

Public (1895) Department.

ORDINARY MS.

G.O., No. 849

Dated 11th Oct 1895

[Despatch Abstract.]

MEMORIAL.

Recording letter from Mr. M. K. Gandhi, Advocate, Durban, Natal,
forwarding copy of a ---- addressed to the Viceroy by certain inhabitants
of Natal regarding the Immigration Law Amendment Bill passed by the
Natal Parliament.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
1399 of 96					582-1-5		

[4]
2,000-2-1895

Current No. Public DEPARTMENT.

From M. K. Gandhi Esq
Advocate
Durban, Natal

No.

Dated 16-8-95

Received 15-8-95
Sept 16

Enclosures (attached to l.)
(Please see list in back of book)

SUBJECT.

Forwarding Copies of the Petitions re-
Immigration Law Amendment Bill
passed by the Natal Parliament.

This 11th October 1895 No. 849

Recorded

S. L. 9/10/95

India with address as if they
want to move further in the
matter. The Memorial is add-
ed to the hierarchy of a copy
has been sent there

P. O. Box 66.
M. K. GANDHI,
ADVOCATE.

Agent for
THE ESOTERIC CHRISTIAN UNION
AND
LONDON VEGETARIAN SOCIETY.

Condon West Street,

Durban, 16 August 1895.
Natal.

J. F. Price Esq. L. S. J.
Madras
15 SEP 1895
RECEIVED AT MADRAS

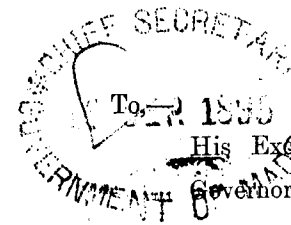
Sir,

By direction of the Indian
community in Natal I beg to
send per registered book & ret
copies of the petitions re
Immigration Law Amendment
Bill passed by the Natal Parlia-
ment and to solicit your sym-
pathy for the cause of the
persecuted Indians in the
Colony.

I beg to remain
Sir

Your faithful servant
M K Gandhi

Enes: not
received
A.T.R.
16/9



His Excellency the Right Honourable LORD ELGIN, Viceroy and Governor General of India in Council, Calcutta.

The memorial of the undersigned Indians in the Colony of Natal,

Humbly Sheweth :

That your memorialists who are Her Majesty's Indian subjects crave leave to draw your Excellency's attention to the humble memorial addressed to Her Majesty's Government with regard to certain clauses of the Indian Immigration Law Amendment Bill which was recently passed by the Hon. the Legislative Assembly and the Hon. the Legislative Council of Natal, and which is partly based upon your Excellency's dispatch to his Excellency the Governor of Natal on the subject thereof, a copy of which it annexed hereto.

Besides drawing your Excellency's attention to the above memorial, your memorialists beg respectfully to state as follows with regard to the Bill.

Your Excellency's memorialists have noticed with regret that your Excellency is disposed to sanction the principle of compulsory re-indenture, or compulsory return.

Your memorialists also regret that they did not send a representation at the time the Delegates set out for India. It will be idle to discuss the causes that prevented such a course from being adopted. Your memorialists, however, confidently hope that the wrong inflicted would be so great, in case the Bill became Law, that the above omission will not come in the way of its being averted.

Your memorialists, with the greatest deference, venture to point out that if the non-compliance with the condition as to compulsory return could not set the criminal law in motion, the insertion in the contracts of such a clause is absolutely useless, if not actually harmful, in as much as it might encourage the contracting party to break his contract, and the law would connive at such a breach. And since such extreme precaution pre-supposes the injustice of the contract, your memorialists respectfully submit that the reasons adduced for inducing the sanction are absolutely insufficient, if any reasons could justify it.

As has been hinted at in the annexure, your memorialists implore your Excellency not to sanction any of the clauses objected to; but, in accordance with the emphatically expressed opinions of Mr. J. R. Saunders and the Hon. Mr. Escombe, quoted in the annexure, to stop Immigration to Natal.

Your memorialists respectfully beg to protest against any section of Her Majesty's subjects, be they the poorest, being practically enslaved or subjected to a special obnoxious poll tax, in order that a body of Colonists, who already have been deriving the greatest benefits from such subjects, may be able to satisfy their whims or desire to exact more from the same men without any return whatsoever. Calling the idea of compulsory re-indenture, or in lieu thereof of a poll-tax, a whim, your memorialists believe they have used the right expression. For your memorialists firmly believe there would be no cause for alarm even if the Indian population were trebled in the Colony.

