

2552. Practically there are 1,600 Indians in the Cape Peninsula belonging to your Association and a thousand of them belong to the other Association also?—Yes. (Mr. Desai.) A memorandum has already been sent to the Clerk of the Select Committee, so it will be easy for the members to follow the position. The President, Vice-President and Secretary of the Cape British Indian Union on behalf of the Indian community respectfully beg to submit the following points for the consideration and attention of the Select Committee on the Areas Reservation and Immigration and Registration (Further Provision) Bill. These representations are made by the Cape British Indian Union on behalf of particularly the British Indian subjects who are domiciled in the Province of the Cape of Good Hope. Objection is made by the Indian Community to the whole Bill. The principle of the Bill is wholly and radically wrong. The Bill lowers subjects of Indian origin not only in this country but throughout the world. To restrict or segregate Indians to certain areas will imply that they are in a way unfit for civilised society, and outcasts. Exemption should not be at the whim of anyone in authority. Indians are a civilised race. It has been a principle of the Governments of South Africa not to take away or restrict rights which domiciled citizens may at any time hold. The Cape British Indian Union respectfully call for the Government's protection of all rights at present held by Indians particularly the right to acquire land and to trade. There are many Indian citizens who have been in Africa for over 30 years—some for a much longer period. The restriction or segregation of Indians to certain areas or either residential or trading or both—is most objectionable and will be ruinous to the majority of Indians.

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Indians have become owners of properties and the restriction on the transfer of same is far from being in accordance with justice. It is not equitable that any Indian citizen who by the laws of the country has become owner of property should be restricted in the disposal of same nor should he be restricted in the purchase of property. Likewise wrong is the proposed restriction on the leasing and occupancy by Indian citizens of properties for either residential or trading purposes or both. The Cape British Indian Union recognises that it is in the public interest that Laws, Ordinances and Regulations be passed for the welfare and comfort of citizens, such as for good health, and for relegating noxious industries to particular areas—it is, however, humbly submitted that such laws should not differentiate between such traders solely on the ground that one is an Indian and the other a non-Indian. Indian traders subject themselves to the laws dealing with the methods of carrying on business, suitability of the premises in which they trade, sanitation, etc., and support the Public Health Officers in rigorously seeing to all regulations being complied with. It is not just that an Indian trader should be restricted to any particular area. It is against justice that he should not be at liberty to carry on business as a wholesale or retail merchant and to sell his goods anywhere throughout the country. Again, it is not equitable that the Indian alone should be restricted from carrying on manufacturing or any other business in any area where such business may be carried on by a non-Indian. Restriction on the transfer, purchase or leasing of either residential and/or trading properties is most inequitable. Many Indians have owned or leased properties, and have lived and/or carried on business in such properties for 30 years and upwards and would be grossly and ruinously affected if such restriction were to be carried into effect. They would lose all what their lives have built up, not only residentially but in trading. On the owners ceasing their residences or business through death or otherwise giving up residence or business, their heirs at law or successors in interest would be detrimentally affected by the restriction proposed under the Bill. The larger number of Indian citizens are married, domiciled and have settled in Africa as their home. Others again have married Cape Coloured and Cape Malays who are not being restricted. This Bill therefore will create a difference between husband and wife and children and parents—some members of the family under the Bill will fall to be segregated and others will not. This will lead to disruption of family life. The status of the

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Cape-born spouse has in the majority of cases been raised through marriage to an Indian. It is well known that the Indian community have built schools or contributed to their construction. Neither residents near whom Indians have lived, nor merchants with whom Indians have been dealing for many years have complained to the Government or asked for the restrictions contemplated in the Bill. The amendment proposed in the Bill regarding immigration is also inequitable. On the discussion and the passing of the 1914 Indian Relief Act it was understood that no further restrictions would be made regarding the entry into the Union of wives and children of Indians. It is wrong that every few years the Government should seek to add to restrictions against Indians entitled to enter the Union and continue the unrest amongst this community. This is another unjust provision and will upset family relationships of Indians long resident and domiciled in the Union. The Cape British Indian Union emphasises the point that this Bill has not been asked for by the public of the Cape Province and while reiterating that all the rights at present held by Indians in the Cape should be safeguarded, it protests against the Bill as affecting Indians anywhere in the Union. On the representations made by the Cape British Indian Union and with the express sympathy of the public of the Cape prior to the second reading of the Class Areas Bill of 1924 which applied to the whole of the Union of South Africa the then Minister of the Interior and previous Government excluded the Cape from the operation of such Bill. This is the memorandum which we have presented to the Select Committee. Here in Cape Town we are between white, coloured and native. According to the reading of the papers the Cape does not want this Bill. Many of the non-Indians attend our meetings, and they protest against the Bill. We here are attacked by every section of the community. I can give one example. This was at the Chamber of Commerce Annual Congress, held in Johannesburg in October, 1917. It was moved that the time had arrived when the Association of Chambers of Commerce could use every endeavour to influence the licensing question on this point, prevention of licences being issued to undesirable Asiatics to the detriment of the European storekeepers. The mover said it was realised many complicated questions were involved, but at the same time it was realised that further postponement would only mean keeping on the evil forever. The white population had earned the respect of the native by treating him in a fair manner. The same applied to the

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Indian. The argument was that the alien trader was allowed the same competition as the white trader. The Asiatic trader in Natal had completely ousted the white trader, and it was quite impossible for the white trader to compete with the Asiatic. The white man supported the progress of the country and the Asiatic undermined the policy. The question of licences should be taken in hand by the Union Parliament. Something should be done to take effect after the close of hostilities. We as a white population were making great sacrifices. Mr. Williamson seconded, and said this was going to be one of the biggest questions which the country would have to tackle. A number of firms had passed into the hands of the Asiatic, and the Indian menace was even greater than what they had heard about the German menace. A merchant, a Member of Parliament, the Hon. Mr. J. W. Jagger, late Minister for Railways and Harbours, said he was astonished that such a motion should emanate from Natal, which had always been noted for its strong patriotism. The motion was aimed at Indians, and they were asking us that Indians who had fought for the Empire were not fit people to trade with them. Free trading was allowed in the Cape, where the Indians had not driven out the white man.

2553. What are you reading?—From the Report of the Chamber of Commerce. I want to show that a man like Mr. Jagger stated that the Indian competition was no trouble in the Cape. What greater authority does the Select Committee want? That is all I want to bring to the notice of the Select Committee. There are no grievances amongst white men and the Indians and the non-Indians. We in the Cape do not want this burden placed on us nor do we want this Areas Reservation Bill. We helped on Red Cross Societies and other societies. We took part even in big meetings. We are respected as well as other communities. We are treated the same as other ratepayers. Why are we to be placed under this bar? In 10 or 15 years we shall die. Our children will be barred: they will suffer. Is it fair? We are married here. The small children will know no aunts or uncles here to whom we can send them. The Indians have married in this country and they have progressed in this country and they have many families in the Cape. People talk about economic conditions. Look at the houses of Indians and non-Indians. The Indian houses compare very favourably with the others. When the merchant employs an Indian he does not want to pay lower wages. They pay to the Indian the same wages as they pay to the European. An Indian is

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allowed in every part of this Province without objection. If you bring this Act into force we will go back 50 years. Civilisation is progressing everywhere, but we will go back 50 years. Everybody will have progress but our children will have to suffer. Therefore I wish to say on behalf of my Society and especially the Indians that this burden should not be placed on us.

2554. Can we have the statement of the United Cape Indian Association?—(Mr. S. M. Rahim.) I associate myself with the statement which has been circulated as submitted by the Executive Committee of the Association. The following are the points of facts submitted by the Executive Committee of the United Cape Indian Association to the Select Committee on the Areas Reservation and Immigration and Registration (Further Provision) Bill for their consideration : We, the undersigned, duly authorised thereto by the United Cape Indian Association, wish to place certain facts before the Hon. Select Committee in the capacity as a jury appointed by the House of Assembly of the Union of South Africa to enquire into and report upon the present situation as it affects matters contemplated in furthering legislation, commonly known as the Asiatic Bill. That we, the Cape Indians, equally with the Indians residing in the other Provinces of the Union, for that matter, are all properly domiciled citizens of the Union subject to its laws and justly entitled to whatever privileges such citizenship confers, in precisely the same manner as any other of the community, and in consequence we object most strongly to any legislation or regulation calculated to discriminate against us, and (1) we claim that we are no less Africans than any other section of the population. (2) That we have at all times loyally observed the general laws of the land. (3) That we have never consorted or associated with any individual or body whose aim it was to disturb the peace, or in any way to undermine authority. (4) That we have always been agreeable and sociable with every law-abiding decent living citizen of the country. (5) That in our daily life we as people find no difficulty in conforming with the general habits of all others, and making ourselves agreeable with the different sections of the population. In fact, so perfectly harmonious are our relations with all that we have no animosity from any section, and so confident are we that we have given no cause for any, that we absolutely deny that such exists. (6) That our economical conditions are on an average of no lower a standard than those of any other section. (7) That we of the Cape Province have never been addicted to making use of the franchise with which we were endowed, for

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any harmful or unconstitutional purpose, but always in favour of peace, goodwill, and good government, valuing the privilege we enjoy far too highly to jeopardise it. We also esteem at its highest the privilege of assisting in the promotion, by our vote, of all schemes calculated to better social conditions in the local government. (8) That we consider we have just claim to share, on a footing of equality, any privilege accorded to any section of the community. Consequently we absolutely oppose by all constitutional means, the Bills whose provisions are now engaging the attention of your hon. Committee. (9) Any further general law relating to matters of civic control or to the defence of the country will be cheerfully obeyed by us, and any duties imposed upon us as upon the other inhabitants will meet with the most ready support. (10) We deny most emphatically that we have at any time acted towards any section of the community in such a manner as to justify or give cause for Parliament or the Government treating us in the manner foreshadowed in the contemplated legislation. In regard to this latter, we cannot forbear pointing out that the provisions therein contained threaten our self-respect as a race, and in our opinion, will ignite a flame which will utterly destroy the good name of South Africa for fair dealing, as between all sections of the community. This we as true South Africans, view with the profoundest sorrow. (11) If the class discrimination sought to be enforced in this Bill should be carried out and might is to constitute right, we are not to blame should those who sympathise with us take proper steps to help us. (12) Wholly convinced that such a course would be for the ultimate good of the whole of the people of the Union, we humbly ask and pray of you to report in favour of the withdrawal of this measure, which is fraught with the grossest injustice to a law-abiding and dutiful people, such as Indians resident in the Union, and containing uncalled for insults to us. We might be permitted to add a few reflections which have occurred to us, and over which we have pondered long and earnestly. We respectfully but with all the force at our command beg your hon. Committee to come to such conclusions as will make for the happiness and advancement of South Africa, and the contentment and prosperity of all its peoples. In conclusion we again most respectfully beg to say that we have tried to calmly place before the Committee matters upon which we feel very deeply, and hope you will be pleased to give them your earnest consideration. We are totally opposed to the Bill, and therefore we have not considered it necessary to discuss its detailed provisions at any length. It is obvious that the segregation of

