

Debates on Colonial Affairs.

HOUSE OF LORDS

SESSION 1912

2 AND 3 GEORGE V.

[*From 14th February, 1912, to 7th March, 1913.*]

COMPRISING EXTRACTS FROM

THE PARLIAMENTARY DEBATES

(OFFICIAL REPORT)

OF ALL QUESTIONS, PROCEEDINGS AND DEBATES RELATING
TO COLONIAL AFFAIRS.

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1913.

HIS MAJESTY'S GOVERNMENT.

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RIGHT HON. H. H. ASQUITH'S ADMINISTRATION.

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 Rt. Hon. T. W. RUSSELL, M.P.

COLONIAL DEBATES.

SESSION 1912.

[An Asterisk (*) at the commencement of a Speech indicates revision by the Peer.]

HOUSE OF LORDS.

Wednesday, 14th February, 1912.

THE KING'S SPEECH.

The KING, being seated on the Throne, and the Commons being at the Bar with their Speaker, His Majesty was pleased to make a most gracious Speech to both Houses of Parliament, and then retired.

His Majesty's Speech was as follows:—

My Lords, and Gentlemen,

“My relations with foreign Powers continue to be friendly.

“The state of war between Italy and Turkey unfortunately still exists. My Government are ready, whenever a favourable opportunity may present itself, to associate themselves with other Powers in any mediation that may help to bring hostilities to an end.

“The situation in Persia continues to engage the serious attention of My Ministers, who are in constant communication with the Russian Government in regard to the best means of enabling the Persian Government to re-establish order and tranquillity in the country. Papers will be laid as soon as possible before Parliament in connection with Persian affairs.

“I trust that the crisis in China may soon be satisfactorily terminated by the establishment of a stable form of Government in conformity with the views of the Chinese people. My Government continue to observe an attitude of strict

non-intervention, while taking all necessary steps to protect British life and property. I fully recognise that the leaders on both sides in China have shown every desire to safeguard the lives and interests of foreigners resident in the Empire. Papers regarding the affairs of China will be laid before you.

“I am glad to be able to announce that at an International Conference which sat recently at The Hague and at which I was represented an agreement was arrived at in regard to the regulation of the trade in opium and kindred drugs. A copy of the Convention, signed at The Hague on the 23rd January, will be presented to Parliament.

“In My Indian Dominions, the Durbar which I held with the Queen-Empress, at Delhi, in order to make known in person My succession to the Imperial Crown of India, has furnished Me with overwhelming proof of the devotion of the Princes, Nobles, and Peoples of My Indian Empire to Ourselves and of their loyalty to My rule. In the great Cities of Calcutta and Bombay the spontaneous manifestations of an enthusiastic affection and loyalty with which We were received by all classes of citizens touched Us most deeply.

“We were not less moved by the welcome which has been accorded to Us on Our return home and by the sympathy shown to Us by all My subjects in the personal sorrow which has overtaken My family.

“I trust that the transfer of the seat of the Government of India from

HIS MAJESTY'S PRINCIPAL OFFICERS OF STATE, ETC.—*contd.*

Lord Chamberlain—Rt. Hon. Lord SANDHURST.
 Lord Steward—Rt. Hon. Earl of CHESTERFIELD.
 Master of the Horse—Rt. Hon. Earl of GRANARD, K.P.
 Captain of the Yeomen of the Guard—Earl of CRAVEN.
 Captain of the Gentlemen-at-Arms—Lord COLEBROOKE, C.V.O.

Lords-in-Waiting—
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 Lord ACTON, M.V.O.
 Lord HERSHELL, M.V.O.
 Lord FARQUHAR, G.C.V.O.
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 Attorney-General—IGNATIUS O'BRIEN, Esq., K.C.
 Solicitor-General—THOMAS MALONEY, Esq., K.C.
 Vice-President of the Department of Agriculture and Technical Instruction (Ireland)—
 Rt. Hon. T. W. RUSSELL, M.P.

Calcutta to the ancient capital Delhi, and the creation, in consequence of that transfer, of a Governorship for the Presidency of Bengal, of a new Lieutenant-Governorship in Council for Behar, Chota Nagpur and Orissa, and of a Chief Commissionership for Assam, may be fruitful in promoting the prosperity of My Indian Empire.

"A Bill to provide for certain details required for the constitution of the new Provinces will be laid before you.

"*Gentlemen of the House of Commons,*

"The Estimates for the expenditure of the coming year will in due course be laid before you.

"*My Lords, and Gentlemen,*

"I view with grave concern the prospect of disputes between employers and workmen, and I firmly trust that a reasonable spirit may prevail on both sides and avoid developments that would seriously affect the trade of the country and the welfare of My people.

"A measure for the better Government of Ireland will be submitted to you.

"A Bill will be laid before you to terminate the Establishment of the Church in Wales and to make provision for its temporalities.

"Proposals will be brought forward for the amendment of the law with respect to the Franchise and the Registration of Electors.

"A Bill will be introduced to give effect to the unanimous recommendation of the last Imperial Conference for the amendment and consolidation of the law relating to British nationality.

"You will further be invited to consider proposals for dealing by legislation with certain social and industrial reforms.

"Your labours upon these and all other matters I humbly commend to the blessing of Almighty God."

ROLL OF THE LORDS.

Garter King of Arms attending, delivered at the Table (in the usual manner) a List of the Lords Temporal in the Second Session of the Thirtieth Parliament of the United Kingdom: The same was ordered to lie on the Table.

The King's Speech.

HOUSE OF LORDS.

Monday, 19th February, 1912.

ADDRESS.

The King's Answer to the Address of Wednesday last reported by the Lord Steward (*E. Chesterfield*).

PORTUGUESE OFFICIALS AND BRITISH INDIANS.

*LORD AMPHILL rose to ask His Majesty's Government—

1. Whether they have any information as to the alleged action of the Portuguese authorities in preventing minor children accompanied by their parents from entering the Transvaal from Lorenzo Marques, and to ask, supposing the reports on the subject to be correct, by what arrangement and under what British law the said foreign authorities demand permits to enter the Transvaal of children obviously under age.
2. Whether it is not a fact that under the Transvaal Registration Law of 1908 Indian parents lawfully domiciled in the Transvaal have the right to bring in their children under 16 years of age without special licence.
3. Whether it is a fact that the Portuguese authorities forcibly detain British Indians belonging to the Transvaal in Mozambique while their permits to re-enter the Union are being examined by the Asiatic Department of the Transvaal, and that the delays of that Department may very likely result in the deportation to India of these British subjects by the Portuguese authorities in consequence of the expiry of their "Delagoa Bay permits."
4. Whether His Majesty's Government have had any communications with the Government of the Union of South Africa on these subjects, and whether they have assented to an interpretation of the law which Indian citizens cannot but regard as harsh and unjust, and agreed to the unusual co-operation of the Portuguese authorities; and to move for Papers.

The noble Lord said: My Lords, my object in putting the Questions which stand in my name on the Notice Paper is to obtain reliable information as to the actual facts of the case, and so to call public attention to a matter which seems to me more than ever to be of enormous public importance. I shall, therefore, merely explain what has been reported to me in regard to the facts, and refrain from any comment until I have had a reply from the noble Lord who represents the Colonial Office. In regard to my first Question, as to the alleged action of the Portuguese authorities in stopping minor children, what I have heard is this. In the month of December, I think it was—I have not got the actual dates—some five minor children of British Indian fathers—British Indian fathers who were lawfully domiciled in the Transvaal, that is to say, had a right to be there and were in possession of registration certificates according to the law—left Lorenzo Marques with their parents in order to proceed to their parents' home in the Transvaal. At Rossano Garcia, in Portuguese territory, they were arrested by Portuguese police, hauled out of the train, and compelled to pay their fares back to Lorenzo Marques, and brought up for some imaginary offence before a petty officer. Their friends in the Transvaal took prompt steps by means of the telegraph and in other ways, and they were accordingly released through the intervention of the British Consul.

But a gentleman named Mr. Ritch, who has been for some years secretary of the British South Africa Committee, with whom I work in this matter, and who is devoting himself entirely to the cause of British Indians in the Transvaal, went up to Lorenzo Marques to inquire into the matter. He had an interview with the British Consul, who told him that it was all a mistake, which was regretted. Mr. Ritch recognised, of course, that mistakes will happen in the best regulated families, and therefore did not press the matter any further. But as there happened to be a number of other children at Lorenzo Marques in exactly the same position who were waiting to proceed to the Transvaal to their parents, he made up his mind to accompany them, and a couple of days later the train left Lorenzo Marques with some thirty children and their parents. This is what I have heard about it. Mr. Ritch travelled by the same train *en route*

(D 353—C.)

for Johannesburg. At Rossano Garcia a Portuguese official boarded the train and demanded from the various Indians and their children their permits to enter the Transvaal. On Mr. Ritch's recommendation they one and all declined to discuss the matter with this gentleman, a Portuguese official be it remembered. He accordingly ordered them to leave the train, and, again on Mr. Ritch's advice, they declined to do anything of the kind; and Mr. Ritch demanded, on their behalf, by what authority this Portuguese official felt called upon to interfere with the peaceful progress of British subjects into British territory. After some hesitation the official left the train, which proceeded on its way.

At Komati Poort, however, the train was boarded by an immigrant officer, and the whole party were called upon to produce their permits. Naturally the children had no permits to produce. They are not required to produce permits because under the law parents are allowed to bring in their children under age without let or hindrance. But nevertheless, so I am informed, they were all arrested, detained at Komati Poort and Barberton for some days, and eventually remanded for trial in Johannesburg. I believe it to be the fact that under the Transvaal Registration Law of 1908 Indian parents who are lawfully domiciled in the Transvaal—and it is a question of parents who have that right—are entitled to bring in their children under sixteen years of age without any special licence; but I have heard that in another case, which has nothing to do with this particular question, a permit was demanded even in the case of an infant in arms. I want to know whether I am right in my view that the Transvaal Registration Law does not put any impediment in the way of parents who have a right to be in the Transvaal bringing in their young children.

But this process of obstructing British Indians who wish to enter the Transvaal and who believe themselves to have a right to do so by virtue of their registration certificates is being carried still further, if I have been rightly informed. It appears that there are a number of Indians who are waiting at this moment, or were at the time I heard this, for permission to proceed to the Transvaal—some ten or twenty of them who have landed at Delagoa Bay. What happens is this. They are given a

visiting pass, a kind of permit or bail, which allows them to remain in Portuguese territory until their certificates, which are sent on to the Transvaal, have been examined. For this visiting pass they have to pay £7. You would think that, in circumstances like that, there would be every possible expedition in examining and returning their certificates, but the delays have been such that the Indian gentlemen in question have been gravely alarmed as to whether they are going to be permitted to enter the Transvaal. They have made inquiries as to what their position is, and they are told that if they overstay their visiting pass, which is only valid for one month, they will be deported to India, and the £7 which they have paid for the permit will be applied to the cost of their voyage. It appears that they are perfectly helpless in the matter. If the officers in charge of the Asiatic Department choose to delay the matter beyond the month, these British subjects will be sent back to India to a large extent at their own expense and will apparently have no remedy whatever. Those are the circumstances on which I beg the noble Lord to give me as full information as possible, particularly on the point as to whether His Majesty's Government have had any communication with the Government of the Union of South Africa on these subjects, and whether that which has been done—that is if, indeed, I have been rightly informed—has been done with the knowledge and assent of His Majesty's Government. I beg to move.