But your memorialists humbly submit that in a matter like the above the wish of the Colony cannot guide your Excellency's decision, but that the interests of the Indians affected by the clauses should alone be considered. And your memorialists have no hesitation in submitting, with all due respect, that the clauses, if ever sanctioned, will be a grave injustice and wrong to the most helpless of Her Majesty's Indian subjects.

Five years' indenture, your Memorialists submit, is long enough to undergo. To raise it to an indefinite period would mean that an Indian who cannot pay a poll tax of £3 or return to India, must for ever remain without freedom, without any prospect of ever bettering his condition, without ever even thinking of changing his hut, his meagre allowance, and ragged clothes, for a better house, enjoyable food and respectable clothing. He must not even think of educating his children according to his own taste, or comforting his wife with any pleasure or recreation. Your Memorialists submit that a life of semi-starvation in India, but of freedom, and among friends and relations in the same state would certainly be better and more desirable than the above. In this case the Indian may expect and get the chance to better his lot, in that never. That, your Memorialists submit and believe, never was the object of encouraging immigration.

In conclusion, therefore, your Memorialists earnestly pray and confidently hope that if the Colony does not want the Indian immigration without the arrangement objected to being sanctioned, your Excellency may be graciously pleased to stop future immigration to Natal, or grant such other relief as may seem just.

And for this act of justice and mercy, your Memorialists as in duty bound, shall for ever pray, &c., &c.

(sd) Abdulla Haji Adam
and several others

To,—

The Right Honourable JOSEPH CHAMBERLAIN, Her Majesty's Principal Secretary of State for the Colonies, London.

The Memorial of the undersigned Indians residing in the Colony of Natal,

Humbly Sheweth,

That your Memorialists, representing the Indian community in the Colony of Natal, respectfully venture to approach you with respect to the Indian Immigration Law Amendment Bill recently passed by the Hon. Legislative Assembly, and the Hon. Legislative Council of Natal, in so far as it affects the existing conditions of indenture, and requires a special license costing £3 every year, to be taken out by the indentured Indians coming under that Law and wishing to remain in the Colony as free Indians.

2. Your Memorialists, with a view to have the Clauses dealing with the above matter left out, presented respectful memorials to both the Honourable Houses, but your Memorialists regret to mention, without avail. The copies of the memorials are annexed hereto, and marked A, and B, respectively.

3. The Clauses that deal with the matter are as follows:—

Clause 2. "From and after the date when this Act shall take effect, the indentures to be signed by Indian Immigrants as provided by Schedules B and C of the Indian Immigration Law, 1891, referred to in Section 11 of the said Law, shall contain a Covenant by the Indian Immigrants, in words as follows"—

"And we further agree that after the expiration or other determination of this Contract we shall either return to India or remain in Natal under indentures to be from time to time entered into; provided that each term of new indentured service shall be for two years, and provided further, that the rate of wages for each year of indentured service after that provided by this Contract shall be 16/- per month for the first year, 17/- per month for the second, 18/- per month for the third year, 19/- per month for the fourth year, and 20/- per month for the fifth and each succeeding year."

Clause 6 runs as follows:—

"Every Indentured Indian who shall have entered into the Covenant set out in Section 2 of this Act, and who shall fail, neglect, or refuse to return to India, or become re-indentured in Natal, shall take out year by year, a pass or license to remain in the Colony, to be issued by the Magistrate of his district, and shall pay for such pass or license a yearly sum of £3 sterling, which may be recovered by summary process by any Clerk of the Peace or other Officer appointed to get in such license money.

The Schedule B referred to in Clause 2, quoted above, so far as it relates to the period of service is as follows:—

"We, the undersigned, emigrants from _____ to Natal, hereby engage to serve the employer to whom we may respectively be allotted by the Protector of Indian Immigrants at Natal; provided that we shall receive monthly in money the wages stated hereunder opposite our respective names, and the allowances following":—

4 From the above it will be seen, that if the Bill under discussion became law, an indentured Indian, in case he desires to settle in the Colony after the first five years of his indentured service, should either have to remain under perpetual indenture, or pay a yearly tax of £3; your memorialists have used the word *tax* advisedly, because that was the word used in the original Bill before it passed the committee stage. Your memorialists submit that the mere change of name from tax to license, does not make it the less offensive, but shows the knowledge on the part of the farmers that a special poll tax, on a special class of people in the Colony, is entirely repugnant to the British notions of justice.