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the Indian for trading or residential purposes will totally ruin him. We have been told by the Government that we have not broken any law of this country, which will give the right to Parliament to bring forward such legislation as that proposed. I do not know the conditions in the Transvaal and Natal, but as far as I can see all over the world people are rather trying to bring us into the general system than debarring us from the privileges enjoyed by others. I do not see how it can be that those who have been residents here for so many years should not be called South Africans. Many of us have been born here. Must we be classed as those who came in by the back door? These are irritating things, and we are justified in bringing to your notice that this Bill is a sort of dagger to the community. It is like your putting us in a compound and saying to us "die out." This will not regulate anything at all. The Government is putting us out of the house. It is like a father saying to some of his children: "You are my own: the others can go out of the house." We do not want to take up too much of your time, but we have not yet heard arguments of the other side, even from those anti-Indian agitators who say we are to blame for any setback in this country. I cannot see that there is any need for this legislation. If this legislation is proceeded with the Indian community will be entirely ruined. There is nothing in it which will help to solve the problem or bring the Indian community any improvement. They are practically to be thrown outside. We have not yet heard that any municipality has made any regulation about diseases such as was done in the Transvaal. In Natal in 1923 they spoke about Indian quarters in Durban being absolutely neglected so far as sanitary conditions are concerned. You will find nothing but dust and broken streets all over the place. These are the conditions. It is not the Indian who is to blame for such conditions. The Indians have tried to obey the laws in the best way possible and behave according to the laws of the country. Nobody can challenge that. We do not want to go into detail. So far as the Bill is concerned we cannot accept it. We cannot accept it. It is nothing but class legislation, and it is absurd that South Africa, with such a small population, should come along with such a Bill. We have tried all along to live a South African life. Everything goes to prove that we are South African, and have made our home here. On the top of that we are considered as Asiatics and treated as such. The Cape Malays are no more Asiatics because they are resident here. We are just the same. I have been here 25 years. I do not know whether my people in India would now accept me.

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I should say it is due to the ignorance of the responsible bodies that we are brought to such legislation. At the last general election we supported one or the other party. We do not belong to the Bolshevists. We are all law-abiding citizens. We do not see why there should be this discrimination made. With these few remarks I hope the Committee will listen to our prayers as set forth in the memorandum. I think before very long we will hear that the Bill has been thrown over.

2555. Mr. Desai, how long have you been in South Africa? (*Mr. Desai*). I came here in 1903, that is 22 years.

2555A. From where did you come?—From a district about 120 miles from Bombay.

2556. Did you come directly to the Cape?—Yes, and I landed under the Education test.

2557. Of the Indians living in the Cape Peninsula, are there a good number who have lived in Natal or the Transvaal before?—Whether they were in Natal and then came back? There are not many.

2558. We had an Indian giving evidence who said he had lived in Natal before. He was born in Natal?—There are some, but there are very few.

2559. There are some in the Cape Peninsula who have lived in other Provinces before?—Yes.

2560. Do you know that there are quite a number of Indians in the Cape Peninsula who came here illegally? Their stay in the country was condoned under special circumstances at some time or other but I believe there are about 400 who have come into the country illegally?—That I do not know: there may be a few. It may be the case amongst other communities also. It is also the case, I believe, with some of the Greeks. There may be a few—I cannot say how many.

2561. It has been emphasised here this morning that the Indian community is obedient to the laws, but is it not the case that there is quite a large number living in the Cape Peninsula who came in in contravention to the laws?—That I do not know. I did not come under those circumstances, nor did anybody who accompanied me.

2562. You are aware of the fact?—There may be a few.

2563. You are aware that just a few weeks ago I think about 15 or 20 were seized in the Western Province of the Cape who were living here illegally, and had come in not so long ago?—I am told so, but I did not come in contact with it.

2564. What is the language which you speak in your home?—In Cape Town in my home I speak mostly Dutch with my wife, who is a Cape Malay.

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2565. What was your language originally?—Originally Marathi.

2566. You do not use it at all any more?—Not at all.

2567. Not with other Indians coming from the same parts?—Mostly we speak Dutch or English, just as the other will understand. I write my home letter in English.

2568. What is your attitude with regard to Dr. Abdurahman and the deputation to India?—There was a protest against his doing so. We think the questions relating to South Africa have to be dealt with by the South Africans.

2569. What is your attitude with regard to the mission of Dr. Abdurahman to India?—(*Mr. Rahim.*) We thought it was not the proper time. Although the Government had thought fit to bring forward this measure we knew that the whole community was not in sympathy with it. We thought it best to consult with the whole community without going to India. We objected at that juncture to the Indian mission.

2570. What was the feeling of the Indian community generally in the Cape Peninsula?—It is of the same opinion.

2571. Did not a public meeting of Indians support the deputation going to India?—At that juncture they were against sending a deputation.

2572. Do the Indians in the Cape Peninsula mostly belong to the trading class?—Yes.

2573. Have they shops more or less in one particular quarter of Cape Town?—No, all over Cape Town.

2574. Is not there one particular quarter in the Cape Peninsula where you would say the Indian trader predominates?—That sometimes happens on account of the population. Sometimes one corner of the city has a bigger population than the other. The traders are in larger number there.

2575. To what particular quarter do you refer?—I should refer, for instance, to Hanover Street.

2576. What about Woodstock and Salt River?—I do not think there are many Indians there. The shopkeepers generally stay round about the thickly populated districts. You will find there are Indians where I have mentioned proportionately more than in other parts.

2577. You have emphasised the point that there is nobody in the Cape Province who desired this legislation, or the application of the Bill to the Cape Province?—(*Mr. Desai.*) That is so.

2578. Will it surprise you if I tell you that I have received quite a large number of resolutions passed by public meetings in municipalities in the Cape Province supporting the legis-
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lation?—It may be so in the small towns, but not from the important towns. There are so many municipalities. An important municipality I would recognise. It may be there is a small society which did not come to our notice in the public press.

2579. Will it surprise you if I tell you of the evidence which we have had from Port Elizabeth very strongly in favour of a measure of this nature against the exclusion of the Cape Province from the Bill?—That may be so. (*Mr. Norodien.*) I am told that a false position is being put forward. The people in high places do not know the position of the Indian. It is only a case of trade jealousy.

2580. *Sir Ernest Oppenheimer.*] We have evidence that property decreases in value when an Indian acquires property within an area. Could you give us information. I am told that you are largely interested in the commercial world of Cape Town?—With regard to property, I myself have property in Observatory amongst the European quarter. I let it to a European gentleman. When I put it up to auction I got £1,200 offered for it. When I myself went to stay in the place and made a little garden there, I got £2,500 for it. People are not glad that I left Observatory. They would be glad if I returned. They are Europeans. They like me. We improve ourselves. We are not negligent. We try to improve conditions.

2581. The Chairman referred to Port Elizabeth. Have you perhaps heard from the Indian people there that they found the Europeans to be hostile?—No.

2582. You have never heard that licences have been refused?—No.

2583. You are really surprised to hear it?—Yes. I think it is their trade jealousy. I do not think it is public feeling. I know of many cases where the son and son-in-law of a Councillor is a shopkeeper and the opposition of the Councillor arises purely from trade jealousy.

2584. *Mr. Duncan.*] Do these two Associations represent Indians born in South Africa as well as Indians born oversea?—Every Indian would be able to be a member of the Association,

2585. Whether he is born in South Africa or not?—Yes.

2586. In the Cape Peninsula are there certain areas where the Indians live by themselves? Are there any areas which you could call special Indian areas?—No, they live where they like. You will find the Indians everywhere, wherever the municipality is building.

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2587. It has been said that the European trader cannot compete fairly with the Indian trader because the Indian trader pays low wages to his assistant; can you tell me if that is so?—That is quite wrong. Take the place where there is no Indian. The trader is not making money there. Cape Town is better for trade than some places.

2588. You think the wages that Indian traders pay here to their assistants compare favourably with the wages that the Europeans pay?—Take the shop assistant who gets about £10 or £12 a month. When the month is finished the European has finished his money. The Indian always has some money for the support of his family.

2589. The Indian shop assistant lives in the shop?—They eat and clothe from the shop and have their washing and everything free from the owner, and then they have something for themselves at the finish. If you make a comparison the Indian may be paid £2 or £3 more than the non-Indian assistant.

2590. What is the money wage which the Indian assistant receives on the average?—After having paid everything they get from £50 to £200 a year, according to the man's experience.

2591. Do you know anything about the condition of the Indian artisans or tradesmen, painters and carpenters?—Not so much.

2592. Can anybody here speak about that class?—We pay the same wages to an artisan as anyone else does.

2593. Do they belong to the same Unions?—Yes.

2594. What is your objection to the provisions of the Bill under which a separate area should be laid out where Europeans should live and separate areas where Indians should live?—Generally a man lives according to his means. How can there be separate Indian and European areas?

2595. We have it in evidence from some parts of the country that a great deal of trouble is caused by Indians acquiring property in certain parts of towns where Europeans have always lived by themselves, and that that causes friction and trouble, and some witnesses told us it might lead to violence if it went on. What would be your objection to making a provision that for the future Indians should live in one particular quarter and Europeans in another?—Do you refer to the Cape Peninsula?

2596. It would be left to each particular town to apply. If it desired to have such areas it would have to apply to the Government?—I can give you an example today. At Sea Point the Europeans and the Indians do not come
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unnecessarily in contact with one another. It is the same with the Jews and the Christians in various parts of the town. They stay where they like, and there is no need for any special law in that regard.

2597. We have had it in evidence from people who come from other parts of the country that there is this trouble, and they want to see separate areas established where the two races can live separately from each other. Have you any objection?—They can do so. I do not think one or two cases would justify bringing the whole community into one area. I do not see why Indians should be all on one side and all the others on another side. What about the non-Europeans? They are excluded from the Bill. Would not there be another outcry about that, if they stay in a European area? We have many different sections of the community.

2598. I am trying to get from you what the objection of the Indians is to a provision of this kind?—Personally if I objected to my neighbour I should see the last of him, but I do not see how the law will settle the question.