Moved, That an humble Address be presented to His Majesty for Papers relating to the alleged action of the Portuguese authorities in preventing minor children accompanied by their parents from entering the Transvaal from Lorenzo Marques.—*(Lord Amptill.)*

*THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD EMMOTT): My Lords, I am in a little difficulty as to the Questions put to me by the noble Lord opposite, because no official information of any kind in regard to either of them has reached the Colonial Office. With regard to the case of the children, the only information I know of is that which has appeared in a paper called *Indian Opinion*, and that information appears to coincide with the information which the noble Lord has given to the House. But we have no official information with regard to the

Lord Amptill.

matter at all, and therefore I cannot say whether the facts are as stated.

The same remark applies to the point mentioned in the third Question—namely, whether it is the fact that the Portuguese authorities forcibly detain British Indians belonging to the Transvaal in Mozambique while their permits to re-enter the Union are being examined by the Asiatic Department of the Transvaal, and that the delays of that Department may very likely result in the deportation to India of these British subjects by the Portuguese authorities in consequence of the expiry of their Delagoa Bay permits. No complaint of any kind has reached us at the Colonial Office in regard to that matter, but I see in the paper which I have mentioned that there is a suggestion that the matters raised in the noble Lord's third Question, if not in the first, may be referred to us; and if any representations are made to my right hon. friend the Secretary of State for the Colonies he will, of course, consult the Secretary of State for Foreign Affairs accordingly.

The latter part of the noble Lord's first Question asks, supposing the reports on the subject to be correct, by what arrangement and under what British law the said foreign authorities demand permits to enter the Transvaal of children obviously under age. In regard to that inquiry, we are not in possession of the facts, and therefore it will be obvious to the House that I cannot possibly make any reply to the noble Lord. But I should like to add that if there is any particular part of this matter which the noble Lord desires me to inquire into, I will confer with him about it and see what can be done. With regard to the second Question, in which the noble Lord refers to the Transvaal Registration Law of 1908, I think the law that he must mean is the Immigration Law of 1907, and that law excludes from the lists of prohibited immigrants the wife or minor children of any person who is not a prohibited immigrant. And in connection with that matter I may remind the noble Lord that in a Blue-book already issued—Cd. 5579—on page 18, Ministers have promised to preserve in the new Immigration Law the effect of the Chotabhai judgment, which bears in a very important way on this particular subject.

In regard to the last Question put by the noble Lord, no communications have been

made to the Union Government in reference to the specific points raised in Questions No. 1 and No. 3, inasmuch as no complaints have been received by us in regard to them. Correspondence did take place in 1910 with the Union Government about other complaints referring to quite other matters, and a reference to these will be found on page 127 of Cd. 5363. The noble Lord asks, at the end of Question No. 4, whether His Majesty's Government have assented to an interpretation of the law which Indian citizens cannot but regard as harsh and unjust, and agreed to the unusual co-operation of the Portuguese authorities. In reply I have to say that we have not been asked to assent to any interpretation of the law in regard to this matter, or even in regard to matters which occurred some time ago. Therefore we have not assented in the way suggested by the noble Lord. As to Papers, in the circumstances which I have described to the House there are no Papers in regard to these questions which we can lay.

*LORD AMPHILL: My Lords, if there are no Papers which can be laid it is, of course, idle to press my Motion. But I confess that I am immensely surprised that no such Papers exist. This is not a new question. Some time ago I ventured to raise it in the House and call attention to this extraordinary co-operation of the Portuguese authorities with the authorities in the Transvaal for the purpose of impeding the lawful movements of British subjects. At that time, if I am not mistaken, I received a promise that the matter should be inquired into. Therefore there must have been communications unless that promise was not kept, and I must say that, even apart from that, it is very surprising that the Colonial Office should not be keeping a watchful eye on these matters and inquiring into circumstances which are matters of general knowledge. They appear in the newspapers; they have been brought to the notice of the Department by my friends with whom I work in this matter in repeated communications, to which I am bound to say we have had little more than a bare acknowledgment. But, anyhow, I should have thought that the Department, knowing the enormous importance of this subject, would feel, after it has gone on so long without a final and satisfactory settlement being arrived at, that they ought to be watching it carefully from day to day and ascertaining

what are the actual facts in regard to any complaints or representations which appear in the newspapers even if they are not brought directly to their notice. But I shall take care that the circumstances are brought directly to the notice of the Colonial Office, and I hope that it will result in correspondence which will clear up the facts and allow the public to know exactly what has happened.

I am bound to say that it is bitterly disappointing to me that these questions should have dragged on so long without our being appreciably nearer a settlement—the settlement which has been promised again and again, and which we have been told year after year was at hand and would shortly be accomplished. But instead of a settlement there does not appear to be, from the cases which I have just cited, any improvement in the relations between the two communities. It is evident that the troubles of our Indian fellow-subjects are not at an end, and that the persecution—I cannot call it by any other word—is continuing just as much as before. We had hoped that the Imperial Conference would result in some settlement of this question. Indeed, we were given every reason to hope that it would from the assurances of those who were responsible. It is true that there was no real representation of Indian opinion at that Conference, but still it was followed by official statements which led us to hope that it would lead to the result which we so earnestly desire. But the settlement which was subsequently foreshadowed has been delayed for reasons which I need not enter into.

Then, again, we hoped that the Coronation would have a similar effect, but it would seem that the Union Government have abandoned any intention which they held at that time of really disposing of the matter and settling it in a way satisfactory to all concerned. It looks now as if they had merely been staying their hand until after the Coronation year. And when I say that, it is not merely a suspicion on my part, but it is borne out by the public utterances of those who are responsible. A prominent member of the Union Parliament—a Mr. Nasar—has openly said so. But more important than his remarks are those of General Botha. General Botha, when he was in this country

for the Imperial Conference, said that no one could be more anxious than he was that the British Indian questions should be finally settled to the satisfaction of all parties, and that he was very hopeful that this would soon be attained. But a little later on when he was back in South Africa, replying to a question which was put to him regarding Asiatic immigration, he is reported to have said that he would like to see the country rid of Asiatics but it was a most difficult question and would cost a good deal; the Government, however, still hoped, he said, to find a solution of the problem. I submit that these two answers, at any rate the spirit of them, are absolutely inconsistent, and certainly they are inconsistent with what my noble friend Lord Selborne told us was the policy of the Government in South Africa—namely, to preserve to British Indians resident in that country all their existing rights, but to restrict the immigration of any further Indians. Well, my Lords, in the face of utterances like that, one cannot resist the conclusion that the representatives of South Africa say one thing while they are over here and are being well received on an occasion like the Imperial Conference or at the Coronation, and that they forget their protestations of goodwill when they return to their own country. In these circumstances I must say that I am astonished that more pressure has not been put on by His Majesty's Government. It is idle to say that you cannot interfere in a self-governing Colony. If British subjects were being subjected to similar hardship and injustice in any foreign country there would be no hesitation whatever about interference; and surely it is easier to point out to your friends that they are doing you harm than it is to do so to your enemies, because you have a greater hope of arriving at an amicable agreement.

We have our rights in this matter as well as our fellow-citizens in South Africa. Would it be nothing at all to us if all the good that has been done by the recent momentous celebrations in India were to be undone by the bitterness and discontent arising out of this question? Surely from that point of view alone we have a right, a right which we ought to make clear to the people in South Africa, and which we surely ought to be able to persuade them is one which they should recognise and make some sacrifice, if sacrifice it be, in order to meet. We have

Lord Amptill.

had ample information as to the state of feeling throughout the whole of India on this subject, and ample warning as to what the result of that feeling will be if a different spirit does not soon prevail in South Africa and if this question is not soon settled. Therefore I do with all the earnestness at my command appeal to the Colonial Office to look a little more closely into it and let us have information on the subject. I beg leave to withdraw my Motion for Papers seeing that there are no Papers to be laid.

*LORD EMMOTT: My Lords, may I, with the indulgence of the House, make one or two observations in reply to the second speech of the noble Lord? He began by saying that there must be Papers with regard to these matters. The matters which he specifies in his Questions are, on his own showing, absolutely new, and have arisen within the last month or two. I have told him that no Papers have reached the Colonial Office in regard to these matters, and when replying to his fourth Question I was naturally thinking of the form in which the Question is couched. In it the noble Lord asks whether His Majesty's Government have had any communications with the Government of the Union of South Africa on these subjects. "These subjects" can only be, I take it, the matters which he mentions in the Questions standing in his name on the Paper.

*LORD AMPHILL: Which includes the interference of Portuguese officials.

*LORD EMMOTT: With regard to the questions that arose in 1910 we had communications with the South African Government, and I told the noble Lord that a reference to those communications may be found on page 127 of Cd. 5363. But the noble Lord went on to speak of the general question of our relations with South Africa in regard to this extremely difficult question, of which the matters referred to in his specific Questions are part. I regretted to hear him say that in his opinion there is no improvement in our relations, but I am very glad to be able to assure the House that that is not my own opinion. I think that there is an improvement, and that that improvement will increase as time goes on. That is my belief as well as my hope. I must say that

I regretted very much to hear some of the observations of the noble Lord in regard to Union Ministers. I do not think remarks of that kind can do any possible good. I think that they may do a great deal of harm, and if the House will allow me I would like to explain in general terms how we deal with these questions of complaints that come to us from South Africa.

The House, of course, will know that the question of the treatment of Indians in South Africa is one of the most complicated matters that we have to deal with at the Colonial Office at the present time. Besides being complicated it is extremely difficult and delicate. The South African Union is a self-governing Dominion of the British Empire, and has the same rights as our other self-governing Dominions. We, on the other hand, have a special responsibility towards our Indian fellow-subjects in whatever part of the Empire they happen to live. It would be idle to pretend that the Ministers of the Union and His Majesty's Government at home have always seen matters in the same light, for they and we have different standpoints. It is not essential that we should always see matters in the same light at first. But I think it is essential that when differences arise between us we should, first of all, each try to understand the others standpoint; in the second place, that we here should not interfere with the proper functions of the Ministers of the Union; and, in the third place, that when we do use the influence that we undoubtedly have a right to exercise we should use it at the right time and in the right place so as to obtain the utmost possible effect.

I must say, in respect to Union Ministers, that in my opinion they do honestly try to meet us in regard to important points. They go quite as far as the public opinion on which they have to depend allows them to go; and I must add that no greater disservice could be done to the cause of Indians in South Africa, and no greater damage to the harmonious relations which at present exist between Union Ministers and His Majesty's Government, than by our pouring in upon them a constant stream of unsubstantiated complaints founded either upon Press rumours or unsifted *ex parte* statements. Every specific complaint of substance that comes before us officially is carefully inquired into, and when necessary or advisable we com-

municate with South Africa about them. We correspond also on all matters of new legislation in which the interests of Indians are concerned, and it is precisely in regard to that branch of the subject that we have often most usefully used our influence in the past. In other words, we do not intend to destroy our influence by nagging, but we are ready to deal with any question that calls for inquiry, and we shall do so in the future as we have done in the past. I have ventured to make these few general observations because there are strong reasons at the present moment why Ministers in South Africa, who have really given proofs, in my opinion, of a desire to meet us on some of the difficult questions that still await settlement, should feel that we recognise their goodwill, and will continue to work with them towards a genuine solution of this extremely difficult and delicate question.

Motion, by leave, withdrawn.

BRITISH INDIANS IN SOUTH AFRICA.