5. Now, your memorialists humbly, but emphatically submit, that to raise the term of indenture from five years to a practically indefinite period, is extremely unjust, especially because such a measure is absolutely uncalled for, so far as the industries protected, or affected by, the indentured Indians are concerned.

6. The clauses owe their origin, to the commission that was sent out to India in the year 1894, by the Natal Government, and the report made by the Delegates, Messrs. Binns and Mason, who formed the commission. The reasons given in that report for such legislation are given at p.p. 20 and 21 of the "Annual Report of the Protector of Immigrants for 1894." Your memorials venture to quote the following from the report of the Delegates.

"In a country where the native population is in number so far in excess of the European, the unlimited settlement of Indians is not considered desirable, and there is a general wish that when they have completed their last period of indenture they should return to India. There are already about 25,000 free Indians settled in the Colony, many of whom have allowed their right to a return passage to lapse; this is exclusive of a very considerable Banyan trading population."—(p. 20.)

7. Thus the reasons for the special arrangement are political merely. Properly speaking there is no question of overcrowding at all. There can be none in a newly opened up country where there are yet vast tracts of land entirely uninhabited and uncultivated.

8. Again, in the same report, the Delegates state as follows:—

"There is a strong feeling amongst the merchants and shopkeepers with regard to the Arabs, who are all traders and not workers; but, as they are mostly British subjects and do not go to the Colony under any form of agreement, it is recognised that they cannot be interfered with."

"The Coolie does not come into competition to any considerable extent with the European. Field work for Europeans is impossible on the coast, where all the plantations are situated, and the number of servants other than Coolies and Natives has always been very small."

"Although we are decidedly of opinion that up to the present the working Indians *who have settled down* (the italics are your memorialists') have been of great benefit to the Colony, we cannot avoid having regard to the future, and, in the face of the great Native problem yet to be solved in South Africa, sharing in the concern which is now felt. If a large proportion of the Coolies had taken advantage of the return passage provided for them, there would have been less cause for alarm."

9. Your memorialists most respectfully submit that the above extracts, which form part of the reasons given for measures restrictive of the settlement of *freed* Indians in the Colony, go to prove the exact opposite; for if the Indian traders, to which class most of your memorialists belong, who "do not go to the Colony under any form of agreement," could not be interfered with, *much less* the indentured Indians, who are also equally British subjects and who are, so to speak, invited to go to the Colony, and whose *settlement* (in the Delegates' own words) "has been of great benefit to the Colony," and who have therefore a special claim on the goodwill and attention of the Colonists.

10. And, if the 'Coolie' "does not come into competition to any considerable extent with the Europeans," where is the justification, your memorialists humbly ask, for adopting measures that would make it difficult for the indentured Indians to earn an honest bread in peace and freedom? It does not certainly lie in any qualities special to the indentured Indians which render them dangerous members of society. The peace-loving disposition and the mildness of the Indian nation are proverbial. Their obedience to authorities over them is no less prominent a trait of their character, and it would not lie in the mouth of the Delegates to say otherwise; for the Protector, who was one of the Delegates, in his report at p. 15 of the same book says:—

"Many persons, I am aware, condemn the Indians as a race, yet these persons cannot fail, if they look around them, to see hundreds of these Indians honestly and peaceably pursuing their several useful and desirable occupations"

"I am pleased to be able to state that the Indians generally resident in the Colony continue to form a prosperous, enterprising, and *law-abiding* section of the community."

11. The Hon. the Attorney General, in moving the second reading of the Bill is reported to have said that

"There was no intention to interfere with the introduction of labour to the injury of any industry, but these Indians were brought here for the purpose of supplying labour for the development of local industries, and were not intended to form portion of the South African nation which was being built up in the various States."

12. With the greatest deference to the learned Attorney General, your memorialists humbly submit that the above remarks condemn entirely the clauses under discussion, and venture to believe that her Majesty's Government will not endorse such remarks by sanctioning the Bill.