2599. You object to compulsory areas?—Yes, there is no hope of settlement of the problem. It only leads to complications. Take Sea Point. There is no barring of Indians from the district. As long as the Indian complies with the general regulations of the country he would not be a nuisance to the community. This can be settled by other means than compulsory segregation.

2600. Are the Indians in the Cape Peninsula mostly engaged in trade?—Yes.

2601. Do many of them become clerks and take up occupations of that kind?—A few, yes, but they are mostly traders. The number is very small.

2602. Is the number increasing?—No, diminishing. We cannot find anyone to assist us. All the people are dying out, and no new people are coming in. It all points to the dying out of the Indian question. The ordinary Indian does not recognise us as Indians. I do not see how there can be any Indian question as far as the Cape Peninsula is concerned.

2603. Do many of the Indians in this part go back to India after they have retired from business?—Some visit it, but most of them have their family here and come back. Personally I have never visited India during all this time.

2604. *Mr. Lennox.*] Mr. Desai, I understood you to say you came out here from India in 1903?—(*Mr. Desai.*) Yes.

2605. You have not been back?—No.

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2606. You were married to a Malay woman ?—Yes.

2607. How does that apply to the rest of your Association represented here today ? When did they come out ? How long have they been out in this country ? There are three of you representing your Union ; would that apply to yourself ?—Yes.

2608. I want to know how it refers to the other two of your deputation ?—(Mr. Norodien.) I came here in 1893 direct from India to Cape Town. I am married to a Cape woman.

2609. And your friends the same. You are all married to Cape Malay women ?—(Mr. Desai.) Yes, Cape coloured, or Cape Malay.

2610. You are not married to Indian women ?—No, Cape Malay women.

2611. What is the universal language ? You said it was mostly Afrikaans ?—Dutch, yes.

2612. Do the others speak Dutch ?—We all speak Dutch ; some of us can speak English and some of us Dutch.

2613. Not Indian ?—No, our children do not understand the Indian language at all.

2614. Most of you are engaged in business ?—Yes

2615. Store-keeping ?—Yes.

2616. Where are your homes ?—I live in Zonnebloem.

2617. You do not live on the premises of your store ?—No, I have no business. I have been a general clerk. (Mr. Norodien.) I have more than one branch so I have several homes. Generally where the store-room is built there is a kitchen and living room separately, but according to the plan.

2618. I would like to ask the same question of the rest of the deputation belonging to the Cape Union ? Do you all originally come from India ?—(Omnes.) Yes.

2619. Have you Indian women for wives ?—No (Mr. Rahim.) No, Cape Malays.

2620. You speak English in your homes ?—English or Afrikaans.

2621. Your children do not speak Indian ?—They do not know a word of the Indian language. That applies to all.

2622. You mentioned that you had been to Durban ?—Yes, I went in 1923 for a visit.

2623. Did I hear you correctly when you said that in the heart of Durban you found Indians living in filth and dirt ?—I was speaking more particularly of the street. The municipality did not look after the street where the Indian residences are. I said the house was in perfect order, but no sooner
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did you step down the pavement you found nothing but dirt in the street.

2624. I understood you to say that the streets were full of dirt, and there were broken roads in the heart of Durban ?
—Yes, I am referring to Prince Edward Street.

2625. Do you mean to say that that street was in a state of filth and dirt ?—It was a broken street and not properly paved like it is here. It would not compare with Hanover Street.

2626. There are parts of Durban where the pavements are not as good as they are in the heart of the town, but you referred to the heart of the town ?—Prince Edward Street is near the heart of the town.

2627. *Mr. Marwick.*] Did I understand you to say that the Indian trader paid equally as good wages as the European trader ?—(*Mr. Norodien.*) Yes.

2628. Are you aware that before the Asiatic Enquiry Commission the only trader whose books were produced at that Commission had claimed that he paid wages of from £10 to £30 per month ?—Yes.

2629. When his books were produced it was found that his wage sheet showed £77 per month—one man receiving £25 out of that, and the other six receiving the balance. That is Mahomed Esop, of Vereeniging. I am speaking of the only case that the Commission investigated. It was the only case in which they were able to get the Indian's books. That proved that his salary paid for the month was £77 for seven people—one of whom was getting £25 ; the others were sharing the balance ?—They must have been newcomers, or people who had no knowledge of the business. They would not be paid the same as the experienced man. (*Mr. Rahim.*) The 1920 Commission said that the books showed the Indians were paying as much as the Europeans.

2630. You remember that the Cost of Living Commission sat in 1919. Mr. Howard Pim was the Chairman and Mr. Boydell was one of the members. Mr. Eaton, the Controller of Customs, was another member. How do you account for the fact that when they investigated the books of a number of Indian traders in Pretoria and Durban and they gave a table showing the turnover, the gross profit, and the expenses, and the nett profit, they came to the conclusion that the most noticeable feature of the table was the low percentage ratio of expenses to turnover, as compared with European firms. The expenses to turnover were much lower in this case, as compared with European firms, the comparative figures being shown in the table. The enquiry covered from 1914, 1915, 1916

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and 1917?—(*Mr. Norodien.*) The time is different now. No new Indians are coming in. The old ones are dying out. We are paying more now in wages because of that.

2631. Have you any figures to show that the Indian pays his assistants equally well if not better than the Europeans?—I do not know if I could satisfy the Committee, but take a grocery shop. Stand behind the counter where you find sardines, meal, cheese, bread and butter and so on. You smoke a cigarette. You get what you want to eat. All the Indians present here are those who have become owners of their shops. The Indian must have paid him something to enable him to save sufficient to become the owner of the business. You will find that in most cases they have bought the business with the goodwill. The Indian must be paying well, otherwise it would not be possible for them to acquire the business.

2632. You live in the European quarter of Observatory?—(*Mr. Norodien.*) Yes.

2633. You realise that in that quarter proper sanitation has to be observed, and the man who is a dirty neighbour is not welcome in that quarter. They are willing to have you and they are sorry that you went away, but you will realise that in that quarter, if you had been a dirty neighbour, they would have objected to you?—Quite right.

2634. Do you suggest to us that none of the Indians in South Africa are dirty or unpleasant neighbours?—Not in the Cape. I could not say with regard to the other Provinces. With regard to the Cape, I think the Indians are clean people.

2635. Have you been to Natal?—Yes, but I do not know the inside conditions.

2636. You do not know the class of Indian that we have in Natal?—We see them, but I could not express any opinion on the matter.

2637. Are you a Mahomedan?—Yes.

2638. The caste system has not the same strength amongst the Mahomedans as it has amongst the Hindoos?—No, I do not think so. The Hindoo does not like the Mahomedan to marry his daughter and the feeling is reciprocal.

2639. In India the caste system is very strong. They will not have any contact with a man of low caste. A man of high caste will not have social contact with a man of low caste?—With regard to social position, I can go to his house even although I am not a Hindoo, but he would not permit me to come and reside next door to him.

2640. The Brotherhood of Islam does not forbid you to associate with him?—I am talking of Hindoo and Mahomedan.
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2641. Do you suggest that a high-class Hindoo finds nothing objectionable in association with a low-caste Indian?—There is nothing different except with regard to marriage and its ceremonies, and that is dying away in India.

2642. You suggest that in business transactions and in the ordinary routine of the day, there is no objection to a high-class Indian meeting on equal terms with a low-caste man?—No.

2643. *Rev. Mr. Hattingsh*. Is Dr. Abdurahman representing anybody in India but himself?—He wants to make a name, and we have to suffer for it.

2644. Is he representing any section of the Indian community in India to-day?—No. He put himself in and got one or two people to move and make a job of it, otherwise the majority of the people know that he is doing harm to the Indian movement.

2645. Are your societies against the principle of segregation as such?—(*Mr. Desai*.) Yes, absolutely.

2646. You do not want any kind of segregation, even if it is voluntary?—No, not any kind. (*Mr. Norodien*.) We know that where we are not welcome we do not go. We will not go to a place where it will hurt their feelings. You will want a neighbour so that in times of sickness you will have help. There is not a single case in Cape Town where it can be proved that property has depreciated because an Indian has bought in the neighbourhood.

2647. Have you protested against the principles of segregation as applied in this country against other sections of the inhabitants? It not your protest only because this Bill affects you as a section of the community?—Yes.

2648. There is segregation existing in the country; you have separate locations for certain sections of the population?—Yes.

2649. Where they are compelled to live. I am not referring to the natives. That is segregation, is it not? Have you ever protested against the application of that principle to the natives?—(*Mr. Rahim*.) I do not think it was our business to do so.

2650. You have never felt it was wrong?—Yes.

2651. You have never said so?—We all realise the position, but we say where do you find anything wrong with Indians to class them with natives and particularly raw natives.

2652. You never said anything about the application of the principle to any other section. It is only when it affects you personally that you feel it will be detrimental to you?—That is so.

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2653. The principle of segregation as you know, is quite common in India itself?—Not by law.

2654. Not by law but by convention?—Here it is the same. One man lives in Sea Point and another in another locality.

2655. They say it is improving now but, as you know, there is a certain section of the Indian community in some places forced to live on the outskirts of the villages in India?—None of them are here.

2656. It is only a question of the principle of segregation. The principle of segregation is nothing new to the Indian mind?—There is not a statute in India which brings about segregation. One lives according to his liking.

2657. What is the stronger, the religious law or the ordinary law of the land? The statute law may be enforced in a stronger way than religious law, but as a human being you feel that the religious law must be obeyed. Is not that so?—Yes.

2658. The statute law is based on what you consider the religious morality?—Yes.

2659. In your ordinary life the principle of segregation is accepted?—In business there is no segregation.

2660. The principle of segregation is nothing new to the Indian?—How could it be when there is no law in existence dealing with it.

2661. Still they are forced by religious convention to do certain things?—One section will live in one quarter and another section in another quarter; that is all.

2662. If this Bill should become law and the compulsory part be taken out, would that satisfy the Indian community?—(Mr. Norodien.) We do not think there should be such a law. There are millions of acres of ground lying idle. God has put us into the world alongside of each other. Why should you put us to shame before the others. What have we done? What danger are we?

2663. In what way do you consider it a shame?—The world will think that the Cape Indian is so bad that the European does not want to stay with them, that they are dangerous or murderous people, or something very serious.

2664. As regards the married population, have you many Indian women in the Cape?—No.

2665. You do not know the number?—There are not more than twenty in the Cape.

2666. There are very few Indian women. Are there many unmarried Indians?—(Mr. Desai.) There are some, but they are gradually getting married.

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2667. Do they marry the local people?—Yes.

2668. Do you think that the Indian population of the Cape will eventually be absorbed by the Malay and the coloured population, or will the Indian exist as a separate part?—*(Mr. Rahim.)* It will be absorbed by the non-Europeans.