*LORD AMPHILL had also given notice to ask His Majesty's Government—

1. Whether they have any information as to the working of the Gold Law of 1908 and the Township Amendment Act of 1908-9 in the Transvaal which are now being put into force, and whether they have received any complaints from the British Indian community to the effect that those laws are affecting them with cruel injustice, and, if so, whether His Majesty's Government have taken any action in the matter.
2. Whether the provision of the Act of Union empowering the Imperial Government to advise His Majesty to withhold assent from legislation unjustly affecting British Indians is regarded as operative or not; and to move for Papers.

The noble Lord said: My Lords, I am profoundly discouraged in asking further Questions because I understand that, although the Colonial Office will inquire into matters in certain circumstances, it is only when they consider it necessary and advisable to do so. I also understand that it is a mischievous thing to quote the remarks of Union Ministers. I confess that I am surprised, but it seemed to me that the

reply which the noble Lord gave just now was carefully prepared in intelligent anticipation of things which I might say, but which I certainly did not say.

Now, my Lords, I put my next Question about the working of the Gold Law and the Township Amendment Act. The old Transvaal Law of 1885—the law of the old South African Republic—prohibits the holding of fixed property by Indians, denies them municipal and political franchise, and requires them to be segregated in locations. That law has never been operative, and up to the present time Indians have been able to hold property by getting their European friends to hold it in trust for them, and those trusts have been upheld by the Courts of Law. The system has been acquiesced in and supported by the Courts of Law. But these two new laws—the Gold Law of 1908 and the Township Amendment Act of 1908-9—seem to require a more stringent application of this old, and, if I may say so, obsolete law, and attempts are now being made to confiscate these properties which have hitherto been held in trust in the manner I have described, and so to compel the Indians to take refuge in locations where, of course, they will be unable to carry on the businesses which they have established, some of which have been in existence for twenty years and more, and will be driven out of the country by economic ruin. At present legal segregation has been impossible, as the old law of 1885 contained no sanction to that effect, but these new laws, if they are rigorously applied, will have the effect of driving the Indians into locations. It appears from what I have heard that a beginning has been made in that way. But I will merely ask the noble Lord whether he has any information as to the facts and whether he has received any complaints.

My second Question has reference to the provision of the Act of Union which protects British Indian subjects by means of the Veto of the Sovereign. This matter is one of even wider interest at the present time, for we have on the one hand the statement of the Prime Minister—I do not know whether my memory serves me rightly or not—that the Royal Veto is as dead as Queen Anne, and on the other hand the statement of the First Lord of the Admiralty that the minority in Ireland will have to rely for protection on the Royal

Lord Amptill.

Veto. Between those two opposing statements we have to make up our minds whether there is any solid protection for British Indians in South Africa by the same means. If there are any Papers I hope they will be laid, and accordingly I beg to move.

Moved, That an humble Address be presented to His Majesty for Papers relating to the working of the Gold Law of 1908 and the Township Amendment Act of 1908-1909 in the Transvaal.—(*Lord Amptill.*)

*LORD EMMOTT: My Lords, I earnestly hope that my reply to the noble Lord this time will meet with a little more approval from him than my last reply. I must begin by telling him that since I last spoke on this question in your Lordships' House on December 6, 1911, no new complaints in regard to the working of either the Gold Law or the Township Amendment Act have reached us, but the Secretary of State has been in correspondence with the Union Government about the position of Indians under those Acts which has formed the subject of complaint in the past. The questions raised involve, as the noble Lord must know, very complicated and intricate legal issues, which it would take me a long time to explain. I am quite sure that it would be more satisfactory to the noble Lord and to the House generally that Papers should be laid in regard to them, and that is what we propose to do in regard to this particular matter. The Papers in question will contain a copy of the very important judgment in the case of *Tamblin v. Rex*, to which I referred on December 6 last year, and there will also be included assurances from Ministers that they do not propose to interfere with vested rights. I think that covers the first Question. In his second Question the noble Lord asks whether the provision of the Act of Union empowering the Imperial Government to advise His Majesty to withhold assent from legislation unjustly affecting British Indians is regarded as operative or not. I am not quite sure to what the noble Lord alludes. There is no provision which gives any special power—

*LORD AMPHILL: Section 65 of the Act of Union.

*LORD EMMOTT: Sections 64, 65, and 66, so far as I remember, are general.

*LORD AMPHILL: I understand that Section 65 provides that "the King may disallow any law within one year after it has been assented to by the Governor-General, and such disallowance . . . shall annul the law from the day when the disallowance is so made known."

*LORD EMMOTT: I am quite aware of that provision, but it applies to all legislation. I mean there is no provision in the Act which has a special bearing on legislation as regards Indians. The section to which the noble Lord has called attention is a general provision applying to all legislation. I do not think I ought to go into the question of the analogies which the noble Lord has brought forward. What may happen in regard to a Bill which has not yet reached your Lordships' House I do not know; and in regard to the Veto being as dead as Queen Anne, the noble Lord must know that in regard to South African legislation the operation of laws has within the last few years been delayed for a short time in order to give an opportunity for consideration. At any rate there is no provision specially dealing with this question in which the noble Lord is interested. Sections 64, 65, and 66 are entirely general in their application.

*THE EARL OF SELBORNE: My Lords, we are allowed in this House to speak rather discursively on questions, and therefore with your permission, having had a very special connection with this subject and interest in it, I should like to say a few words. I do not think it is realised entirely, certainly not in this country, how very complicated and difficult this question is. I can only say for my part that I do most earnestly desire a settlement for the sake of South Africa quite as much as for the sake of India. The Indian case has been repeatedly and ably stated in this House, and elements in that case are undoubtedly very strong. You will not suppose, my Lords, that I would for a moment underrate the strength of the Indian case, or the importance of the sentiment that underlies it. It is not my business to state that case, but I want it clearly to be understood that I attach the greatest weight to it.

But in order that this matter may be settled it is necessary that those who have the settlement of it, whether in India or in South Africa or here, should understand

the other side of this case. Now what really is in question in the matter is the comparative systems of living under Eastern and Western civilisations. If you take two traders in South Africa, equally capable, equally industrious, equally sober, equally honest, one an Indian and the other a European, the Indian will always beat the European in trade, and must do so because the Indian lives under the Eastern system of civilisation and the European lives under the Western. It is not necessary to express any opinion as to the comparative merits of those systems of civilisation. I merely state a literal plain fact which lies at the root of the whole of this question. The Eastern system of civilisation is so much cheaper than the Western that the two men in all other respects equal cannot compete on equal terms in the same town at the same business. In this is to be found the reason why in South Africa public feeling is so strong for the exclusion of Indians, and you have only begun to understand the difficulties and the complications of this question when your Lordships realise that fact. If there was no restriction on immigration at all, I do not think it is an exaggeration to say that the European trader would disappear from South Africa. At any rate that is the absolute conviction of all South Africa, and I do not myself see where the flaw is in the argument.

Now, my Lords, suppose that gradually in this country, in county town after county town, English tradesmen were excluded and Chinese tradesmen took their places, or that Bond-street and Regent-street gradually became monopolised by Chinese tradesmen. Would public opinion remain in this country as neutral, as impartial, in the matter as it is now? Obviously it would not. Or, to put a converse case, which, fortunately, has never occurred and is never likely to occur, suppose that it was found that the land in India was all passing out of the hands of Indians into the hands of Europeans. Surely the Indian Government and public opinion in India would be very strong in favour of some regulation or some modification of such transfer.

That brings me, my Lords, to the principle on which and through which I think these matters must be considered. It is not a sound basis, I venture to submit, to say that all subjects of the King can have

the same rights in all parts of the Empire. I think a better basis is to say that the particular and special interests of each part of the Empire ought to be the first consideration of the whole Empire. I do not say that those local and special considerations should not sometimes give way to the general interests of the Empire, but I do think that those occasions should be exceptional and not general. Applying those principles to India, surely all parties in this country agree that in a matter affecting the people of India what should be considered first and foremost are the welfare and the interests of the people of India. What a reasonable inhabitant of South Africa asks—I do not say they are all reasonable in this matter, but most of them are—is that the interests of South Africa should be the first consideration of the Empire in considering this matter, and the solution of the difficulty is the one that my noble friend behind me (Lord Ampthill) mentioned, and which has been, I think, accepted in principle by all parties except unreasonable ones, and that is that, while South Africa should be free to restrict any future immigration, those British Indian subjects who were domiciled in the Transvaal before the war should have every possible consideration shown them. Every possible restriction on their rights as British subjects should be removed.

I will make no comparison now between the position of these men before the war and after the war. I will only state what I believe to be literally true as regards their *status* after the war at the time when I went to South Africa. They had not, of course, a vote, nor any prospect of a vote. That was a disability in respect of white men: but there are special reasons connected with the franchise which rather remove that from the category of questions which we are considering to-day. If you remove the franchise as a disability, there are only two remaining. A British Indian subject might not own the freehold of land, and he might not engage directly in a mining enterprise. I say here, my Lords, what I have said before a Transvaal audience. I do not think those two restrictions are justifiable. I think they are not only not justifiable but they are very foolish, because they are perfectly inoperative. A British Indian is forbidden to hold land in freehold, but he holds it absolutely securely through the medium of a white man with whom he makes an arrangement. And exactly

The Earl of Selborne.

in the same way, if he wishes to take part in mining operations he is able to do so through the co-operation of a white man. Consequently while these two were legal restrictions they were inoperative legal restrictions. And therefore really all the disabilities in respect of which we had contended at one time with the Government of the Transvaal had been removed, and when I went to South Africa there was really no question in dispute between the British Indian community and the Government.

Now what brought about the change? Why on that serene atmosphere has a dispute arisen which I have deplored intensely and do deplore, and which I think it is of the utmost importance should cease? I have said that the policy agreed upon by all parties was that while the question of future immigration should be left to the decision of the people of South Africa, those who were domiciled in the country should have every consideration shown them. When that policy was advanced and emphasised by myself the Europeans accepted it, though I do not say without some little grumbling. The British Indians accepted it likewise; they not only accepted it, but gave me quite clearly to understand that they admitted its reasonableness and approved of it. Why was the legislation passed which has been the *jons et origo mali*? I will tell you, my Lords, and I do not say this in any way as a reflection on the British Indian community. Nothing would be more unjust than to identify them as a whole with the speculations of certain of their compatriots, whether in the Transvaal or in India. But the fact is that one day the people of the Transvaal woke up and found that they were being silently flooded by an immigration of unauthorised Indians. They found that the system was organised and had reached great dimensions, and they became thoroughly frightened. You will ask me, my Lords, for some proof of this statement. Within five years immediately following the war there were 1,500 successful prosecutions of Indians who had come into the country and whom nobody could contend had any right to be there. Police officers were having bribes offered them at every frontier post and the great majority of cases of illicit entrance escaped detection and prosecution altogether.

THE MARQUESS OF CREWE: Are you speaking of the Transvaal now?

*THE EARL OF SELBORNE: Yes. Police officers in the Transvaal were having bribes offered them at every frontier post. I will not trouble your Lordships by quoting them, but if any noble Lord wishes to see the cases I have them here. I will give one instance to show the extent to which the system had gone. One Indian was convicted in Johannesburg who offered an inspector of police £400 a month and a sergeant £200 a month if they would pass any Indian who came to them with a certain certificate from this man—that is to say, one Indian offered two police officers £7,200 a year. The business was sufficiently large to make it worth the while of one agent to offer two policemen a retainer of £7,200 a year. That will show you the size and scale on which the matter was being organised. And in another case instructions were found on an Indian who had never been in South Africa at all, giving him information wherewith to answer questions that might be put to him. He was supposed to represent an Indian who had been domiciled in the country before the war and with whom he had had no connection at all, and he had a regular little code of instructions to enable him to answer questions as to the principal people who lived in the town and the physical features of the town, with a few words in English, Dutch, and so on.