13. Your memorialists venture to think that it is against the spirit of the British constitution to countenance measures that tend to keep men under perpetual bondage. That the Bill, if passed, would do so, it is submitted is self-evident.

14. The *Natal Mercury* of the 11th May, 1895, the Government organ, thus justifies the measure:—

"This much, however the Government cannot accede to, that men who contract at fair wages to assist the Colonists, should be allowed to break their contract, and remain competitors against the Colonists; those whom, and for no other purpose, and no other condition they came to serve. To do otherwise, would be to destroy all distinction between right and wrong, and given tacit disavowal of the existence of law and equity. There is no desire for, nor is there any harshness of any kind, nor is there anything to which unbiassed judgment can take exception."

15. Your memorialists have quoted the above to show what feeling exists even amongst responsible quarters against the Indians only because, *some very few* dare to trade in the Colony, after having served as labourers not only under and during their term of indenture, but a long time after the completion of their term.

16. The statement that requiring those who are admittedly indispensable to the welfare of the Colony to remain either under perpetual bondage, or to "purchase freedom" as it is put by the *Natal Advertiser*, 9/5/95, by paying an annual tax of £3, "is neither harsh nor inequitable," will not your memorialists feel sure by accepted, by Her Majesty's Government.

17. The injustice of the clauses seems to be so evident and strong, that even the *Natal Advertiser*, a paper which is by no means favourable towards the Indian, felt it, and expressed it in the following terms on the 16th May, 1895.

"The penal clause of the Bill originally was to the effect that the Indian failing to return to India, should pay "an annual tax to the Government." On Tuesday, the Attorney-General moved that this be altered to read:—"should take out a pass or license to remain in the Colony," for which £3 would be payable. This is decidedly an alteration for the better, and effects the same end under less disagreeable terms. A broad question, however, is raised by this proposal to establish a special tax on the Coolie settlers. If such a disability is to be placed on Coolies coming from another part of the Empire, surely its application should be extended to include members of other non-European races, who have no connection with the British Empire, such as Chinese, Arabs, Kafirs from outside states, and all such visitors. To specially select the Coolies for attention in this way, and to allow all other *aliens* to settle with impunity, and without disability, is not an equitable arrangement. The practice of taxing *aliens*, if it is to be inaugurated at all, should surely commence with those races not under the British flag in their native land, and not with those who, whether we like the fact or not, are the subjects of the same Sovereign as ourselves. These should be the last, not the first, to be placed by us under exceptional disabilities."

18. Your memorialists submit that the arrangement has not appealed to any fair minded men at all. How the Indian Government could be persuaded by the Natal Delegates to make a promise to sanction an indefinite extension of the indentures, or compulsory return, no matter how reluctantly, your memorialists do not profess to know. But your memorialists venture to hope that the case, as put here, on behalf of the indentured Indians will receive full attention from both Her Majesty's Government and the Indian Government, and that any sanction given on the representations of an *ex parte* commission will not be allowed to prejudice the case of the Indentured Indians.

19. For the sake of ready reference your Memorialists beg leave to quote as follows from His Excellency the Viceroy's despatch to His Excellency the Governor of Natal, dated the 17th September, 1894.

"I should myself have preferred the continuance of the existing system, under which it is open to an immigrant at the termination of his period of indenture to settle in the Colony on his own account, and I have little sympathy with the views that would prevent any subject of the Crown from settling in any Colony under the British flag. But, in consideration of the feeling at present manifested in the Colony of Natal towards Indian settlers, I am prepared to accept the proposals (a to f) set forth by the Delegates in the memorandum of 20th January, 1894, referred to in preceding paragraph, subject to the following provisos, viz.,—

- a) That a Coolie when first recruited shall be required by the terms of his Contract to return to India, within or immediately on the expiration of the period of his indenture, unless he may prefer to re-enter into a further indenture on the same conditions.
- (b) That such Coolies as may refuse to return should in no case be made subject to penalties under criminal law, and
- (c) That all renewals shall be for a period of two years, and that a free passage should be secured to the immigrant at the end of the first term for which his engagement is made, as well as at the end of every subsequent renewal.

The alterations in the existing system which I am prepared to sanction with the approval of Her Majesty's Government, may be summarised as follows"—

20. Your Memorialists notice with a feeling of relief that Her Majesty's Government have not yet approved of the suggestions of the Delegates.