2669. You think in some areas in some years time there will not be any Indians in the Cape?—*(Mr. Desai.)* We have lost our language. Our children speak Dutch and English, mostly Dutch. If we come outside our door you may think we are Cape people.

2670. You have referred to the Indian who comes here now, that you do not think you ought to be treated on the same level as the Indian who comes in as a new-comer. Would you be satisfied that the older Indians be treated differently?—*(Mr. Rahim.)* The law prevents any more Indians coming. The Indians are not coming here any more. The law has stopped their coming in.

2671. Are you in favour of the Indians from overseas going back to India?—Many of them are going. There is nothing to prevent them.

2672. Would you be in favour?—We have said nothing about voluntary segregation. It is also a question how the Indian who has spent his life here can go to a new home. It is not fair to send him away. Many of them are born here. How can they make a home in India now?

2673. Take the case of the newcomer?—They are not coming now unless they come in illegally, and then they will be deported under the law.

2674. I am referring to the one who belongs still to India. Would you be in favour of giving that man some inducement to go back voluntarily?—There is nothing against it.

2675. *Mr. Reyburn.*] Are you a trader in Cape Town?—*(Mr. Norodien.)* Yes.

2676. How many assistants have you?—About 30 or 40.

2677. What wages do you pay?—According to the proportion of profit they make.

2678. Do you pay them on that sum or is it on commission?—There is a commission basis with regard to some of them. I work on the profit system. Of course I pay my book-keeper £15. I gave my evidence before the Commission as to the salaries paid.

2679. Have you any employed on the salary basis?—*(Mr. Singh.)* I have assistants to whom I pay £4 a week. One has been with me for twelve years and another has been with me for six years. The one who gets £4 a week has been with me

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for twelve years, and the one who has been with me for six years gets a little less.

2680. Is that the same standard as the European firms pay?—I think so, but I could not say.

2681. What kind of business is it?—The produce business and I am also a property owner.

2682. Would you have an objection if your assistants were brought under a Wages Act?—I would be very glad. I would never like to object to that. They must live.

2683. Have you no objections?—I have no objections. My boys are quite happy with me.

2684. If you are compelled to pay the same wages under the Wages Act as a European firm would pay, have you any objection?—No, I have no objection.

2685. Do the other members of the deputation agree with that?—(Omnes.) Yes. (Mr. Desai.) If you bring in the Wages Act a man will not necessarily get £4 because he may not be qualified. (Mr. Singh.) Some of them may not get more than £1 10s.

2686. You have no objection in principle to being compelled to pay the same rate as the European storekeeper?—No, no objection at all. I hire masons, carpenters and painters and pay them the standard wage.

2687. You are a property owner?—Yes.

2688. Do you pay the Trades Union rate?—I do not know whether it is Union or non-Union. I asked them to quote for the work and I gave them the wages they asked.

2689. Mr. Coulter.] Do you all carry on business in the Cape?—(Mr. Desai.) Yes, most of us.

2690. Have many of you lived in Natal?—No, none.

2691. Are you all Mahommedans?—Some are. Some are Parsees and some are Sihks.

2692. Do you see a difference between yourself and the working Indian in Natal?—We are not much acquainted with the conditions in Natal. How can we say?

2693. You are really not in a position to discuss the special position of Natal?—No.

2694. You have heard of course that it has been proposed to have a Conference between the Union Government and the representatives of the Government of India?—We have heard of the proposal. The question has been asked before. We think that the questions of South Africa should be decided in South Africa. I personally have no objection to meeting and consulting with the representatives of the Government of India and the Union Government and I am of the opinion

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that difficult questions should be referred to the Government of India or to its appointed representatives. What I understand is that Dr. Abdurahman's mission demanded a round table conference and although I objected to it because of Dr. Abdurahman's association with it I still think that a round table conference between the representatives of the Government of India and the Union Government will be the best solution to the question. I would like to make a statement about the wages. Can any member of the public of South Africa show that an Indian stole his master's money? One reads in the press the stories of various people in European employment who rob the bank or their employers, but as far as I know there is no case of an Indian having done that. Many Indians are employed by non-Indians and many Indians employ non-Indians in the Cape in their shops, and they pay to those non-Indians the wages that they would get in other places. Another thing I would like to bring to the notice of the Committee is this. I was for some years in an attorney's office as a general clerk. The various ladies and gentlemen who were the European clients of the firm, never referred to me as an Indian and never objected to me in any way. Some of us are employed by prominent firms in the Cape, by whom our services are appreciated. Our employers appreciate us and they trust us and those who are working for them never complain that Indians are bad workers, and these firms pay equal wages to Indians as to white men. They believe that everybody must live. There is no complaint against us. In connection with wages many Judges have stated from the Bench that the banks and the merchants pay low wages, but there has not been a single case before the Criminal Session where an Indian has robbed his master. The Indians have a good record in that respect, in that they pay their assistants sufficient wages to satisfy them.

2695. *The Rev., Mr. Hattingh.*] Do I understand you to say that the Indian question from the Cape point of view is wholly a South African question and should be settled by the people of South Africa without any interference from outside sources? —Yes. As I stated in our statement, this Bill should not apply to the Cape. (*Mr. Mancherjee.*) It would be the best solution for the South African Government to call a Round Table conference and it would do good in the Government of South Africa. (*Mr. Norodien.*) I would be glad if you got a few of the Bank managers of Cape Town and asked them how much money they had lost through the Indians. Amongst the

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[Mr. G. S. Bajpai, C.B.E.]

Europeans you will find 7 per cent., bad. Amongst the Indians you will find that it will not be more than 2 per cent., bad. If you go to the bottom of the case, the merchants will tell you that they like to do business with the Indians. I hope one or two of the Bank people here will give information on the point. I think you should know the general reputation of the Indians amongst the banking people. I hope that when the Select Committee have done their duty you will not hear any more of this class legislation. (Mr. Singh.) I have been here this morning to ask my Bank man if he has any complaint against the Indian or whether he is being done down by the Indians. He told me openly that if the Select Committee wanted to call him he would be prepared to give evidence. He is very proud of the manner in which Indians have done business and he said that as long as he has been here the Indians have not done down the Bank for a penny.

Thursday, 25th March, 1926.

PRESENT :

THE MINISTER OF THE INTERIOR (Chairman).

Mr. Alexander.		Mr. Marwick.
Mr. Coulter.		Sir Ernest Oppenheimer.
Mr. Duncan.		Mr. Pearce.
The Rev. Mr. Hattingh.		Mr. Reyburn.
Mr. Lennox.		Mr. Rood.
Mr. M. L. Malan.		Mr. Waterston.

(Mr. George Frederick Paddison, C.S.I., Sir Devaprasad Sarvadhikari, Kt. C.I.E., LL.D., The Hon. Syed Raza Ali, and Mr. Girja Shankar Bajpai, C.B.E., further examined.

2696. Chairman.] You have attended the sittings of this Committee while evidence was being heard, and have prepared a supplementary statement which I will ask you to read?— (Mr. Bajpai.) The statement is as follows :—

In this memorandum we have attempted to deal with certain points arising out of the evidence tendered before the Select Committee which seem to call for explanation or comment. For the sake of convenience we have grouped our observations under five broad heads, viz. :—

(1) Population, (2) Property, (3) Economic Competition, (4) Sanitation, (5) Miscellaneous.

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[Mr. G. S. Bajpai, C.B.E.]

(1) POPULATION.

(a) *Alleged inaccuracy of Census figures.*—Doubts have been expressed in certain quarters as to the correctness of the figures of the Indian population collected at the last Census. One witness definitely seemed to hold the view that the census estimate was much below the actuals. The Director of Census explained in his evidence before the Committee how the enumeration at the last census could not be out by more than 1,000. An independent calculation based on figures quoted by the Asiatic Inquiry Commission confirms the substantial correctness of the Census figures. In paragraph 176 of their report the Commission estimated the Indian population of Natal at 135,000, and the annual excess of the birth rate over the death rate at 26 per thousand (45-19). . . . This would give a gross total of 142,535 for the Indian population in 1921, or, deducting 4,000 who were repatriated during 1920 and 1921, a net aggregate of 138,535. Applying the same rate of annual increase to the Indian population of Natal in 1911 which was returned as 133,500 in round numbers and allowing for the repatriation to India during the decennium ending 1921 of 29,356 men, women and children, the total Indian population in 1921 would work out at 138,724. The Commission's figures were based in the main on the records of the Protector of Indian immigrants, Natal, one of whose duties it is to look after all Indian immigrants who came under indenture and their descendants, the class which is by far the most numerous. Both the calculations give a smaller total than that arrived at by the Census Department, but the difference is far from sufficient to justify a general distrust of the results arrived at by the latter, or to provide any rational support for the belief that those results contain a larger margin of error.)

(b) *Migration for marital purposes.*—In the course of the evidence apprehensions were expressed as to the possibility of a large influx of females from abroad to provide brides for the 56,000 Asiatic males who were returned as unmarried at the last census. The tendency in the past to import wives from India was due (i) to the disparity between the numbers of the male and female portions of the resident Indian population and (ii) the preponderance among males of persons born outside the Union. The figures supplied to the Committee by the Director of Census show that of the 56,000 unmarried males living in the Union 43,617 were below the age of 21 which represents the normal

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matrimonial age-limit. The corresponding number of females under the same age was 41,136. Of the former, 40,567 were born within the Union; of the latter, 39,492. The natural tendency for the males especially those born in the Union, would be to select their wives from women of their own age in South Africa. This is confirmed by the fact that amongst the Natal born Asiatics 5,384 males married females born in the same Province whilst 368 took wives from India. The fear of a large future immigration of brides from India may, therefore, be dismissed as chimerical.

2. PROPERTY.

(a) *Fresh Acquisition.*—(i) Urban Areas. The Transvaal witnesses were unable to adduce any evidence of the evasion of Act 37 of 1919 which prohibits the acquisition by Asiatics of land in the Transvaal. The Cape evidence divulged no tendency on the part of the Indian to penetrate into European quarters. Some Natal witnesses drew an alarmist picture of the extent and effect of Indian purchases of immovable property especially within the borough of Durban. We feel that undue emphasis has been laid on the total valuation of Indian-owned property inside the borough. To obtain a true perspective, other elements also have to be viewed in juxtaposition with the aggregate rateable value of such property. In the first place while the Indian population of the Borough of Durban in nearly one-third of the European, the ratio of Indian to European owned property is as 1 to 14. This can hardly be regarded as an unduly high ratio, when it is remembered that the bulk of the well-to-do Indian population is concentrated in Durban. In the second place the percentum increase per annum since 1920-21 only averages .1. The almost unvarying practice of private European owners to inhibit the sale of their property to Indians, and the power now enjoyed by local bodies to subject the sale of their own property to a similar condition prevents Indian encroachment on European areas.