I mention these facts to show your Lordships why it was that the people of the Transvaal became thoroughly frightened. They were afraid that this question was going to be settled over their heads, that no option was going to be left to them of saying whether future immigration should be restricted or not, and that was the origin of the legislation which has been the sole cause of the trouble. I am not here to say that there was nothing in that legislation with which fault could be found. I am not here to say that there was no criticism possible upon it. I do not wish for one moment to appear to adjust the balance of blame between the British Indians or between the South African authorities. I realise most fully the great importance of this question to India. I realise how intensely Indians feel it. But I do want your Lordships to realise that the action which was taken in the Transvaal was not wholly gratuitous. I want the people of this country to understand that it is not mere causeless selfishness on

the part of South Africans which makes them view with great anxiety the possibility of unrestricted Indian immigration, but that they have a real case and that the matter is one of immense importance to them. I believe the matter can be settled. I do not think it is beyond the limits of statesmanship to settle. There are many Indians who are reasonable, fair-minded, honourable men. With them on the one hand and the South African Government on the other, and His Majesty's Government as the honest broker between them, it seems to me that a settlement is wholly possible. I am sure it will be as deplorable for South Africa if this question is not settled as I am told by those who are in a position to know it will be for India.

*THE LORD PRIVY SEAL AND SECRETARY OF STATE FOR INDIA (THE MARQUESS OF CREWE): My Lords, I am sure the House will have listened with deep interest to the observations which have fallen from the noble Earl on the Front Bench opposite, who is able to speak on this subject with a quite unequalled degree of authority and knowledge. The noble Earl will well remember that he and I have had many communications in old days on this topic, and I entirely agree with him as to its difficulty and complication. The noble Lord, Lord Amptill, mentioned that this subject was brought up at the Imperial Conference, not at very great length it is true, and he also said that no representative of India was present. All I can say is that I did my best as Secretary of State for India to put the position to the representatives of the various self-governing Colonies from the Indian point of view, and I hope I succeeded to some extent in putting various aspects of it before them in a light which had scarcely occurred to them all. I think, therefore, that the noble Lord is a little pessimistic in thinking that the conversations which took place at the Imperial Conference have been or are likely to remain entirely without result.

The noble Earl who has just sat down fairly drew attention to the main cause of the difficulty which has arisen in the self-governing Colonies in various parts of the world where the small white race governs and the coloured race competes in trade and in work. As he quite truly

said, the main difficulty is due to the different standard of life; and as I ventured to point out to the representatives of some of the Dominions—I think in particular to the representatives of some of the Antipodian Dominions who were complaining in particular of the competition of Asiatic seamen—you cannot make it anything in the nature of a criminal charge against a man that he is content to live upon rice and water whereas his competitors demand beef and beer. But the practical result of that difference is that the one kind of labour is able to undersell the other. Then the noble Earl went on to say what also is perfectly true, that in this country we have no notion of what is meant by the competition of that cheap and cheaply-living labour, and he asked what would be felt if we were subjected to that direct competition here. My Lords, we are, indeed, fortunate in that respect.

Similar problems of the partial or complete ousting of one class or race by another occur in many parts of the Empire, and are not always confined by any means to competition between white men and men of colour. I might give as an instance the problem which has arisen in Burma of late by the competition there of Indian cultivators who have come in in very large numbers and gradually elbowed out, by greater fitness in some respects for the particular work which is to be done, the indigenous Burman, a fact which tends to create a problem of its own. The noble Earl pointed out what some of the difficulties in South Africa have been. I am able to concur with him completely in what he said of the goodwill of the Ministers of the South African Union—which was equally, I am sure, felt by the Ministers of the Transvaal when he was governing there—in trying to settle this question, but I am afraid there has not been anything like universal goodwill shown by a great many South Africans in this matter. There has, I fear, been a great deal of prejudice and jealousy beyond what can be justified by the dread of trade competition. One thing, I think, which has been particularly felt by Indians in this matter is that an educated Indian of standing, belonging, perhaps, to an ancient race, is sometimes talked of as though he were in all respects exactly on all fours with the lowest type of Kaffir; and it is not to be supposed that people of a proud race, as

The Marquess of Crewe.

Indians are, will consent for a moment to be spoken of in such a way or so to be treated. Of course, we all know that to Ministers and to men of standing in South Africa matters look very differently. They quite appreciate the differences which exist between different races and different members of those races. But there has been far too much loose talk in South Africa, as in some other parts of the Empire, on this question of colour, and it is that, I think, in particular, that Indians have resented.

It is quite true that what Indians desire, and what India as a whole is determined if she can compass it to see done through the agency of the British Government, is that those Indians who are in Africa should have a thoroughly fair chance and should not be subjected to fresh disabilities of any kind. It is not the wish of most Indians that there should be further emigration from India to South Africa, or indeed—in some respects I think it is a singular fact—to other parts of the world. There is now a strong body of educated Indian opinion which takes exception to any form of Indian emigration, though emigration under indenture has been to the benefit both of the Indians themselves and the various Colonies to which they have gone. But it cannot be disputed that a growing prejudice against any form of emigration for purposes of labour exists in India, and therefore I am quite certain that any attempt, if such were made now, to flood South Africa with Indians would not be countenanced by the better class in India itself.

There have been certain cases of the kind mentioned by the noble Earl—there were in the past—of unscrupulous action on the part of Indians acting as organisers with a view to securing entrance, sometimes, I am afraid, under direct false pretences, into Colonies into which they were forbidden to pass, and I think it cannot be disputed that the action taken by the various South African Governments at different times, which we have sometimes considered over-harsh and narrow, has not therefore altogether been without provocation. But I do hope and believe that the noble Lord, Lord Amptill, is speaking with some exaggeration when he tells us that the state of feeling is as bad as ever it was, and that there is nothing to look forward to but a period of dis-

satisfaction and unrest. There are, I admit, some problems of difficulty. The particular problem connected with the passage of Indians through Portuguese territory always seemed to me a peculiarly difficult one, and if the noble Lord is right in thinking that there has been some connivance—although I do not think he mentioned a specific instance of it—some sort of collusion between certain Portuguese authorities and certain subordinate authorities in British South Africa which has had the effect of causing Indians who had a right to return to British territory to be deported at their own expense to India, that obviously would offer, and I am quite certain would arouse, a most legitimate occasion for complaint. But I do not understand that the noble Lord quoted a specific instance where that had actually happened.

I am sure the noble Lord will allow me to remind him that what the Colonial Office asks for—I think naturally asks for—in cases of this kind are the actual positive *data*, and, if possible, sworn statements of those who allege that they have been victims either of a breach of the law or of an unfair interpretation of the law. It is impossible, as my noble friend behind me (Lord Emmott) pointed out with great force, for a Governor-General in South Africa to go to the Ministers there with complaints of a merely vague or general character; and the noble Lord, I am sure, will agree that complaints of that kind must be supported by specific statements, and, so far as possible, by a mass of evidence. This question is one which has given all of us who have had at any time to do either with the Colonies or with India a great deal of anxiety. So far as I am able to judge, the position is not misunderstood by educated opinion in India. I do not believe that the sound opinion of Indians expects or demands that kind of equality of access which the noble Earl opposite has pointed out in the conditions of the British Empire it is not possible should everywhere be given; but it is undoubtedly true that any suspicion of deliberate injustice, or of prejudice, or of the sort of contemptuous treatment on the ground of colour to which I have alluded, arouses in India a deep and stern feeling of indignation. On every ground, therefore, we desire to see these causes of dispute and difficulty cleared away, and I am quite certain that the Department which my

noble friend behind me represents will not be backward in making every needed representation, where a clear case is brought forward, to our friends the Ministers in South Africa.

*LORD AMPHILL: I am not going to take up your Lordships' time, but perhaps I may exercise my right of reply by making a few remarks on three points. In the first place, I congratulate myself that my Questions, if they have done nothing else, have at any rate elicited the two extremely important pronouncements which we have heard from the noble Marquess the Leader of the House and my noble friend on the Front Opposition Bench. Those pronouncements will at any rate serve to call public attention to this matter, which they admit to be of such tremendous importance—a thing which I myself have not yet succeeded in doing in spite of some five years of endeavour. May I also add that I appreciate the sympathetic tone in which those pronouncements were made. The second point on which I wish to say a word is this. I find that Section 147 of the South Africa Act says that "the control and administration of Native affairs and matters specially or differentially affecting Asiatics throughout the Union shall rest in the Governor-General in Council." It was that which gave me the impression that there was a special provision, but I was mistaken in thinking that it was to be exercised in some special manner through the Royal Veto. The third point is with reference to the statement which was made in so fair and sympathetic a manner by my noble friend. The Indians themselves do not ask for unrestricted right of immigration. That cannot be too often repeated. All that they ask for is the removal of the Registration Law, which they regard, and which they cannot help regarding, as unjust, humiliating, and offensive, and which as a matter of fact is unnecessary. My noble friend says this is a question which he believes can be settled. Seeing that it is no more than the removal of a law which is no longer necessary, of course it can be settled. But what worries me and makes me anxious is that it has not been settled long ago in spite of all this lapse of time. As Papers have been promised, I withdraw my Motion.

Motion, by leave, withdrawn.

VREDEDORP STANDS ORDINANCE.

*LORD AMPHILL: I beg to ask the noble Lord who represents the Colonial Office the final Question standing in my name—viz.: Whether it is a fact that under the Vrededorp Stands Ordinance the Indian residents of that suburb of Johannesburg have been given notice to shut up their shops and leave their homes by the 18th February, and, if so, what is the object and the justification for these orders of the Transvaal Government.

*LORD EMMOTT: My Lords, we have absolutely no official information in regard to this matter. Curiously enough, the only information that has come before me is in the form of a newspaper rumour which bears in the opposite direction. It is to the effect that the Indians are leaving Vrededorp because of the fear of the outbreak of an epidemic, and that suggestions are being made by the white people there that a system of quarantine should be set up to keep them in their locations and prevent them going away. Therefore the information I have is in the opposite direction, though, of course, that does not prove whether or not there is anything in the Question which the noble Lord has put. My reply must be that I am sorry I have no official information.

HOUSE OF LORDS.

Tuesday, 27th February, 1912.

THE APPOINTMENT OF COLONIAL GOVERNORS.

*THE EARL OF SELBORNE rose to ask the Under-Secretary of State for the Colonies to explain the meaning of Colonel Seely's statement in the House of Commons of the 13th of July, and of Mr. Harcourt's statement of the 15th of November last year, that "a Governorship lies quite outside of the ordinary course of promotion in the Colonial Service"; and to move for Papers.