21. To show yet further how grossly unjust the adoption of the compulsory return or re-indenture has seemed from the first time that the idea was started, your Memorialists crave leave to quote from the report of, and evidence taken before the Immigration Commission that sat in Natal in the year 1885.

22. Mr. J. R. Saunders, one of the Commissioners, forcibly puts his views on the matter in his additional report in the following terms:—

"Though the Commission has made no recommendation on the subject of passing a law to force Indians back to India at the expiration of their term of service unless they renew their indentures, I wish to express my strong condemnation of any such idea, and I feel convinced that many, who now advocate the plan, when they realise what it means, will reject it as energetically as I do. Stop Indian immigration and face results, but don't try to do what I can show is a great wrong.

"What is it but taking the best out of servants (the good as well as the bad), and then refusing them the enjoyment of the reward! Forcing them back (if we could, but we cannot) when their best days have been spent for our benefit. Whereto? Why, back to face a prospect of starvation from which they sought to escape when they were young. Shylock like, taking the pound of flesh, and Shylock like we may rely on it meeting, Shylock's reward.

"Stop Indian immigration if you will; if there are not enough unoccupied houses now, empty more by clearing out Arabs and Indians who live in them, and who add to the productive and consuming power of a less than half-peopled country. But let us trace results in this one branch of the enquiry, taking it as an example of others, trace out how untenanted houses depreciate the value of properties and securities—how, out of this must result stagnation in the building trade and those other trades and stores for supplies dependent on it—follow out how this leads to a reduced demand for white mechanics, and with the reduction in spending power of so many, how fall of revenue is to be expected next, need of retrenchment or taxation, or both. Let this result and others far too numerous to be calculated in detail, be faced, and if blind race sentimentallism or jealousy is to prevail, so be it. The Colony can stop Indian immigration, and that perhaps far more easily and permanently than some 'popularity seekers' would desire. But force men off at the end of their service, this the Colony cannot do. And I urge on it not to discredit a fair name by trying."

23. The late member of the late Legislative Council and the present Attorney-General (the Hon. Mr. Escombe), giving his evidence before the Commission said (p. 177) :—

“With reference to time expired Indians, I do not think that it ought to be compulsory on any man to go to any part of the world save for a crime for which he is transported; I hear a great deal of this question; I have been asked again and again to take a different view, but I have not been able to do it. A man is brought here, *in theory with his own consent, in practice very often without his consent*, (the italics are your memorialists) he gives the best five years of his life, he forms new ties, forgets the old ones, perhaps establishes a home here, and he cannot, according to my view of right and wrong, be sent back. Better by far to stop the further introduction of Indians altogether than to take what work you can out of them and order them away. The Colony, or part of the Colony, seems to want Indians but also wishes to avoid the consequences of Indian immigration. The Indian people do no harm as far as I know; in certain respects they do a great deal of good. I have never heard a reason to justify the extradition of a man who has behaved well for five years. I do not think that the Indian, at the expiration of his five years' service, should be placed under police supervision unless he is a criminal. I know not why Arabs should be placed under police supervision more than Europeans. In cases of some Arabs the thing is simply ridiculous. They are men of large means, large connections, who are always used in trade if they can be dealt with more profitably than others.”

24. Your memorialists, while drawing your attention to the above, cannot help expressing their regret that the gentleman who expressed the above views ten years ago should now be the member to introduce the Bill under discussion.

25. Mr. H. Binns, who went with Mr. Mason as a Delegate to induce the Indian Government to sanction the compulsory return or re-indenture, expressed the following opinion in giving his evidence before the Commission :—

“I think the idea which has been mooted, that all Indians should be compelled to return to India at the end of their term of indenture, is most unfair to the Indian population, and would never be sanctioned by the Indian Government. In my opinion the free Indian population is a most useful section of the community. A large proportion of them, considerably larger than is generally supposed, are in service in the Colony, particularly employed as house servants in the towns and villages. * * * *

Before there was a free Indian population the towns of Pietermaritzburg and Durban had no supply of fruit, vegetables, and fish. At present all these things are fully supplied. We have never had any immigrants from Europe who have shown any inclination to become market gardeners and fishermen, and I am of opinion that, but for the free Indian population, the markets of Pietermaritzburg and Durban would be as badly supplied now as they were ten years ago.”—(p. 155-156).