(ii) *In rural areas.*—The figures relating to the area of land held by Asiatics in Natal which have been supplied by the Department of the Interior to the Committee do not distinguish between rural and urban areas. A comparison of this figure with the total acreage of Natal which is 11,300,000 acres in round figures brings out the insignificance of the area of land owned by Indians. For, although Indians slightly outnumber the European population of the Province, they own only one acre in every 125. In the [S.C. 9-'26.]

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face of these figures we find it difficult to understand how it can be seriously argued that the Indian holds more than his share of land or is a menace to any one. In our opinion these figures also serve to bring home the practical hardship and injustice of restricting in perpetuity the Indian ownership of land in Natal to 73,000 acres.

3. ECONOMIC COMPETITION.

(a) *Competition in Commerce.*—In paragraph 14 of our first statement we have given licensing statistics obtained through the Provincial Administrator, Natal, and the Registrar of Asiatics, Transvaal, to show that the Indian is no longer thwarting European expansion. The other evidence tendered before the Committee on this subject does not appear to affect this conclusion. The figures supplied by the representatives of the Krugersdorp Municipality, which has always been a centre of anti-Asiatic agitation, show a decrease since 1919 in Asiatic trading within the area of the township. The Mayor of Port Elizabeth laid great stress on the growth of Asiatic trading within his municipality. But the finding of the Asiatic Inquiry Commission was, even in regard to the Cape Province, “that there were substantial grounds for the complaint” that “certificates for licences are frequently refused to Asiatics” by certain municipalities “for the sole reason that the applicants are Asiatics.” Complaints of such treatment by the Port Elizabeth Municipality were made before the Commission, but we are not in any position to say whether they were or were not investigated. Our own inquiries in that town show that a larger percentage of applications for certificates is refused in the case of Indians than of Europeans. Thus, in 1920, out of 195 Indian applications 55 were refused, while out of 189 European applications only 16 were refused. The figures for 1925 were as follows:—

	<i>Total.</i>	<i>Refusals.</i>
European applications ..	311	11
Indian applications..	286	36

Whatever the reasons for these results, it seems clear that they do not disclose any increase in Indian trade at the expense of the European.

(b) *Competition in Industry.*—The facts in regard to such competition, in so far as we are able to ascertain them, were set forth in paragraph 14 of our first statement. In regard to specific trades like printing and building, Mr. Eaton, of the Durban Town Council, corroborated our conclusion that

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the European was holding his own. Mr. Cox cited figures from the evidence given by the Chief Inspector of Factories, Natal, before the recent Economic and Wage Commission, and seemed to consider that the Indian was penetrating generally into most fields of industry. But, in reply to a question by the Chairman of the Commission as to whether he had observed any improvement in the opportunities for the employment of white labour, the same official replied : " I think there is a little now." We would point out that a mere mention of the total number of Asiatics employed in industries provides no indication of causes and tendencies. Of the 10,039 referred to by Mr. Cox, no less than 4,660 are employed in the sugar industry, for which they have a special and hereditary aptitude. Their presence in the other industries is due mainly to their fitness for the class of work in which they are engaged.

Employment is largely a matter of economic efficiency. Unless it is contended that the Indian should not be employed at all in industrial occupations it is difficult to appreciate the relevance or force of purely numerical comparisons.

4. SANITATION.

Great stress was laid in the course of evidence on the insanitary habits of the Indians and their reluctance as a body to obey sanitary laws. We hold no brief for persons who do not conform to the law, nor do we wish it to be understood that we are against Indians being required to conform to the health standards of the community in whose midst they reside. The Government of India have consistently urged that every endeavour should be made to raise the Indian to the level of the European in this respect. But we do not consider that the blame for such defects as exist is to be laid entirely at the door of the Indian. The sanitary conditions under which a person lives are largely influenced by his financial capacity. Speaking of the well-to-do merchants in Johannesburg, the Asiatic Inquiry Commission said : " From their annual household expenditure as shown by their books, which were carefully and accurately kept, their standard of living appears to be quite equal to that of the ordinary well-to-do classes amongst Europeans." This was also our experience. If the poorer Indian is unable to live up to the level of his more prosperous confrère the explanation is to be found in his poverty, and not in any inherent dislike of cleanliness. Squalor and poverty go together everywhere. In Europe and in India, especially [S.C. 9-'26.]

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in the larger towns like Calcutta and Bombay, the State or the local authority has stepped in to provide better housing accommodation for the poorer classes, and it is not our experience that this privilege has been in any way abused. On one or two sugar estates in Natal where the employers have constructed separate cottages for their Indian labourers, the occupants maintain their premises in a clean condition. Where they are handicapped by poverty or neglect, conditions are inevitably not of the best. There may be individuals who are difficult to reform, but it would be unreasonable to regard them as typical of the community. Segregation of the Indian community into areas removed from the town—several witnesses indicated clearly that that was the objective—is hardly likely to achieve the elevation of Indian sanitary standards. On the contrary, the tendency would be to neglect these areas, which will degenerate into slums similar to the Asiatic bazaars at Germiston or Boksburg. The cost of providing amenities in such areas is sure to be considerable, and we are not optimistic regarding the readiness of the non-Indian ratepayer to shoulder this burden. On the contrary, if as several witnesses stated the real feeling is in favour of the ultimate elimination of the Indian from South Africa, there is a danger that these areas will be neglected to accelerate the flow of Indians from the country. We do not wish to impute motives, but we cannot ignore reasonable possibilities. The Indian will be powerless to prevent this as, except in the Cape Province, he will not be eligible in future for the municipal vote.)

5. MISCELLANEOUS.

Individual witnesses seemed to doubt the accuracy of our statements in regard to (i) the commercial morality of the Indian, (ii) the exact circumstances in which certain Indian storekeepers had to leave a block of property opposite the Town Hall at Maritzburg, and (iii) the rate of wages paid to Indian shop assistants. As regards (i) we leave the figures of insolvencies supplied by the Director of Statistics to speak for themselves. Our remarks were based on independent inquiry, and we now hand in a list of the names of European gentlemen who are prepared to give evidence in person or send in written statements on the subject. (ii) does not really affect our main contention, which is that local bodies in Natal exercise their powers to confine Indians to special areas. On the facts we shall only quote a statement made by Mr. Sanders, an ex-Mayor of Pietermaritzburg, in

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his evidence before the Committee—evidence to which we have had access through the courtesy of the Chairman. “In Pietermaritzburg the Town Council has been put to a big expense in buying a block of ground right opposite our Town Hall, which ground has been a disgrace to Pietermaritzburg owing to its being occupied by Asiatics for years past. The Corporation have bought that ground, and the great object in doing so was to remove one of the standing disgraces and menaces to public health in the centre of our city.”

[Q. 2400]. With regard to (iii) our position has always been that (a) the money wage paid to an Asiatic shop assistant does not represent the full cost to his employer of employing him, and (b) that the better class Indian merchant pays his assistant a decent wage.

We shall not discuss the suggestions made by certain witnesses to amend the Bill, for our objections to it are fundamental, and we cannot consistently with our attitude be drawn into a discussion of details. These suggestions, however, are significant of the spirit in which the proposed law would be worked. We also venture to think that the evidence which has been tendered in support of its early enactment is inspired by a feeling of fear for which there is no real foundation. An increase of two women and twenty-five children in the Asiatic population, which seems to have frightened the Municipal Council of Krugersdorp, or the possession by Asiatics of 89,000 acres of land in Natal out of a total of more than 11,000,000, can not be described as justifying legislation which is calculated to hurt the national sentiments of a friendly people and inflict the severest hardship on a law-abiding section of the population of South Africa.

I will add that we had less than twenty-four hours to prepare this statement, but we have done the best we could in the circumstances. I would also like to put in the following list of the names of European gentlemen and firms who are prepared to give evidence or submit written statements regarding the commercial morality of the Indians:—

Durban.

Mr. Harry Linder, of Linder Bros.

Mr. Dalton, Director of Paynes’.

Johannesburg.

J. W. Jagger & Co.

J. Nunnerly & Co.

Garlick & Holdcroft.

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Heymann & Gordon.
 Cooper Maister & Grevler.
 The Lion Trading Co.
 The Elephant Trading Co.
 W. B. Pickle & Sons.
 T. Allbret & Co.
 A. S. White & Co.
 Herman & Traube.
 Randle Bros. & Hudson, Ltd.
 A. Schlosberg.
 E. Meyers.
 Beatley & Co.
 M. Bloach & Co.
 S. Jacobson & Sons.
 John Bell & Co.
 United Fruit Growers.
 L. Suzman, Ltd.
 Sampson, Marks & Co.
 Herbert Evans & Co.
 Glenton & Mitchell.
 T. Simpson & Co.
 Bernstein Bros.
 Central Agency Ltd.
 Calico Printers' Association, Ltd.
 G. E. Taylor.
 Karp & Fisher.
 B. Pein & Co.
 F. Lifson.
 S. Matk.
 Stuart Campbell, Ltd.
 A. C. Schwartz.

Pretoria.

Gundelfinger & Co.
 L. Solomon.
 T. W. Beckett & Co.
 D. Meyer.
 Goodman Bros.
 Katzenellenbogen, Ltd.

Patchefstroom.

Finnis Bros. & Laurie.

2697. Do you wish to supplement the statement you have just read?—No, we do not wish to add anything, but if any members wish to ask questions, we shall be glad to answer them.

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2698. Under the heading "Property" in your statement, you refer to the total acreage of Natal which is 11,300,000 acres. Do you think that that is land that can be used for cultivation purposes?—I am not in a position to say how much of that land is cultivatable. The point you wish to make cuts as much against the Indian as it cuts against the Englishman.

2699. I dare say, included in that 11,300,000 acres of land in Natal is a great deal of uncultivated land including Crown land?—Yes.

2700. You have passed through Natal and are quite aware that a considerable part of Natal is mountainous?—Yes; but under pasture.

2700A. And that that land cannot be used for cultivation?—Quite so.

2701. If you take the total acreage of Natal as 11,300,000 and say that the Indians in Natal own one out of every 125 acres, it would not give quite a correct idea of what the position is of the ownership of land by Indians in comparison with land used by Europeans for cultivation?—On the other hand, the position is this: It would not be correct to draw the inference that the cultivated land owned by Indians constitutes an overwhelming proportion of the total cultivated area. I went to the Department of the Interior for the figures of European ownership of land in order to be able to present to the Committee as correct a picture as possible; but these figures were not available.