The noble Earl said: My Lords, I once had the honour of occupying the position which the noble Lord now occupies as the representative of the Colonial Office in this House. I held the office for five years and after that I had myself the honour of being a Colonial Governor, so I have had

the opportunity of making a great many friends in the Colonial Service. I think I may claim to know what their thoughts are concerning that Service, and I have put on the Paper the Motion which stands in my name because I hope to elicit from the noble Lord the present Under-Secretary some explanation of the rather extraordinary statements which the representatives of the Colonial Office have made in the House of Commons on the subject of the relation of the Colonial Civil Service to the appointment of Governors. The only quotations I will trouble your Lordships with are from answers given to questions in the House of Commons. The first answer is by Colonel Seely in July last. He at that time occupied the post which the noble Lord now fills. In reply to a question, Colonel Seely said—

"It must be understood that a Governorship lies quite outside of the ordinary course of promotion in the Colonial Service."

I suggest to your Lordships that those are very extraordinary words. Mr. Lyttelton took the first opportunity open to him—it was not until November—to put a question to Mr. Harcourt on the same subject. This was Mr. Harcourt's reply—

"A Governorship lies outside the ordinary course of promotion both in the Colonial Office and in the Colonial Service. I see no reason for reconsidering or modifying the present practice, and I can assure the right hon. gentleman that the claims of the Service are fully considered whenever a Governorship becomes vacant, my only object being to get the best available man."

Mr. Lyttelton then put this supplementary question—

"In the case of the Colonial Secretary, say, of Ceylon, would not his claim be considered paramount to that of another person outside the Service of equal ability?"

To this Mr. Harcourt replied—

"The only claim I consider paramount would be the question of merit."

There are parts of Mr. Harcourt's answers which obviously require no explanation. But I do think that the words of Colonel Seely, which he endorsed, do require explanation.

It must be understood that a Governorship lies quite outside of the ordinary course of promotion in the Colonial Service! Now, my Lords, what does that mean? Does it mean that in the Colonial Service, as in all other Services, there is a neck to the bottle, and that only a very small proportion of those who enter the Colonial

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Service can hope to become Governors? I do not think it can mean anything of that kind; that would be a mere truism. Or does it mean that the Secretary of State reserves to himself the right to recommend to the King for appointment as Colonial Governors gentlemen who have never previously been in the Colonial Service? I do not think it can mean that. If it does mean that, I take the liberty of saying that the method of expressing that sentiment is infelicitous.

On the question of the appointment as Governors of gentlemen from outside the Colonial Office I wish to say a word. It has always been the practice, ever since I can remember at any rate, and I believe long before—the noble Marquess who leads the House will no doubt confirm what I say—for Secretaries of State not to feel themselves bound to recommend for appointment as Governors only officers already in the Colonial Service, and within limits, though I do say strictly within limits, I am quite sure that is good for the Public Service. Every now and then you get introduced into the Service a man of remarkable ability who not only does most valuable work for the State as Governor of the Colony to which he is sent, but whose permanent influence on the Colonial Service is very much to its advantage. I would give as an instance of such an appointment that of Sir Matthew Nathan, who was a Royal Engineer and Secretary of the Colonial Defence Committee, and who then became Governor of Sierra Leone, whence he went to Hong Kong and then to Natal and eventually back to the Civil Service, where he is now. Therefore I hope the noble Lord will quite clearly understand that I do not for one moment contend that it should be the practice of the Colonial Office never to make appointments to Governorships from outside the Colonial Service. But it is a very long step from that admission to the words of Colonel Seely—

“It must be understood that a Governorship lies quite outside of the ordinary course of promotion in the Colonial Service.”

Just consider what the Colonial Service consists of. In the first place you have the Eastern Colonies—Hong Kong, the Straits Settlements, and Ceylon. They are recruited in exactly the same way, and, indeed, by the same examination, as the Indian Civil Service and the Home Civil

Service, and to suggest to a man who has entered the Service of the Eastern Colonies by that examination that a Governorship lies quite outside the ordinary course of the promotion to which he may look seems to me to be a very extraordinary and, indeed, serious statement. But putting aside those who have joined the Colonial Service by this method and taking those who have not passed the examination but have come into the Service either as the private secretaries of Governors or by nomination of the Secretary of State to some subordinate post—a sub-inspectorship of police, an assistant native commissioner-ship, or one of the other methods of entry into the Colonial Service. Will your Lordships consider for a moment how important is that body of men at the present moment? Practically speaking the Colonies, in the sense of this question, are the Crown Colonies, comprising the Eastern group, which I have already mentioned; the West Indian group, the circumstances of which are rather peculiar; and the great West African and East African groups, and a group of Protectorates embraced within the geographical area of the Union of South Africa. In all those Colonies there are a body of officers who entered as boys or at any rate as very young men, who have borne the burden and heat of Colonial Service often under very trying conditions of climate, and who are looking forward to promotion one day. Think what the effect upon them must be of reading the words of the Secretary of State's mouth-piece, that a Governorship lies quite outside of the ordinary course of promotion in the Colonial Service.

I venture to contend that there never was a moment when it was more important than now to get the best class of young men we can for the work in these Crown Colonies. What East Africa and West Africa suffer from, according to my experience, is that the inducements to enter that Service have not been sufficient, not that they have been too great but that they have not been sufficient, and every inducement that the Colonial Office can put forward to good men to take this as their career must redound to the advantage of the Empire and the good government of these Dependencies. If you want to realise what it must mean to these men to read such words, think of a parallel case. Take the case of men who have entered the Service of the Eastern Colonies through

the same examinations as the home Civil Service. What would the home Civil Service think if they were told that the headship of a Department was quite outside of the ordinary course of promotion in the Civil Service? Or if men under the Foreign Office were told that an Ambassadorship was quite outside of the ordinary course of promotion in the Diplomatic Service? Or if a soldier was told that promotion to the rank of General lay quite outside of the ordinary course of promotion in the Army? Is it not obvious that a more depressing effect could not be produced than by the use of such words?

It is not really an answer to say that the difference between those Services and the Colonial Service exists in the fact that the Secretary of State reserves to himself the right occasionally to appoint as Governor a gentleman who had not previously been in the Colonial Service. I do not want for a moment to suggest that that reserved right should be abandoned; but I do say that it is an impossible step from the reservation of that right to what apparently is the meaning of the words used in the answer given by Colonel Seely in the other House. If those words are not explained, if they stand as they are—I say it with the deepest regret—it will be the ruination of the Colonial Service. How can you possibly expect good men to enter the Colonial Service if they are practically told that there is no chance of their ever achieving the position of Governor. It is one thing for them to be told that they will have to stand on their merits and that if there are very much better men outside the Service they may be brought in; but Mr. Harcourt would not even admit to Mr. Lyttelton that, if everything else was equal, the man in the Colonial Service was to have the preference. I am sure that was an omission on Mr. Harcourt's part; I cannot believe that he really intended it; and that is one of the reasons why I have brought this question forward. But Mr. Lyttelton did ask point-blank—

“In the case of a Colonial Secretary, say, of Ceylon, would not his claim be considered paramount to that of another person outside the Service of equal ability?”

Mr. Harcourt, to Mr. Lyttelton's immense surprise, did not reply in the affirmative, but merely said—

“The only claim I consider paramount would be the question of merit.”

The Earl of Selborne.

I began my observations by saying that I have some little knowledge of the feelings of officers in the Colonial Service. I am not exaggerating when I tell the noble Lord that these answers have produced absolute dismay in the Colonial Service. From the East, from Africa, from the West, from men in retirement here in London, the same story has reached me, a story of absolute dismay—an idea that it is the policy of the Colonial Office to discourage in every way merit in the Colonial Service, and to tell the Colonial Service that any other kind of merit, although it has not borne the burden and the heat of the day in the tropical posts of the Crown, will be quite as likely, if not more likely, to receive the reward of a Governorship as the merit of a man who has given his life to the Service. I have already said that I do not suggest that a rule should be laid down that these appointments should never be given outside the Service, but I do say that the practice of giving them outside the Service should be less frequent in the future than it has been in the past. And for this reason. Because a large number of Governorships that were once within the reach of the Colonial Service have now passed outside the reach of that Service. When I was first connected with the Colonial Office it was quite a common thing for an Australian Governorship to be a prize in the career of a Colonial Civil servant. That is so no longer, owing to no fault of the Colonial Office but chiefly owing to the great expense of the office and the fact that the salaries of Colonial Governors in the Australian States have been reduced. Therefore no longer can the Governorship of Australian States be looked to as the reward of Colonial Service; and with the Union of South Africa have departed four possible Governorships which members of the Colonial Service might have looked to for promotion. Instead of four Governors there is now one Governor-General. Therefore the whole of the Australian group of Governorships and the whole of the South African group are now removed from the sphere of ambition of the ordinary Colonial Civil servant. Consequently it is more necessary, I suggest, not less necessary, that promotion to the Crown Colonies proper should as far as possible be reserved for those who have spent their life in the Colonial Service, and that it should be the exception, the marked exception, for a man to be brought into one of these great Crown

Colonial Governorships who has not made it his life's profession to work for the Empire in the Colonies. I have elongated the Question on the Paper in order that the noble Lord might appreciate the exact point to which I invite his attention and to which I want an answer. That is, What was the real meaning of the somewhat singular words used in the House of Commons, words which, I am sure far from the intention of the Secretary of State, have spread dismay through the length and breadth of the Colonial Civil Service?

Moved, That an humble Address be presented to His Majesty for Papers relating to the appointment of Colonial Governors.—(*The Earl of Selborne.*)

***VISCOUNT KNUTSFORD:** Perhaps your Lordships will allow me, as I have had some experience in this matter, to say a few words and to express my entire concurrence with what the noble Earl has said. I served in the Colonial Office from 1867 to 1874 as legal adviser and Assistant Under-Secretary, and I was Colonial Secretary from 1887 to 1892. Therefore I am justified in speaking of my experience because this question came up before me many times during those years, and I can confidently say that the policy of my time and of my predecessors was entirely the reverse of that stated by Mr. Harcourt. I can only hope that his words have been misconstrued.

The experience of my time was that a Governorship lay "quite within" and not "quite without" the ordinary course of promotion in the Colonial Service, and that it was looked upon, unless there were any very special circumstances for departing from the ordinary course, as the reward for work which had been done by men in the Service as Colonial secretaries, treasurers, and in other capacities, in all parts of the world, in all climates, often at the risk of health, and indeed of life. I can endorse what the noble Earl has said as to this announcement being received with absolute dismay by the Colonial Service. I have heard from several in the Service who ask, "Is the whole of our chance of promotion to be altered in this way?" It must be remembered that we are not dealing now with responsible Governments, because those who enter the Colonial Service do not expect—they may hope for it, but they

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have no right to expect—promotion to the Governorship of responsible Colonies. We are dealing with Crown Colonies. I am perfectly certain that the rule up to the present time has been that those who had worked hard and shown themselves capable of administering in the minor offices and minor Governorships had a right to expect promotion to the higher Governorships.

There are always special cases when exceptions have been and must be made to the rule. Where in the case of a Colony there is some special difficulty arising, for example, from financial or racial causes, the Secretary of State for the Colonies naturally has to look round to find a man who is specially adapted for the work, and it may be that there is not one at the time in the Colonial Service. In such cases it is recognised that there are special circumstances, and though some in the Service may feel that they have been passed over and complain, they are not justified in complaining. I wish to enforce on the noble Lord who represents the Colonial Office that unless it is the wish, which I cannot believe, to destroy the spirit of the Service and to lessen the hopes, and therefore the zeal and the good work, of the members of the Service, the language of Mr. Harcourt must be explained and qualified. I feel that this is a most important question affecting a very great Service, and men who have done in that Service such good work all over the world. It is on that ground that I have ventured to trouble your Lordships with these few observations.

***THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD EMMOTT):** My Lords, when I came down to the House this afternoon I wondered a little what line of argument the noble Earl who has made this Motion would adopt. I knew that he had almost unique experience in regard to this matter. He is himself a brilliant example of the success of a choice for a Colonial post of a man outside the Colonial Service. He was appointed to the most difficult and responsible Colonial post of his time, and he fulfilled his duties in a way which won the admiration, not only of those who are his political friends at home, but also of those who are his political opponents. The noble Earl also was for five years—from 1895 to 1900—the holder of the post which I now have the honour

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to hold, and during that time he must have had considerable experience of appointments to Colonial Governorships. I felt perfectly certain, therefore, that he was quite unlikely to treat this question on any narrow grounds, and he has, as a matter of fact, brought forward very cogent arguments in regard to this question and has based them on broad grounds of public interest.

The noble Earl complains of a certain phrase used by my right hon. friend Colonel Seely in another place, and he complains also that the same phrase was repeated, or almost repeated, by the Secretary of State at a later date. Now what did Mr. Harcourt say? In reply to Mr. Lyttelton he said—

“A Governorship lies outside the ordinary course of promotion both in the Colonial Office and in the Colonial Service. I see no reason for reconsidering or modifying the present practice, and I can assure the right hon. gentleman that the claims of the Service are fully considered whenever a Governorship becomes vacant, my only object being to get the best available man.”

I think that the noble Earl has attached too much importance to his rendering of the earlier part, and has attached too little importance to the qualifications in the latter part of that reply, because Mr. Harcourt, in the latter part of his reply, does clearly signify that no change of practice has been made, is being made, or will be made. The noble Earl said that the phrase of which he complains could not simply refer to the fact that, as Governorships are few and the Colonial Service is a large Service, there are not many young men who go into the Colonial Service who can expect to become Governors. He said that the phrase could not mean that. He also said that he did not think that the phrase could mean that the Colonial Secretary reserved to himself the right to recommend outsiders to positions of especial difficulty for which they were specially suitable. Well, my Lords, I am very much surprised that such a cloud of suspicion should have arisen from this answer of the Colonial Secretary. The noble Earl has told us, and the noble Viscount who was Secretary of State for the Colonies a good many years ago has confirmed the statement, that this phrase has spread absolute dismay in the Service. If that is the case, I think the noble Earl has done a service in bringing the matter forward, because I hope to be able to blow away entirely all this cloud of suspicion.

Lord Emmott.

I can state in the most categorical way that no change has been made or will be made in the direction of seeking for outsiders instead of those who are already members of the Colonial Service when Governorships are vacant. Indeed, I can do more than that. I can give your Lordships some particulars which I think will show that so far from the present Colonial Secretary or any Colonial Secretary connected with the present Government having appointed more Governors from outside than were appointed, let me say, at the time when the noble Earl opposite was Under-Secretary of State for the Colonies, there have, in fact, been fewer outside appointments of late than in the past. I have not gone far back in the researches that I have made in regard to this matter. I began only in 1895. But I may state generally, having looked at the papers in the office in regard to this matter, that there was a larger proportion of outsiders appointed before 1895 than since that year. I take the five years 1895 to 1900. The outside appointments made during those years were those of Sir West Ridgeway to Ceylon, Sir West Ridgeway having before that time been Lieutenant-Governor of the Isle of Man; Sir Herbert Murray to Newfoundland, Sir Herbert Murray having been before that Chairman of the Board of Customs; Mr. Sterndale, a retired member of the Indian Civil Service, to St. Helena in 1897; and Sir Matthew Nathan, to whom the noble Earl referred, who was first sent as Acting Governor to Sierra Leone and was afterwards appointed Governor of the Gold Coast. Sir Matthew Nathan was Secretary of the Colonial Defence Committee at the time of his appointment. Those are the only four appointments in the period from 1895 to 1900. But, few as those appointments were, the appointments of Governors to our Crown Colonies made since 1900 are fewer still. And may I say in regard to this matter that I am leaving out of account, as I must leave out of account I think, Australia, New Zealand, South Africa, and Canada, and the Military Governorships of Gibraltar, Malta, and Bermuda.

THE EARL OF SELBORNE: Hear, hear.

*LORD EMMOTT: In the period of the Unionist Government from 1900 to 1905 there was, so far as I can make out, only one appointment from outside the Colonial

Service, and that was the appointment of Sir John Anderson to the Straits Settlements. Sir John Anderson is now the Permanent Under-Secretary at the Colonial Office and was in the Colonial Office before.

THE EARL OF SELBORNE: He was in the Colonial Office at the time of his appointment.

***LORD EMMOTT:** Now I come to the period of the present Government. The only outside appointments made by the Liberal Government since they came into office in December, 1905, were, first, that of Sir Percy Girouard, who was Commissioner of Railways in South Africa and had special experience of railway construction, to the Governorship of Northern Nigeria. I do not think that his case is a real exception to the rule, but I give it for what it is worth. The only other appointment—and this is hardly an outside appointment—until I come to the tenure of office of the present Secretary of State is that of Sir Sydney Olivier, who was a principal clerk in the Colonial Office from 1904 to 1907 and had been Colonial Secretary in Jamaica from 1900 to 1904, and was sent out in 1907 as Governor of Jamaica. Those are the only two who were not actually in what is called the Colonial Service when they were appointed. The only appointment of the kind made by my right hon. friend the present Secretary of State for the Colonies is that of Major Chancellor to Mauritius in 1911. I abstain, of course, because we are not discussing this matter as one between Parties and Governments, from any question of *tu quoque*. I bring forward these figures to show that, so far from outside appointments having become more numerous as years have gone on, they have actually become less numerous, and I sincerely hope that they may become fewer still in the future. I hope I have met the case that has been made out; because if it be true, as the noble Earl and the noble Viscount have said, that so much suspicion has been aroused in regard to this matter, it is certainly very desirable that that suspicion should be dissipated.

Just before I came down to the House this afternoon I had put into my hand a copy of *The Times* of December 2 last, in which appears a letter written by Sir Frank

Swettenham dealing with this question, and if I am not keeping your Lordships too long I would like to read one paragraph from that letter and comment upon it. Sir Frank Swettenham wrote—

“It is not only that the men who enter the Colonial Service early, by the narrow gate of severe competitive examination, are to stand aside for military officers, who have been educated at Woolwich and elsewhere to perform entirely different duties, but this *dictum*—that Governorships stand apart—opens the door to every kind of jobbery; and when the Secretary of State suggests, as he did recently in the case of British Guiana, that the salary of a Governorship should be raised in order that he may be able to put in the post a really suitable man, he gives us furiously to think.”

I mention that case because I want to say, first of all, with regard to British Guiana that the request for raising the salary came from British Guiana itself, and, secondly, to point out that the new Governor is Sir Walter Egerton, who was himself an Eastern Cadet and entered the Service by the door of examination. Therefore this particular case, which is held up as one which gives us furiously to think, is one in which the ordinary course of promotion from the Colonial Service has been followed, and as to which it is quite clear that Sir Frank Swettenham's suspicions have no foundation whatever. I have only one word to say in conclusion. I do not propose to detain your Lordships by going into the general question of what should be done to improve, to strengthen, and to make more attractive the Colonial Service. That is a large question. All I need say now is that, as regards that part of the matter, I associate myself entirely with what fell from the noble Earl.

LORD AMPHILL: My Lords, I should like to say a few words on this subject, as I know something about it. I had the honour of serving for some time in the Colonial Office, it is true not in the important and responsible positions held by my noble friend or by the noble Lord opposite, but I had the honour of serving as private secretary to Mr. Chamberlain, and I spent in the Colonial Office a longer period measured in hours than any one in this House, and one of my principal duties was to deal with these questions of patronage. I think we all received with the greatest satisfaction the assurance which the noble Lord has given us in explicit words—namely, that no change in practice has been made, is being made, or will be made; and if he is saying that, as

no doubt he is, on behalf of his chief, we must all be thoroughly satisfied.

But I venture to say it would have been more satisfactory if the noble Lord had given us a somewhat simpler and less ingenious answer to the question put to him by my noble friend. I think the most satisfactory and obvious course would have been for him to say that the answers given to the questions in another place had been badly expressed, and that the meaning which had been read into those answers by an enormous number of members of the Colonial Service was not justified. That would have ended the matter, and nothing further would have been required. But the noble Lord opposite sought to justify the answer given by the Secretary of State and said that the latter part of it explained away the first part. It does not do anything of the kind. The latter part of Mr. Harcourt's answer was that he saw no reason to modify the existing practice. The question at once arose, What is the existing practice? Is it the practice existing only during the present *régime* or the practice existing in previous *régimes*? That is a doubt which at once occurred.

When I had to deal with these matters as private secretary in the Colonial Office the answer given to the enormous number of people who sent in applications for Colonial Governorships was precisely the reverse of that which was given in the House of Commons. The invariable stock answer which I was directed to give in this correspondence was that Colonial Governorships were reserved in the ordinary course for members of the Colonial Service, and that it was only in very exceptional circumstances—those stated by the noble Viscount earlier this evening—that an outsider was ever appointed. That answer precluded any possibility of doubt on the part of members of the Colonial Service, and it also precluded false expectations on the part of outsiders who wished to obtain Governorships.

*THE LORD PRIVY SEAL AND SECRETARY OF STATE FOR INDIA (THE MARQUESS OF CREWE): My Lords, I have really very little to add to the complete answer which my noble friend behind me was able to give to this Question, and I think we may all congratulate ourselves that the Question was put by the

Lord Amphilh.

noble Earl assuming, as no doubt is the case, that he is right in supposing that the answers which had been given by my two right hon. friends in another place had been misunderstood. Whether it was reasonable that they should be misunderstood is a question which it is very difficult to answer. It is not always easy to state a phrase in a manner which cannot possibly be misconceived, and, of course, taken in a strict sense the answer given by my right hon. friends was perfectly true. The noble Earl opposite mentioned the case of a military officer. If you were to say that the various commands in this country which are held by Lieutenants-General are not in the ordinary run of military promotions—

THE EARL OF SELBORNE: Those were not the words.

*THE MARQUESS OF CREWE: Well, suppose one were to say that those commands were outside the ordinary course of promotion in the service of His Majesty's Army, I do not think that anybody would misunderstand what was intended. It is, of course, quite true that my right hon. friend the Secretary of State does not propose to alter what has been the custom for a number of years, which I take to be that when a vacancy occurs in a Crown Colony the list of those who stand high for promotion is carefully considered in relation to the particular duties required of the Governor of the particular Colony, and, when that process has been gone through, if for one reason or another, whether for reasons of climate or whatever the reason may be, there is no gentleman there who appears to be entirely suited to the post, then the Secretary of State begins to look elsewhere.

The noble Earl drew attention to the fact—and from one point of view it is a serious fact—that the possibilities of promotion for those who are in the regular Service have been seriously reduced of late. It is no doubt the case that, speaking generally, those who have to recommend appointments to His Majesty look outside the Service for the Australian appointments. It is not invariably so. I myself had the honour of recommending to a first-class Governorship in a Crown Colony a Colonial Governor, Sir George Le Hunte

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who was a member of the Colonial Service and at that time Governor of an Australian State. I also had the pleasure of recommending for appointment to Queensland Sir William Macgregor, Governor of Newfoundland, an honoured member of the Service who is also a popular Governor of an Australian State. But, speaking generally, it can no doubt be said that the habit of looking elsewhere for Australian Governors is a confirmed one; and it is also, from the point of view of the Service, lamentably true that the South African Governorships have disappeared from the scene altogether. I do not think that as a matter of fact the position is misunderstood in the Service. I do not believe, for instance, that the entrance into the Civil Service of such men as Sir Percy Girouard, Sir Frederick Lugard, and Sir William Manning is in any way resented by those who have risen step by step in the Colonial Service.