26. The present Chief Justice and the then Attorney General expressed the following opinion :—

I object to any alteration in the terms of the laws under which Indians are introduced into the Colony. In my opinion, numbers of the Indians who have been introduced, have in a great measure provided on the coast for the failure

of white Immigrants, and have cultivated lands, which would otherwise remain uncultivated, with the crops which are of real advantage to the inhabitants of the Colony. Many who have not availed themselves of the return passage to India, have turned out to be trusty and useful domestic servants. (p. 127)

27. It is yet possible to take out extracts from the same voluminous report and evidence, to show what the most distinguished men in the Colony have thought about the arrangement.

28. Your memorialists further beg to draw your attention to the following from Messrs Binns and Mason's report :

“So far, no second term of indenture has been agreed to in the case of any country to which Coolies emigrated, although the consent of the Government of India has been frequently asked for, and in no case had the condition of compulsory return at the end of the indenture been sanctioned.”

29. It has been said in the Colony, in defence of the measure, that there can be no injustice, where two parties voluntarily agree to do a certain thing, and that the Indians before coming to Natal will know under what conditions they will go to Natal. This point has been dealt with in the petitions to the Hon. the Legislative Assembly, and the Hon. the Legislative Council, and your memorialists venture to repeat that when the contracting parties are not situated equally, the proposition is entirely inapplicable. An Indian who in order “to escape from starvation,” as Mr. Saunders has put it, seeks indenture, can hardly be called a free agent.

30. So recently as 1894, the evidence as to the indispensableness of the Indian has been dwelt upon in the Protector's Report referred to above. At p. 15 he says :

“If it were possible even for a short space of time to withdraw the whole of the Indian population from this Colony, I am convinced that with but very few exceptions, every industry in existence at the present time would collapse, solely for the want of reliable labour. There is no getting over the fact that the Native as a rule will not work; hence it is generally admitted throughout the Colony, that without the Indian as a labourer, no industry, agricultural or otherwise, of any importance could possibly be carried on successfully, and not only this, but almost every householder in Natal would be without domestic servants.”

31. If almost the whole current of what may be called expert opinion, from beginning up to date, goes to show the usefulness of the Indians, then your Memorialists submit it is not too much to say that to keep such people under perpetual bondage, or to make them pay a yearly tax of £3 whether they can afford it or not, is, to say the very least, absolutely one-sided and selfish.

32. Your Memorialists beg respectfully to draw your attention to the fact that were the Bill to become law, the very objects of immigration will be frustrated in all its aspects. If it is to enable the Indians to improve their material condition ultimately, the object certainly will not be fulfilled by compelling them to remain under perpetual indenture. If it be to relieve the overcrowded parts of India, that object also will be frustrated. For the object of the Bill is not to allow the number of Indians in the Colony to increase. The desire is to replace those who can no longer bear the yoke of indenture by fresh importation, and to force the former back to India. Thus your Memorialists humbly submit that the last state will be worse than the first. For while the number of Indians in the overcrowded districts, so far as Natal as an outlet is concerned, will remain the same, those who would return against their will, cannot but be a source of additional anxiety and trouble, because they being without any prospect of work or any capital to maintain them, may have to be maintained at the public expense. It may be said in reply to this objection that it presupposes a state of things which will never happen, that

is to say, the Indians will gladly pay the annual tax. Your Memorialists, however, beg leave to point out that such an argument, if advanced, would really go to prove that the Clauses about re-indenture and tax are absolutely useless, in so far as they will not produce the desired effect. It has never been contended that the object is to raise any revenue.

33. Your Memorialists therefore submit that if the Colony cannot put up with the Indians, the only course, in your Memorialists humble opinion, is to stop all future immigration to Natal, at any rate for the time being. Your Memorialists beg respectfully, but emphatically, to protest against an arrangement that gives all the benefit to one party only, and that indeed the least in need of it. Such stopping of immigration will not, your Memorialists submit, materially affect the congested parts of India.

34. Your memorialists have so far discussed both the indenture and the license clauses together. As to the latter, your memorialists beg to draw your attention to the fact that even in the Transvaal—a foreign state—the Government have not ventured to levy an annual tax on the Indians who go there of their own accord and on their own means. There is only a license of £3 10s. to be taken out once for all. And this too has, your memorialists understand, among other things formed the subject of a memorial to her Majesty's Government. Moreover, the license in this case is an annual tax in its most obnoxious form. This tax has to be paid whether the unfortunate victim has the means or not. When a member, during the discussion, asked how the tax will be collected, if any Indian objected to or did not pay it the Hon. Attorney-General remarked that there would always be found sufficient in the defaulting Indian's house to attach under a summary process!