2702. We can assume that the Indians are, as a rule, not pastoral?—That was a fact brought out by the Asiatic Enquiry Commission in their report. They said that Indians have shown no tendency to penetrate into certain areas of Natal because they do not take to pastoral agriculture.

2703. Seeing that Indians are not holders of pastoral land, we must assume that the one out of 125 acres of land they hold is land used for cultivation?—Yes.

2704. If we take only the land fit for cultivation in Natal, one out of 125 acres would not be the correct ratio?—That may be so, but I think really the whole trend of the evidence before the Committee was to emphasise the magnitude—the colossal magnitude—of the 89,000 acres of land held by Asiatics in Natal. Our contention is that these 89,000 acres do not, by any means, constitute an overwhelming proportion of the land available in Natal. I am sure that if a census of European owned land were taken you would find that it far exceeds the 73,000 acres of land which are owned by Asiatics inside the

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coast belt. We went over Pinetown, Malvern and other places, and we found that although there were two or three instances of Indians owning a thousand acres of land or so, the average holding owned by Indians was something like one or two acres. I do not think it could be argued that the average acreage of land held by Europeans is only one or two.

2705. *Mr. Marwick.*] I see you give a list of Europeans who would be willing to give evidence in regard to the commercial morality of the Indians?—Yes, they are willing to give evidence or send in written statements.

2706. Are you aware that in Natal the figures of insolvencies for the year 1921 show that out of 32 insolvencies, 26 were Asiatics?—I do not think it is fair to take the figures for one particular year in one particular province and draw deductions from that. Here are the figures in regard to insolvencies given to the Committee by the Director of Census and to which I have had access through the courtesy of the Chairman.

2707. You are dealing with Union figures?—Yes.

2708. My question refers to Natal. Are you aware that out of 32 insolvencies in Natal 26 were Asiatics?—I am not in a position to contest those figures; that may be so.

2709. We have no figures of the Natal insolvencies before us at all in the evidence given by the Director of Census?—I think our statement was a general statement with regard to the commercial morality of the Indian community in South Africa.

2710. I wish to compare that with the European who trades in a small area in Natal?—I suggest that the remedy would be to obtain from the Director of Census or some other official source the figures in regard to Natal. I can only go on the figures made available to me by your own officials or on the figures obtained from my independent enquiry from people who have dealings with Indians.

2711. In the list of the names of Europeans who are prepared to give evidence regarding the commercial morality of the Indians, you give that of Mr. Dalton, Director of the firm of Messrs. H. & A. Payne, Durban. Are you aware that Messrs. Payne are more frequent applicants before the law courts of Natal for the sequestration of estates of Indians than any other firm in Natal?—That may be. It seems to me all the greater tribute to the Indian community that that firm should be willing to testify to the commercial morality of the Indians.

2712. Are you aware that as a firm they are frequently the principal creditors in the cases in which Indians enter into deeds of composition?—I am not here to impugn Mr. Dalton's

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position. Is it contended now that every firm which has agreed to give evidence has been guilty of composition with Indians?

2713. The other person you put forward as being prepared to give evidence regarding the commercial morality of Indians is Mr. Harry Linder, of the firm of Linder Bros., Durban. Do you know anything about Mr. Linder's reputation in Durban?—We came here to enquire into the position of the Indian community in this country and not into the repute of European firms. I have put in a list of European persons and firms who are prepared to give evidence regarding the commercial morality of the Indians. You can take the list for what it is worth. I cannot go into questions such as you now raise about individuals mentioned in that list.

2714. You have put forward two names here of persons in Durban. In one case a director of a firm which is the most frequent party to composition with Indians, and in the second case the name of Mr. Harry Linder. Are you aware that Mr. Linder has been prosecuted by the board, dealing with such questions, for sweating his own employees?—That may be so; I have no information on that subject.

2715. Commercially, his reputation is not by any means a high one?—That is a matter for the Committee to investigate. I can only give the names of people whom we met.

2716. Dealing with the evidence in regard to the land grants that were offered to Indians under the law of 1870, are you aware that that law under which these grants were rendered possible was repealed more than twenty years ago?—Yes, it was repealed I think in 1894.

2717. It was repealed in 1891. Do you not think it would have been desirable to have stated that fact?—What fact?

2718. That this law was long since repealed?—May I ask what the purport of your question is? If it is that we have withheld anything relevant from the Committee I strongly protest against the suggestion. The point of our reference to the law was that at one time the Government of Natal were willing to retain Indians in the country by the offer of grants of land. (*Mr. Raza Ali.*) I do not think the whole context was brought out in a question that was supposed to be based on the Asiatic Enquiry Commission's report—only part quotation was taken. A witness was asked by Mr. Marwick whether it was not a fact that only one shopkeeper produced his account books before that Commission, though the Commission had not said so in their report.

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Sarvadhikari.

2719. The Rev. Mr. Andrews has printed that with your concurrence?—(Mr. Bajpai.) Excuse me. The Rev. Andrews works entirely on his own, and there is no question of his securing the concurrence or otherwise of the deputation of the Government of India to these publications.

2720. Do you not think, as one stating the case for the Indians, it would have been fairer on Indians to have given a full statement?—That is a question to be put to Mr. Andrews.

2721. As a matter of fact, you are aware that that section of the law was repealed in 1891?—I thought it was in 1894. (Sir D. Sarvadhikari.) Is the deputation supposed to take judicial notice of the Acts which were repealed any more than members of the Select Committee? It is or ought to be common knowledge as to when an Act is passed or repealed. Is it suggested that omission to give an unnecessary date amounts to *suppressio veri* or *suggestio falsi*. We protest against such a suggestion.

2722. I do not expect the deputation to know that, but it so happens that the deputation does know?—Do not the members of the Committee know as well as anyone else.

2723. We are dealing with a wider constituency; we are dealing with the whole of the public, and it seems to me that we should see that the whole of the public is placed in possession of certain information?—(Mr. Bajpai.) We are addressing the Committee, and not the public.

2724. In regard to land ownership, in your statement you say: "The almost unvarying practice of private Europeans to inhibit the sale of their property to Indians . . ." On what do you base that very sweeping statement?—I do not think there is anything sweeping about that. The other day one witness, giving evidence on behalf of the Durban Town Council—I think it was Mr. Acutt—could produce only four instances of land having been acquired by Indians during the last twenty years in a European area—the one at the corner of Mariott and Curry Roads. That shows that the practice is almost unvarying.

2725. What do you mean by "inhibit the sale of their property to Indians"?—I am referring to the anti-Asiatic clause.

2726. Would you suggest that it is the almost unvarying practice to have an anti-Asiatic clause in their title?—I should certainly say that in regard to European residential areas that is so.

2727. Mr. Lennox.] With regard to the Asiatic penetration in the European residential area in Durban, I think you

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misunderstood Mr. Acutt. If I understand you correctly, you say there were only four residential purchases?—I did not say that there were only four purchased in Durban; what I said was that only four residences were purchased in the course of the last twenty years in one quarter, namely, the corner of Mariott and Curry Roads, in Durban.

2728. *Mr. Coulter.*] I think your deputation, or at any rate members of your deputation, have been present at all the meetings of this Committee?—Yes.

2729. And you have had an opportunity of listening to the evidence and gaining some indication of the opinion held in South Africa on this question?—Yes.

2730. The majority of that evidence—so far as it was given by European witnesses—came from Natal?—Yes.

2731. May I ask you whether that evidence gives you to understand that all over Natal there is a very strong feeling?—Undoubtedly.

2732. Exhibited against the Asiatic?—Yes.

2733. And you would go further and say, as a result of your travels and enquiries throughout South Africa, that, rightly or wrongly, there is a strong anti-Asiatic feeling?—I do not think we have ever made any attempt to conceal that from ourselves. We do recognise that there is anti-Asiatic feeling in this country—there is a strong anti-Asiatic feeling in parts. The only point is whether it is right or wrong, and I think that ought to make some difference in the determination of your policy.

2734. I suppose you would agree that one factor in South Africa is that we have quite a large non-European population indigenous to the country which contributes to that feeling?—Yes, that is possible.

2735. I presume you will realise that the safety of South Africa, with that large indigenous population, is somewhat different to that of any other Dominion?—We have recognised that already. In the other Dominions the Government of India have not merely pressed, but have in a large measure obtained, for their nationals, political and civic rights. We have, in the past, pressed for similar rights in South Africa, but when we recognised the strength of feeling on the subject in South Africa we said: "It is not practical politics now to ask for political equality, and we are not insisting on that now." That is sufficient recognition of the difficulties of the position here.

2736. Now you suggest that this legislation should be withdrawn and that a conference should be held?—Yes.

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2737. What effect would the withdrawal of legislation, pending the sittings of a conference, have upon official or non-official opinion in India?—The most salutary effect possible, because it would convince us that the Union Government and the people of South Africa are willing to treat with us in a friendly manner, and put before us their case; and we would try to appreciate their point of view. Once that atmosphere is created and mutual understanding established, I have no doubt whatever that some solution, as I said in our statement, which is satisfactory to you and honourable to us, would emerge from the conference.

2738. Do you think if in that atmosphere a conference took place at which the Government of India was represented it would start under the best auspices and every hope of a satisfactory solution?—Absolutely under the best auspices. I was just going to draw the attention of the Committee to the historical evolution of this question. The Government of India have never been found unreasonable since 1914. Prior to that we maintained the position that as British subjects Indians should have full right of migration within the British Empire. When we met the representatives of the Dominions face to face in 1918 and when they said to us “You cannot maintain that attitude because we have our own civilisation to maintain, and we cannot have an influx of Indians threatening the basis of our civilisation.” We said “That is a point we realise” and we agreed to the reciprocity resolution. In 1914 we acquiesced in the position that if South Africa looked properly after the Indians who were in the country we would send no more from India. That was the understanding arrived at in 1914 which the people and Government of India have maintained throughout; we have not deviated even once from it. On the other hand I would suggest to the Committee, to look at the march of events in South Africa since 1914. They will find that much legislation, restrictive of Indian rights, has been placed on the Statute book since. There is some cause therefore for misgiving and alarm and fear on our side.

2739. Those are matters which can be discussed at a conference on a better footing than in a discussion of this kind?—I was merely trying to illustrate to the Committee the reasonableness of the people of India and the Government of India.