Since the noble Viscount opposite was at the Colonial Office a somewhat new state of things has arisen in the coming into being of a new class of Governorship—namely, those great African Governorships for which special qualities are undoubtedly demanded, qualities which have been splendidly displayed by Sir Frederick Lugard and by Sir Percy Girouard, qualities not often to be found, perhaps, in those who have risen step by step in small Colonies in quite different parts of the world; and therefore it is clear that there is always likely to be a certain incoming of outsiders, military officers and others, who possess special qualifications. But subject to those reservations I am quite certain, so far as my knowledge of the Colonial Office enables me to form an opinion, that future Colonial Secretaries will see that it is both fair and advantageous to allow it to be understood by members of the regular Colonial Service—so far as it is a regular Service, because it is only a regular Service in a special sense—that good work will be rewarded, and that extra good work has a chance of being rewarded by promotion to the highest offices of that particular branch which are in the gift of the Crown.

THE EARL OF SELBORNE: I do not press the Motion.

Motion, by leave, withdrawn.

HOUSE OF LORDS.

Wednesday, 17th July, 1912.

BRITISH INDIANS IN SOUTH AFRICA.

LORD AMPHILL rose to ask the Under Secretary of State for the Colonies what is the present position in regard to the question of the treatment of British Indians in South Africa, and whether it is intended to present any further Papers to Parliament in the near future.

The noble Lord said: My Lords, I am not going to take up your Lordships' time with a speech, but I must say a few words of explanation with regard to the Question which stands in my name. I am obliged to put this Question because there was no opportunity in another place for those interested in this supremely important question of the treatment of British Indians in South Africa to elicit information from the Secretary of State. Your Lordships will remember that the Secretary of State took the members of the House of Commons for a tour round the Crown Colonies, which was so interesting and protracted that there was not opportunity to go further. Those of us who have for some years past been interested in this question are feeling very grave anxiety at the present time. Our anxiety is due to two causes—in the first place, that the settlement which was promised so long ago, promised so definitely and so hopefully by the late Secretary of State for the Colonies, has again been postponed; and, in the second place, that the management of that settlement is now in other hands. General Smuts, who was Minister for the Interior, was personally pledged to carry out a settlement which, as we believe, had been agreed upon as satisfactory, not only by the Indian community in South Africa, but also by His Majesty's Government and by the Government of India. But now, unfortunately, the Bill has been postponed, and the office of Minister of the Interior is in other hands—in the hands, I believe, of Mr. Fischer, who unfortunately we know to be, I will only put it this way, less amicably disposed towards the British Indian community than was General Smuts. We should like to know most particularly whether the fact that there is a new Minister of the Interior will make any difference as regards the settlement, and also, of course, why exactly it has been found necessary to postpone this settlement.

I could give scores of instances of the way in which advantage has been taken of this Bill to oppress—there is no other word—the lawful Indian residents in the Transvaal. What I want to know is whether His Majesty's Government have been taking note of these oppressive acts, whether they have done anything to protect His Majesty's subjects, our Indian fellow subjects, who are in South Africa and have every right to be there, whose right has never been questioned. I emphasise that because it is not a case of immigrants who have forced their way in without permission. I do hope the noble Lord who is going to answer me will not give that answer which I have often heard before, and which I dare say the occupants of the Front Bench opposite think good enough for me. It is not good enough for those on whose behalf I speak. It is not good enough for anybody who regards this question from the point of view of common sense and the interests of the Empire as apart from the ordinary devices of political Parties in Parliament. That answer is that you cannot interfere with a self-governing Colony. That seems to be satisfying to many people, but it is a rotten answer, a stupid answer. In the first place, there is no question of interference. Let me remind you of the Malecka case. If you can interfere with the Government of a foreign country, over which you cannot possibly exercise any compulsion, in order to secure the reversal of the acts of a Court of Justice on behalf of one single person who was only half a British citizen if she was a British citizen at all, then surely you have a right to do something, to say something, to make a bargain, to come to an understanding, about thousands of persons who are wholly British citizens, and to make that understanding with people who are your own national kinsmen, who are under the British flag, who are under the authority of our Sovereign, and with whom—and that is the point—we have absolutely vital interests in common. If you cannot come to an agreement with our kinsmen in our Dominions oversea about matters which concern the whole welfare of the Empire, then I say that the Empire itself cannot have any existence in fact.

I wish to Heaven that I had the power or the knowledge which would enable me to create public opinion and propitiate those wizards of the Press who, for good or for

Lord Amthill.

evil, influence our destinies in the same way as opinion was created and the Press were propitiated in regard to the Malecka case. Ten thousand times more justification has there been during the last five years in the case of our Indian fellow-subjects in the Transvaal; and if the pressure which I refer to in the Malecka case was potent to move the Government in this country to action, to oblige them to interfere with a foreign country over whom we have no power of control, how much more, had I known the trick, would it have been possible to move them into action in regard to our Indian fellow-subjects in the Transvaal? I hope I have made it clear to the noble Lord what are the exact points on which I wish to have an answer.

*THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD EMMOTT): My Lords, I am quite sure that those of your Lordships who have taken an interest in South Africa can feel no surprise that the noble Lord opposite has put this Question to me before the House adjourns, as I hope it will do, early in August. Whatever might be said in another place it would be quite natural that a Question should also be put here, particularly by the noble Lord who has for so long taken an interest in this subject. The noble Lord has covered an enormous amount of ground, and if I were to go through the whole of it in detail I am afraid that our sitting would be very prolonged. I will, however, answer a great many of the points he has raised, but I am sure in the circumstances he will allow me to do so as briefly as possible.

The noble Lord referred at the end of his speech to the stereotyped answer, of which he says he has become rather tired, that we cannot interfere with a self-governing Colony, and he raised the Malecka case as an instance of our interfering, as he called it, with a powerful foreign Government. I really do not see the analogy between that case and many of these individual cases with which we have to deal. The noble Lord says that this answer that we cannot interfere with a self-governing Colony is a "rotten and stupid" answer, and that we have a right to interfere as regards thousands of cases as we had a right to interfere in the case of Miss Malecka. I carefully stated, on the last occasion on which we were discussing this question, what the policy

of His Majesty's Government is. I stated that we always considered every case that came before us, and that where we thought we had a right to intervene and that intervention would be useful we exercised our right, but I added that we were not going to be urged into a policy of constant nagging which would defeat its own end and only cause irritation without giving us any right really to remedy matters ourselves. If the noble Lord desires that all these individual cases—and in some of them I do think there has been reason for complaint—in regard to which the complaint arises are to be made the subject of representations, then I say, if that is to be the policy, we must wait until the noble Lord's friends come into power, and let him press his policy on them.

LORD AMPHILL : Nothing was further from my thoughts than to suggest that we should interfere in every case. I thought my language was perfectly clear. It was simply to the effect that we should make representations on the general tendency of the treatment of the whole Indian community.

*LORD EMMOTT : The noble Lord knows enough of official life to be aware that we cannot collect a number of cases and deal with them under general terms. We must deal with each case on its merits. We do deal with every complaint that is made to us, and wherever we think that intervention would be useful and that we have a right to intervene we exercise that right. The principal question of interest during recent months in South Africa has been the question of the Immigration Bill. In December last, on a day which I remember very well because it was the first day on which I had the honour of addressing your Lordships' House, I stated that correspondence in regard to the Immigration Bill was proceeding, and although the time had not yet come we would consider whether Papers could be laid in regard to it at some future date. The noble Lord is well aware that the Union Government introduced an Immigration Bill again this year. That Bill closely resembled the Bill of last year. It would have removed the differential bar about which he spoke, and which is the principal cause of complaint on the part of British Indians. Unfortunately the Government has not been able to carry that Bill during the session which has just

closed. The noble Lord asked me why they had not passed it. I am afraid that is a rather difficult question for me to answer. We are not without instances in this country of a rather overcrowded programme which prevents the Government from carrying all the Bills that it foreshadows in the King's Speech. There has been a great mass of legislation before the South African Parliament, and no doubt one of the reasons must be the great pressure on their time during the very prolonged session that has recently come to a close. The noble Lord asked me also about another matter connected with the change of posts in the Union Government. I really cannot answer that question. It is not my place to express an opinion as to whether one man is more favourable to the views of the noble Lord and another less favourable. It would be highly improper, I think, for me to do so.

LORD AMPHILL : That is not the point. Has the Colonial Office had any information to the effect that Mr. Fischer is pledged in the same way personally as was General Smuts ?

*LORD EMMOTT : No information occurs to me that has reached the Colonial Office as regards any pledge given on this particular question by Mr. Fischer as opposed to General Smuts. They have both been members of the same Government for some time, and I presume their policy in this matter is the same. I can assure the noble Lord that we have positive proof that Ministers were most anxious to secure the passage of this Bill. I need not say how keenly His Majesty's Government regret the failure to carry this Bill this year. We have made known our regret to the Governor-General, and Union Ministers have, in reply, promised to introduce a Bill to deal with the question at the earliest possible date next session. In these circumstances I think it would be useful if I promise to lay Papers dealing with this question of the Immigration Bill and bringing up to date the correspondence of which your Lordships have already had an earlier edition in Command Paper No. 5579.

It remains for me to deal with one or two of the particular questions of complaint which were raised by the noble Lord opposite. He asked me about the terms of the Immigration Bill of this session which has

failed to pass. All I can say is that we considered the terms of that measure generally satisfactory. He made some reference to one or two matters which I rather failed to grasp. I suspect that one of them had reference to the question of the Orange River State. If that was not the object of the noble Lord's question I do not quite know what he meant. At any rate, there is no legislation proposed in the Immigration Bill which would be worse for British Indians in the Orange River State than the law at present in force there.

LORD AMPHILL: What about other provinces?

*LORD EMMOTT: If the noble Lord will state a little more specifically what information he wants I will endeavour to reply. The noble Lord complained of what he calls the conditions of the bargain which led up to the stoppage of passive resistance being violated in spirit, and he cited a number of matters on which he thinks there is cause for complaint. He cited the decision of the Supreme Court on the question of a second wife coming into the country. That is not a question of administration at all, but a question of legal decision. I am sure the noble Lord will agree with me that many of the legal decisions given by the Supreme and other Courts in South Africa have been very much in favour of British Indians, and I do not think the decision of the Supreme Court in this particular case ought to be made the ground of a general charge of a departure from the spirit of the compromise entered into at the time when passive resistance was stopped. I may say that in this matter of polygamous marriages there is no change whatever in South Africa. South African law has never recognised any other system than monogamy, and therefore, although the amount of religious toleration there may differ somewhat in quality or quantity from what we have here, there is nothing new at all in the law with regard to monogamy and polygamy. Therefore, my Lords, I think you will understand that His Majesty's Government do not consider that there is any ground for protest in regard to this particular decision of what the law is at the present time in South Africa.