Lastly, your memorialists submit that the introduction of the license clause goes beyond the limits laid down by the Viceroy's Dispatch referred to above.

In conclusion, your memorialists most earnestly pray and confidently hope that Her Majesty's Government will come to the conclusion that the clauses discussed herein are manifestly unjust, and will therefore be pleased to disallow the Indian Immigration Amendment Bill referred to above, or grant such other relief as may meet the ends of justice.

And for this act of justice and mercy your memorialists, as in duty bound, shall for ever pray, &c., &c.

(sd) Abdulla Haji Adam
and several others

APPENDIX B.

To—

The Honourable the President and Members of the Honourable the Legislative Council.

The Petition of the undersigned Indians, residing as traders in the Colony of Natal.

Humbly Sheweth,

That your petitioners, as representing the Indian community in the Colony, venture hereby to petition your honourable Council with regard to the Indian Immigration Law Amendment Bill, so far as it affects the present term of indenture, and proposes a yearly license of £3 to be taken out by every immigrant wishing to stop in the Colony as a free Indian, after finishing his term of indenture.

Your petitioners respectfully submit that both the clauses above referred to are entirely unjust and uncalled for.

Your petitioners humbly draw the attention of this honourable House to the following, from the report of the delegates, Messrs. Binns and Mason, who were commissioned to go to India in connection with this matter:—

“So far no second term of indenture has been agreed to in the case of any country to which coolies emigrated, although the consent of the Government of India had frequently been asked for, and in no instance had the condition of compulsory return at the end of the indentures been sanctioned.”

Thus the clauses in the Bill are a total departure, your petitioners submit for the worse, from the practice prevalent throughout the British Colonies.

Assuming that the average age of an indentured Indian at the time of his entering into the contract of indenture is 25, under the clause which expects the Indian to work for 10 years, the best part of the life of the indentured Indian would be simply spent away in a state of bondage.

For an Indian to return to India after a continuous 10 years' stay in the Colony would be pure fatuity. All the old cords and ties will have been broken up. Such an Indian will be comparatively a stranger in his mother land. To find work in India would be almost impossible. The market is already overcrowded, and he will not have amassed sufficient fortune to enable him to live on the interest on his capital.

The total of the wages for 10 years would amount to £87. If the indentured Indian saves £50, allowing only £37 for clothing and other expenses during the whole 10 years, that capital will not give him interest sufficient to keep body and soul together, even in a poor country like India. Such an Indian, therefore, even if he ventured to return to India, would be compelled to return under indenture, and thus his whole life would be spent in bondage. Moreover, during the 10 years the indentured Indian would be entirely neglecting his family, should he have any. And a family man will not be able to save even £50. Your petitioners know several instances of indentured Indians with families having saved nothing.

As to the 2nd Clause, about the £3 license, your petitioners submit that it is calculated to create wide discontent and oppression. Why one class of Her Majesty's subjects, and this the most useful to the Colony, should be singled out for such taxation, it is in the humble opinion of your petitioners difficult to understand.

Your petitioners most respectfully venture to submit that it is not in accordance with the principles of simple justice and equity to make a man pay heavily for being allowed to remain free in the Colony after he has already lived under bondage for 10 years.

The fact that the clauses will apply only to those Indians who would come to the Colony after the Bill has become law, and that they would know the terms under which they may come, does not free the clauses from the objections sought to be raised against them. For both the contracting parties, your petitioners submit, will not have the same freedom of action. An Indian hard pressed by pangs of poverty and finding it impossible to support his family, can scarcely be called a free agent when he signs the contract of indenture. Men have been known to consent to do far worse things in order to be free from immediately pressing difficulties. Your petitioners, therefore, humbly hope and pray that the clauses above referred to will not meet with the approval of this honourable House, and for this act of justice and mercy your petitioners shall for ever pray, &c., &c.

(Signed) ABDULLA HAJI ADAM,
and several other Indians.

To,—

The Honourable the Speaker and Members of the Legislative Assembly
of the Colony of Natal.