2740. I would like you to take your minds along the lines of the disruption in South Africa and grant me the assumption for the moment that, rightly or wrongly, there is this feeling of opinion, which, for the want of a better term, I will call

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“anti-Asiatic.” Now, if the Government decided to fall in with the suggestion of a conference, that opinion would be intensified unless the people of South Africa felt that these things of which they are complaining were no longer going on. I do not know whether you are in a position to express an opinion on this subject, but I put it to you, in the hope that you may do so. If, in place of this Bill, there was some measure passed, which stabilized the position, as it appears at the moment in the light of public opinion, in this form : that there can be no further penetration in the shape of acquisition of rights to land, do you think that could be regarded—supposing it were in the form of a terminable measure—as unreasonable?—On the concrete suggestion I do not think we can express any opinion because, after all, you realise that we are an official deputation, and we cannot, without instructions, commit ourselves to proposals. But as regards the feeling I can express the personal opinion that even terminable legislation of that character will exacerbate feeling in India. People in our country will say that this amounts to a restriction of existing rights which is merely an indication of what will come unless we give in completely to the South African point of view and accept anything they wish us to accept.

2741. Do you think, if coupled with such a measure there was a genuine attempt by means of a conference to arrive at a solution at this conference, criticism would be reasonable?—After all, there is sentiment involved in this question. You recognise the farce of sentiment. In India we have co-operated to the utmost of our capacity since 1914 to prevent the entry of Asiatics into this country. The understanding then, repeated in 1917 and 1918, was that if there was no fear of further influx, Indians in this country would be properly treated. What has happened? There has been a whole series of restrictive legislation on this subject. You began in 1919 with Act No. 37, restricting the acquisition of property in the Transvaal, and ended with the Ordinance of March, 1925, which takes away the municipal franchise from Indians in townships in Natal. Now, what is the effect of that? I wish you to visualise for a moment the effect of this legislation on public opinion in India. The opinion in India is that in South Africa there is a determination to trample on our sentiments, to ignore completely the wishes of the Indian people in these matters, and to heap disability after disability on them. They say “How long is this process to follow. After all, we are members of the same Commonwealth, and we should be [S.C. 9—'26.]

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able to live on friendly terms with each other. Cannot we come to some sort of arrangement which would prevent this constant friction and irritation. Here is the last straw, the Areas Reservation and Immigration and Registration (Further Provision) Bill which proposes to confine Indians to particular areas for residence and trade and so on. Do not go ahead with this measure. Have a conversation and a discussion with us. You say "We will have discussions with you but in the meantime, rightly or wrongly, we have this feeling amongst Europeans against the Indian, and in order to placate that feeling we must do something to restrict the existing rights of those Indians." The effect of that in Indian opinion would be this; they would think that they have to accept restriction after restriction. Do you not think that would rather spoil the atmosphere; it would take away all friendliness and grace from any gesture that the people of South Africa decide to make and, to a large extent, neutralise the effect of that gesture. The Bill is to be operative from the 1st August, 1925. This reservation, which is already embodied in the Bill, is hardly likely to encourage any Indian to purchase property. He would be doing so at his own risk since, if he purchased it after the 1st August, 1925, the contract would be null and void if and when this Bill becomes law.

2742. Assuming that is the meaning of the Bill in that respect?—I think it is definitely stated.

2743. Do you think if the Bill were held in suspension instead of being withdrawn?—Speaking personally, I should say that postponement would not be so objectionable as the passing of terminable legislation of the kind mentioned by you.

2743A. Even if it had the effect of preventing further acquisition of land?—We are now speaking here in our private capacity more than in our official capacity. I would say that if the Bill were held up at this stage the Government of India would welcome that as a friendly act on the part of South Africa and as conducive to a good atmosphere.

2744. I appreciate your position as a deputation that I am asking you to travel outside the limits of your mandate and consequently the opinions you are expressing are your individual opinions?—Yes.

2745. I presume you realize if we could find a middle way between the two points it might help us towards a solution. These are the two extreme points which emerge from the evidence, no Bill and a conference, and a Bill and no conference, and I have put the question to you to see whether you can

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suggest any middle way?—I do not think that, bearing in view our capacity and our limitations as an official deputation, it is fair to put such a question to us. If the Committee were to formulate something it would be another matter; as we could refer it to our Government by cable and get the answer, but merely to give you a private opinion without instructions and to find later on that the Government of India do not or cannot accept, it would not be fair to the Committee.

2746. The point could be left open in this way—that there is a possibility of a discussion taking place and your obtaining further instructions from India by cable?—Certainly. We would be only too glad to refer any concrete proposal to our Government.

2747. Taking the other view, and assuming that this Bill in its present form becomes law, do you think it will really bring us any nearer to the solution of the Indian question, assuming the Natal question is as it has been presented here by witnesses from Natal? Will it bring us nearer a solution on the lines of repatriation?—No, that would be absolutely impossible. Once the Bill becomes law you need expect nothing from India.

2747A. First of all try to foresee the effects as far as humanly possible. What do you think, from your contact with Indian opinion in South Africa, would be the result?—One witness here thought Indians in his part of the country did not worry about the Bill at all, and that it would have no effect at all. That is not our experience; and not only is it not our experience, but the view of the Asiatic Enquiry Commission itself on that subject, I think, is quite definite. I will let you have the exact quotation, if you like. The general trend of the Commission's view was that compulsory segregation would lead to a resurgence of the Passive Resistance Movement: There is a tendency on the part of some members to assume that when we make statements of this kind we are uttering threats. But I can assure you that our observations lead us to the conclusion that feeling on this subject in South Africa among Indians is unanimous, and that the passage of the Bill would certainly create a good deal of bitterness, if not worse.

2748. I do not misunderstand it as a threat. Please do not misunderstand the position. I am putting the question to you, and I do not for a moment think that your reply would be considered as a threat?—I am glad to hear that.

2749. In regard to the effect on the opinion in South Africa, do you think that the feeling in India of the non-European

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and European population would be incensed?—Absolutely. (*Sir D. P. Sarvadhikari.*) It would be exasperation. (*Mr. Raza Ali.*) If you will read the telegram which appeared in this morning's *Cape Times* you will see that Mr. Jinnah, the leader of the Independent Party in India, has asked for a special session of the Legislature. He was not going to embarrass the Government at all. He made it perfectly clear that it was subject to the understanding that if the Bill went through, and if negotiations broke down, there should be a special session of the Legislature in order to enable the Legislature, constituted by Europeans and non-Europeans, to express its feeling on this question.

2750. Would I be right in suggesting that that telegram and others indicate a great measure of restraint is being exercised by all parties in India in the hope that in South Africa an amicable solution will be arrived at?—That is certainly so. (*Sir D. Sarvadhikari.*) I would add that certain sections of the Press consider that what the Government of India has already agreed to is a betrayal. But in spite of that they are being held in restraint.

2751. I suppose you feel that the information you can take back to India after your close contact with all shades of opinion in South Africa might permit of a better understanding of our big difficulties on the part of the Government of South Africa?—(*Mr. Bajpai.*) We shall be going back with intimate experience of the conditions and situation here, and we are not likely to hold back anything from our Government or the Advisory Committee of the Legislature which assists the Government of India in affairs connected with Indians overseas.

2752. If this deputation has begun to appreciate the South African point of view, it also may be a factor in getting a solution?—Its work is bound to lead to a better understanding of the South African point of view, provided nothing is done in the meantime to spoil the atmosphere.

2753. *Mr. Alexander.*] How long would it take you to find out from your Government whether arrangements could be made for a conference at an early date? How long would it take for a reply to be received from the Government of India?—You have to consider one factor in the situation, and that is that the present Viceroy vacates office on the 3rd of April, and the new Viceroy does not assume office until the 5th of April.

2754. Would this be a matter to be dealt with by the new Viceroy or the old Viceroy?—It depends on the nature of the suggestion you make.

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2755. Supposing the Bill remained as it is—it is not withdrawn, but can be taken up again if necessary next session—and you were asked to get into communication with India, would Lord Reading deal with the matter or would the new Viceroy?—Lord Reading.

2756. We could have a reply before the House adjourns on the 1st April if it were required?—Yes, if you made a proposition.

2757. You have heard the evidence given before this Committee and you have heard the statements made with regard to this question of holding a conference. Has your opinion of the desirability of that conference been in any way moved by the evidence you have heard?—No. I think it has been strengthened.

2758. You have heard those people who fear what they call the Indian menace as well as those who want to see that India is not humiliated; would both benefit as a result of such a conference?—Both countries would benefit as a result of a conference because really satisfactory understandings result from a full and frank and intimate exchange of views, which is only possible by means of consultation and conference. My personal experience is that correspondence is the most fruitful source of misunderstandings.

2759. What are your views in regard to voluntary segregation?—I think we have answered that question.

2760. *Mr. Waterston.*] In your statement you say that the employment of Indians is largely a matter of economic efficiency and that their presence in the other industries is due mainly to their fitness for the class of work in which they are engaged. Is it not also due to the rates of wages paid?—In regard to the rate of wages, you have the Wages Act.

2761. Apart from that, is it not also due in many cases to the rate of wages paid?—It may be, but I think you must, if you take the figures of Indian employment in the bulk, find that the Indian is employed in a different class of work altogether, and for that particular class of work their wage compares favourably with the wage given to others.

2762. *Mr. Rood.*] Were the names and firms who are prepared to give evidence in regard to the commercial morality of the Indians supplied to you on application by your deputation?—Yes. We got into touch with the Secretaries of the Indians Associations in Natal and Johannesburg and we asked them to ascertain which firms would be willing to give evidence in regard to the commercial morality of the Indian. After

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enquiry they have given us the names which I have put in. Some of these people we have ourselves consulted.

2763. In Natal you could only get two firms who were willing to give evidence in regard to the commercial morality of the Indians?—That really is the list as it has been telegraphed to us. The position in regard to Natal is that we were asked to communicate the names of people who were willing to come down here to give evidence.

2764. Could you tell us how many firms or individuals refused to give such evidence?—I cannot tell you. We were not asked to furnish the Committee with a census of people that were ready to give evidence and those that were not.

2765. These individuals and firms who have given you their names would say it is perfectly safe to deal with Indians. That is in the shape of a recommendation to deal with Indians in business, is not that so?—I do not know whether it is a recommendation. We made a statement that the commercial morality of the Indian was as high as that of any other section of the community, and the persons and firms whose names we have given you are willing to corroborate that.

2766. By giving you their names these firms mean that there is no harm in trading with Indians or can recommend trading with Indians because the commercial morality of the Indians is high?—It would indicate that those firms are not merely prepared to, but actually deal with Indians because their experience is that they are men of good commercial morality.