The Petition of the undersigned Indians, residing in the Colony of Natal,

Gumbly Sheweth,

That your Petitioners, as representing the Indians in this Colony, hereby respectfully approach your Honourable Assembly with regard to the Indian Immigration Law Amendment Bill now before you for consideration.

Your Petitioners respectfully submit that so much of the Bill which provides for re-indenture, and imposition of a tax in default of re-indenture, is manifestly unjust, entirely uncalled for, and in direct opposition to the fundamental principles upon which the British Constitution is based.

That the Bill is manifestly unjust it does not need, your Petitioners submit, many words to prove. To raise the maximum term of indenture from five years to an indefinite period is in itself unjust, because it puts in the way of the masters of the indentured Indians greater temptations to oppression or harshness. No matter how humane the masters may be in the Colony, they will always remain human. And your Petitioners need hardly point out what human nature is when selfish considerations guide one's actions. Moreover the Bill, your Petitioners venture to say, is an absolutely one-sided arrangement, for while it shows every consideration to the employer it gives practically nothing in return to the employé.

The Bill is, your Petitioners submit, uncalled for, because no reasons exist for its introduction. It is not meant to help the Colony out of a pecuniary crash or help forward any industry. On the other hand, it was because it was recognised that the industries for which the Indian labour was specially required, no longer required any extraordinary aid that the £10,000 vote was abolished only last year. It is, then, evident that there is no real need for such legislation.

To show that the Bill is in direct opposition to the fundamental principles of the British Constitution, your petitioners humbly refer your honourable Assembly to the whole course of the great events during the last century in which Britain has played a prominent part. Forced labour, from the grossest form of slavery to the mildest form of Veth, has always been repugnant to the British traditions, and has everywhere, so far as practical, been abolished. Indentured labour exists in Assam as it does in this Colony. It was only a short time ago when it was admitted by Her Majesty's Government, in reference to such labour in that country, that the indentured labour was an evil to be countenanced only as long as it was absolutely necessary to support or promote an important industry, and to be removed on the first suitable opportunity. Your petitioners respectfully submit that the Bill under consideration violates the above principle.

If the proposed extension of the term of indenture is thus (your petitioners hope they have shown to your honourable Assembly's satisfaction) unjust, uncalled for, and opposed to the fundamental principles of the British Constitution, the proposed imposition of a tax is more so. It has long been acknowledged as an axiomatic truth that taxation is meant only for the purposes of revenue. It will not for a moment be said, your petitioners humbly think, that the proposed tax is meant for any such purpose. The proposed taxation is avowedly meant to drive the Indian out of the Colony after he has finished his indenture. It will, therefore, be a prohibitive tax, and conflict with the principles of Free Trade.

It will, moreover, inflict, your petitioners fear, an unwarranted wrong on the indentured Indians, because for an indentured Indian who has severed all connection with India and come down to the Colony with his family to go back and hope to earn a livelihood is almost an utter impossibility. Your petitioners crave leave to mention from their own experience that as a rule it is only those Indians who cannot find work to keep body and soul together in India who come to the Colony under indenture. The very fabric of the Indian society is such that the Indian in the first place does not leave his home, and when once he is driven to do so, it is hopeless for him to return to India and expect to earn his bread, much less to make a fortune.

It is an admitted fact that the Indian labour is indispensable to the prosperity of the Colony. If so, your petitioners submit that the indentured Indians who so materially help forward the prosperity of the Colony are entitled to better consideration.

It need hardly be mentioned that the Bill is a piece of class legislation, and that it accentuates and encourages the prejudice that exists against Indians in the Colony, and thus would widen the gulf between one class of British subjects and another. Your petitioners, therefore, humbly pray that your honourable Assembly will come to the conclusion that that portion of the Bill which contemplates re-indenture and an imposition of a tax in default of re-indenture is not such as could be considered favourably by your honourable Assembly, and for this act of justice and mercy your petitioners shall for ever pray, &c., &c.

(Signed) ABDULLA HAJI ADAM.
and several others.

n given for copying _____
 n copie'd _____
 n examined _____
 n signed _____

189

D AGAIN G.O., No.
 189

DATED

REPLY No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

.. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B.-

- A = Copy in full.
- B = Not to be copied.
- P = Copy abstract only.
- Q = Copy heading only.

5
 357