2767. Do you know the firm of G. E. Taylor of Johannesburg?—(*Mr. Paddison.*) I do not remember him.

2768. Mr. Taylor is a market agent. What would you ascribe it to that some two or three years ago he openly published a letter in the press to the farmers in the Transvaal warning them against sending their produce to Indian firms?—(*Mr. Bajpai.*) He may have changed his opinion since.

2769. He obviously changed his opinion within three weeks because he was boycotted by the Indian traders in Johannesburg. That shows you the value of the testimony he may produce; he warns the farmers not to deal with Indians, and within three weeks changes his opinion and makes a statement of this kind?—Would you be prepared to make that statement with regard to Mr. Jagger.

2770. No?—Well; one name cannot be treated as neutralising the testimony of the rest. We have mentioned the names of several persons and firms and you must take the resultant of the testimony of all.

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2771. *Mr. Reyburn.*] You recognise that if a conference is decided upon and this Bill held up in the meantime, the understanding in the minds of the people of South Africa undoubtedly would be that if no satisfactory solution is arrived at, some such legislation will be proceeded with. That in itself constitutes what you characterise as a pistol at the head of the Government of India?—No, I do not think so because postponement amounts to a friendly gesture. It would make it perfectly clear that you are prepared to consider the Indian question in conference with us in order to reach an amicable solution. That is a different thing from saying “We are going to put this Bill on the Statute book; you can if you like, come along afterwards and have a conference.”

2772. Supposing it was stated that failing a satisfactory solution at a conference a special session of Parliament would be held would that be objected to?—That is a matter for you to decide. (*Mr. Paddison.*) We cannot answer that question. If you are going to put some proposal up we will put it to our Government.

2773. Would the atmosphere in India be prejudiced by any announcement that a special session would be held to pass this legislation if a satisfactory solution was not arrived at at the conference?—(*Mr. Bajpai.*) We cannot answer that question; we can only express individual opinions. (*Mr. Paddison.*) It might do something against the conference, but I do not know. (*Sir D. Sarvadhikari.*) If the Government of the Union really intends that, failing a satisfactory solution at a conference, this Bill will be proceeded with at a special session, I do not think India would have reason to complain, but I want to make it clear that the desire for a conference on our part is to bring about a settlement in another way, and failing that settlement such failure will not make the Bill free from the objections to which we have drawn attention; the Bill will still have to be considered on its merits. You cannot put an alternative like that, that either a satisfactory settlement comes or the Bill passes, because these are not logical alternatives but unacceptable ultimata. (*Mr. Raza Ali.*) My personal opinion is that unless a concrete and definite proposal comes from the Committee it is not possible for us to give any definite reply. If you put a definite proposal before us we will put ourselves in communication with the Government of India and try to find a solution. On this question we can only give you our individual opinions. If you want an answer, speaking for myself, I will say that it would be much better not to tell the people that unless a satisfactory settle-

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ment is arrived at you will have a special session or Parliament to deal with this Bill. It would be better if you did not do that unless you thought that that was the only alternative.

2774. *Mr. Pearce.*] Would you like any exemption to be made for Colonial born Indians?—(*Mr. Bajpai.*) We are speaking for the Indian community as a whole.

2775. In your supplementary statement you deal with the matter of sanitation under heading 4 of that statement. Does the deputation really mean that they would agree to legislation and municipal bye-laws compelling Indians to live up to the same standard as Europeans?—Yes. (*Sir D. Sarvadhikari.*) We recognise the local authorities should come to their aid and make the necessary sanitary arrangements.

2776. You agree that in the same way as you demand equal conditions for Indians and Europeans that you are willing for the Indians to be compelled to live up to the same standard?—(*Mr. Bajpai.*) Undoubtedly. How can we escape from that; it is the only logical conclusion. (*Sir D. Sarvadhikari.*) If you pass a sanitary law we cannot expect to be exempted.

2777. *Mr. Marwick.*] With regard to the Indians who came originally to this country as indentured labourers, how does their condition compare with the condition of similar people in India?—(*Mr. Bajpai.*) Well, it varies. Take, for instance, the descendents of the old indentured class—I am talking of the type of man who is employed as a waiter in an hotel; I think he is better off than a similar individual in India. But, on the other hand, I don't think that the bulk of the people you find round about Durban are really better off than people of the same status in India. The cost of living in this country is higher and eats up all their earnings.

2778. In regard to their religious and social conditions, would you consider they are better off or worse off in this country?—I think we have answered that question sufficiently. (*Mr. Raza Ali.*) They are worse off here than they would be in India looking to the course of legislation in this country.

2779. What ground would you have for differing with the opinion of the Secretary for Education of India expressed two days ago in referring to the scheme of Indian emigration to British Guiana. He said: "Indian rights of equality and status were absolutely safeguarded, and they hoped the scheme promised a brighter future to sturdy peasants whose prospects, owing to caste and other social disabilities, were hopeless in their own motherland"?—(*Mr. Bajpai.*) As a matter of fact that is not a correct report. I took the precaution to get from

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my Government the full text of Mr. Bhore's speech. The following is the text :—

I feel that this scheme of colonization opens up a brighter future for, at any rate, some in this country who would otherwise be condemned to a hopeless prospect in life, due to force of circumstances and customs. I commend it to the House because it will enable us to improve very considerably the lot of Indians, some Indians at any rate who are already settled in British Guiana ; and I commend it to the House because I see in this exodus of sturdy Indian peasantry, restricted though it may be, a vision of a greater India beyond the seas established not by force or by fraud, but by honourable labour of a thrifty, industrious and intelligent people.

What he had mainly in mind was the pressure of the population in the country. Besides, social and statutory restrictions are entirely different.

2780. He refers also to the disabilities of their customs?—Yes. (Sir D. Sarvadhikari.) You will see that not one word about caste has been introduced there.

2781. I am glad to have the correct version of that because it seems to me a very striking statement. Now, in your first statement you attributed the action of the municipality of Maritzburg in buying certain property opposite the town hall to their having made use of their authority under a certain Ordinance in Natal?—Yes.

2782. You admit, I suppose, that they did nothing of the kind, and that they merely, for the better planning of their town, bought certain property with their own funds and sold it to another buyer?—As a matter of fact the point of that Ordinance is that a local body can impose certain conditions in regard to the sale of property owned by it. As we have stated in our memorandum to-day, the point of our reference to this Ordinance in the first statement was that the municipality of Maritzburg was exercising its powers under it to confine Indians to particular areas for purposes of trade, and that has in no way been affected by the opinion expressed by Mr. Cox the other day. In the supplementary statement I have quoted from the evidence given by Mr. Sanders, an ex-Mayor of Pietermaritzburg, to show that the object of purchasing this land was to get rid of the Indians. That bears out what we said in our first statement.

2783. It does not bear out your statement that they made use of the authority under the Ordinance. The authority was never employed. The Maritzburg Corporation went into the [S.C. 9—26.]

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open market just as anybody might and bought that land to sell it to another to improve the town?—The point in referring to the Borough's Ordinance was this, that this property was sold to a European with the avowed object of getting the Indian out of that area.

2784. *Mr. Duncan.*] Your statement comes to this, that once the Corporation of Maritzburg had bought this land they were able, by the powers of the Borough's Ordinance, to exclude Asiatics?—Quite so.

2785. *Mr. Marwick.*] Which they did not do. As a matter of fact, they bought the land and made no condition about the sale. They sold it almost immediately after they had purchased it to the firm who is now building a theatre there?—(*Mr. Paddison.*) They did not sell it by auction.

2786. They imposed no restriction in connection with the sale of this property; they sold it to the highest offer?—(*Mr. Bajpai.*) That is not our information. Moreover, I find it difficult to reconcile that with the statement made by the ex Mayor of Maritzburg, Mr. Sanders, when he gave evidence the other day. He said that the property was bought with the object of getting the Indians out of it.

2787. Have you not withdrawn that from its context. He said it was bought for a theatre?—He said nothing about it being purchased for a theatre.

2788. A witness said that?—Mr. Cox said that, and he further said that the ex-Mayor of Maritzburg would confirm what he had said. Instead of confirming what Mr. Cox had said, Mr. Sanders said what I have quoted.

2789. On the 9th March you put in some resolutions from the Central Provinces Legislature in India in regard to access of the depressed classes to wells etc., and in regard to their being nominated as members of local bodies and representative institutions. The records of your Legislature are not available. Could you obtain for us instances in which resolutions of this sort were rejected by any of your Councils?—(*Mr. Raza Ali.*) If the Committee had given us proper notice we would have obtained the information on that point. Our evidence began on the 3rd of March and ended on the 10th of March. If, during the course of that evidence, the Committee had told us that it would like that information, we would have been delighted to have obtained it. We cabled for the resolutions passed since 1921 about the depressed classes by the Central Provinces Council and we got a wire in reply giving the text of the three resolutions handed in by me on the 9th of March as the only three resolutions passed

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by the Central Provinces Council. Had you told us that you required this further information we would have been glad to assist you to the best of our ability.

2790. *Mr. Waterston.*] Is the idea of this conference to consider the best method of repatriation or to improve the condition of Indians as permanent residents in South Africa?—(*Mr. Paddison.*) That is not a question we can answer.

2791. The idea of the Deputation in asking for legislation to be postponed with a view to having this conference is, that this conference should deal with the question with the amicable co-operation of the Indian Government with the South African Government. Is that conference to be held with the idea of considering the best method of repatriating the Indians here or is it to be held with the idea of improving conditions of the Indians as permanent residents in South Africa?—(*Sir D. Sarvadhikari.*) The Government of India has made the position quite clear in its correspondence with the Union Government. Repatriation schemes would certainly be examined in that conference, and also the improvement of the conditions of those who remained in the country would be a suitable matter to be discussed at that conference. (*Mr. Bajpai.*) I would put it like this: There are two points of view. One is the extreme view put forward by a certain section of the European population that you must put the Indian out of the country lock, stock and barrel. The other point of view is that the Indian shall be given all rights that are enjoyed by the European. These are the two extreme views. The business of the conference would be to find a solution to satisfy moderate opinion on both sides.

2792. *Chairman.*] Is there anything else you wish to say?—(*Sir D. Sarvadhikari.*) I desire to add one word. Mr. Marwick questioned us in the matter of insolvencies. I want to point out that insolvency does not necessarily—even if the figures are high for a particular year—mean racial or commercial immorality; it may mean handicap; it may mean misfortune and a variety of things we have no information of, and therefore, it would be wrong to make any deductions merely from those figures quoted by Mr. Marwick, unless attendant fraud is shown. We would deprecate deduction of commercial immorality drawn from the number of insolvencies that has been quoted. (*Mr. Bajpai.*) We thank you for the very patient hearing you have given us.