With regard to the Nathalia case, to which hereferred and on which he made representa-

Lord Emmott.

tions to the Colonial Office, the noble Lord rightly and naturally attaches great importance to the question of an appeal on domicile. That is a matter that we have been trying to obtain for a long time whenever any opportunity has offered. All I can say is that an amendment was promised to the Immigration Bill by Ministers which would have given an appeal on questions of domicile, and that amendment would really have been of very great value, and one which His Majesty's Government would have welcomed. With regard to the other points, the noble Lord mentioned the question of detention in Mozambique, a matter which he raised last February. It is the fact that from the day when the noble Lord raised that question to the present moment we have received no protest in regard to the matter, and I presume and hope from that fact that matters are now proceeding satisfactorily in regard to this particular question in the Mozambique province. On that point, therefore, I have no information, and I am inclined to hope, from the fact that we have no information, that the complaint of administration which was made by the noble Lord is at any rate no longer justified.

LORD AMPHILL: I did not bring forward those various points as complaints. I simply gave them as instances in the past of the way in which the spirit of the settlement had been violated. I quoted them merely as instances.

*LORD EMMOTT: If so, I hope I may suggest to the noble Lord that the absence of complaint in regard to these or similar matters shows that the spirit of the law is not being departed from in regard to them at the present time, unless incidents are going on of which we know nothing. The noble Lord mentioned the trade licensing laws in Natal. That is a matter about which His Majesty's Government corresponded with South Africa, and the result of that correspondence was that a law was passed giving existing holders of licences an appeal to the Court in regard to any question of deprivation of licences. I need not repeat that we regret very much that the Immigration Bill has not been passed into law. I will lay Papers with regard to the matter, and those Papers will, I think, include a promise that a Bill on this question will be introduced as early as possible in the next session of Parliament.

HOUSE OF LORDS.

Tuesday, 11th February, 1913.

THE DISASTER TO THE ANTARCTIC EXPEDITION.

*LORD LAMINGTON: My Lords, I beg to ask a question of the noble Lord opposite, the Under-Secretary of State for the Colonies, of which I have given him private notice. It is whether he can give any further details of the lamentable fate of the gallant Captain Scott and his companions. I do not suppose that in the annals of human self-sacrifice there was ever anything finer than the passing of Captain Oates into the blizzard. We know that their labours have not been in vain, but it will be of particular interest to us to learn whether their records have been found. Also we would like to know whether His Majesty's Government contemplate doing anything for the families of these heroes.

*THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD EMMOTT): My Lords, His Majesty's Government have no information in regard to this matter, so far as I know, other than what has appeared in the telegrams which have been published in the Press. Unfortunately, there seems no reason to doubt the accuracy of these reports. We have to deplore an appalling and almost unparalleled catastrophe in the history of Antarctic exploration. We can ill afford to lose men so brave and faithful in the discharge of their duties as these men were. But at the moment our sympathy goes out, above all, to the sorrowing relatives of those who have perished, and to the widow of the splendid leader of this gallant band of heroes. In the profoundly moving letter of Captain Scott it is shown how calmly these men met danger, and with what splendid fortitude they waited the eventual release from their sufferings. There is an additional touch of pathos in the fact that they were so near supplies when the last blizzard came and made further advance impossible. The splendid example which these men have set will be, I am sure, an inspiration to Englishmen for all time. Their last thoughts were for others, and not for themselves. I have no instructions from the Government at the moment in regard to this matter, but, speaking for myself, I feel perfectly certain that the fellow-countrymen of these heroes will in some form or other see to it that their dying wishes are fulfilled.

BRITISH INDIANS IN SOUTH AFRICA.

*LORD AMPHILL rose to ask the Under-Secretary of State for the Colonies whether His Majesty's Government have received any official information which confirms the reports published in the Press to the effect that the visit of the Honourable Mr. G. K. Gokhale to South Africa was successful in its object and has given good grounds for expecting an early and satisfactory settlement of the British Indian question; and to move for Papers.

The noble Lord said: My Lords, I am indeed sorry to detain your Lordships at this late hour, but the matter on which I wish to ask His Majesty's Government for information is not unimportant and I must beg to be allowed to say a few words by way of explanation. The object of my Question is not to criticise but to obtain information. Those on whose behalf I am speaking have not lost their interest in this subject, to which more than once I have sought the attention of the House, and none of the preoccupations and distractions of present day affairs will abate their deep concern for the solution of this problem with regard to British subjects in South Africa. I wish to give the Government an opportunity of proving that, in spite of the many pressing concerns with which they are at present obliged to deal, they are watching the situation and are still mindful that this is a question not only of rendering justice to our fellow-subjects in South Africa but one vitally affecting the position of India in the Empire. It is an Imperial question of the first magnitude, for nobody can question that well-founded discontent in India must effect the stability of British rule, and that serious trouble in India must mean trouble to the Empire as well.

There has been discontent in India, very serious discontent, in regard to this question, and it came to a climax on the occasion of the Indian National Congress of 1911. It was on that occasion that Mr. Gokhale, a member of the Viceroy's Council and perhaps the best known and most public spirited public man in India, undertook the mission to South Africa. In doing that he rendered a real service to the Empire, a service conspicuous not only for the public spirit which formed its motive but also for the great success by which it was attended. I think I am right in saying that His Majesty's Government approved of the mission of Mr.

Gokhale and did something to encourage it, and in that belief I venture to assume that they must be concerned to see that the effect of that mission has not been lost. Demonstrations of good feeling, however striking and enthusiastic they may be, are of no avail unless they are followed, and followed speedily, by appropriate action. Therefore what I want to know is, What His Majesty's Government have been doing during the past two months to acknowledge and encourage and to take advantage of that spirit of reasonableness and conciliation and goodwill which arose from Mr. Gokhale's visit to South Africa, a tour which was really remarkable in many ways. Mr. Gokhale was received and offered hospitality by the Union Government, by mayors and municipal authorities of all the towns which he visited and by the European community in every centre. When you reflect that this was after five years of controversy, attended by bitter prejudice and passion, it was really a very remarkable thing, and I do not think it is too much to say that it was due in a very great measure to the remarkable qualities of Mr. Gokhale himself—to the very sensible view which he brought to bear on the situation, to his tact, and to his undoubted personal charm.

My Lords, the results of that visit have aroused in all those who are interesting themselves closely in this question hopes that we are at last, after many years of weary waiting and anxiety, approaching a fair solution. But meanwhile I cannot disguise from your Lordships that delay is doing some harm. There is cause for anxiety. The noble Lord the Under-Secretary of State for the Colonies knows to what I am referring, for it is only within the past fortnight that I have brought to his notice recent cases in which the action of officials and municipal authorities has not corresponded with the attitude of the Government and the opinion of what I may call the best men in South Africa. I venture to think prompt action is needed on the part of the State in order to inculcate and encourage in the whole community of South Africa that spirit of fair play which we claim to be essentially British, and which, therefore, ought to animate the whole of the British Empire. I beg to move.

Moved, That an humble Address be presented to His Majesty for Papers relating to the visit of the Honourable Mr. G. K. Gokhale to South Africa.—(*Lord Amptill.*)

*LORD EMMOTT: My Lords, I am sure the noble Lord will pardon me if, on account of the lateness of the hour, I make my reply as brief as possible, but I will give him such information as I have. There is one *caveat* which I think I must enter. The noble Lord spoke of encouragement to Mr. Gokhale to go to South Africa. It is possible, but I am not sure myself what, if any, encouragement was given to him. I make that statement only because I do not desire any misunderstanding on the matter. Mr. Gokhale's visit was unofficial. He was received, I am glad to say, by the Prime Minister, by the Minister of the Interior, and by the Minister of Finance. To those three Ministers he made informal representations as to the position of Indians in South Africa. He was informed by those Ministers that they would give consideration to the points he raised, and especially to the question of the £3 tax on Indians in Natal who had served their terms of indenture, and also to the question of the Immigration Bill. With regard to the Immigration Bill the noble Lord will remember that in the White Paper, Cd. 6283, laid upon the Table when he last brought the question of Indians in South Africa before your Lordships' House, there was a statement on Page 26 in a telegram from the Governor-General to the Secretary of State that the Ministers—

"were most anxious to secure passing of Bill and that, having in view discussing in Parliament during last session when Bill came up for Second Reading, they will take steps to introduce Bill, with certain amendments as outcome of that discussion, at earliest possible date during the course of next session."

From the information I have, I understand that the exact form of the Amendments to the Bill is not yet settled but is under consideration; and His Majesty's Government are led to hope that the Bill including those Amendments will be sent home at an early date. I should hesitate to express too confident an opinion about the effect of the visit of Mr. Gokhale. I do not mean by that that I am dissatisfied with its effect; but I cannot express a very confident opinion because I have not the material to enable me to form one. Speaking for myself, however, I may say that Mr. Gokhale does seem to me to have taken a broad view of the situation, and in his speech on his return to India to have shown that he realised the facts of the case and some of the great difficulties surrounding

this question. On the whole, I am inclined to express the opinion that, so far as I can see, Mr. Gokhale's visit to South Africa appears to have been an advantage. I regret that I have no further information to give, and there are no Papers which at present I can lay. I have given the House the whole of the information I possess at the present time.

LORD AMPHILL: I just wish to say this in answer to the noble Lord. He seems to be doubtful as to whether I was correct in saying that His Majesty's Government had encouraged the visit. I was relying on remarks made by Mr. Gokhale himself in his speech on his return to India. He gave thanks to Mr. Harcourt and Lord Crewe for having made it possible and encouraged him to go—at least so I read the report in the Press. Of course, my Motion for Papers is withdrawn with your Lordships' permission, but I must say I had hoped for a somewhat less frigid and cautiously official reply. I had hoped that the noble Lord would have been able to give us rather more encouragement to believe that the solution of this problem is really getting nearer on account of what has recently taken place.

Motion, by leave, withdrawn.

HOUSE OF LORDS.

Friday, 14th February, 1913.

PENSIONS (GOVERNORS OF DOMINIONS) BILL.

Brought from the Commons.

PENSIONS (GOVERNORS OF DOMINIONS) BILL.

Read 1^a, and to be printed. (No. 217.)

HOUSE OF LORDS.

Tuesday, 18th February, 1913.

PENSIONS (GOVERNORS OF DOMINIONS) BILL.

[SECOND READING.]

Order of the Day for the Second Reading read.

THE UNDER-SECRETARY OF STATE FOR THE COLONIES (LORD EMMOTT):

My Lords, I can explain the purpose of this Bill very briefly. It is a Bill to amend the Act of 1911 with a similar title. That Act was passed largely in order to give Governors of Protectorates pension rights. The minimum period for pension as a Governor was fixed by that Act at ten years; but in subsection (1) of Section 5 of the Act there is a provision that if a Governor serves as Governor for less than ten years he may reckon his years of service as Governor towards his pension, and the rate of that pension has to be fixed for those years at the rate of his last post in the Service. The actual words used to secure this continuity are "service in the permanent Civil Service of the State," and those words are defined in the definition section as meaning service in respect of which a pension may be granted under the Superannuation Acts of 1884 to 1889. One has to turn back to the Act of 1887 to find what those words mean, and turning back to that Act it is found that service in a Colony qualifies for this purpose, but not service in a Protectorate. It is to amend that entirely unexpected interpretation of the Act of 1911 that this Bill is introduced. There are one or two ex-Governors who are suffering already in regard to the matter, and that is why it is made retrospective. I have great confidence in recommending the Bill to the favourable consideration of your Lordships' House.

Moved, That the Bill be now read 2^a.—
(Lord Emmott.)

On Question, Bill read 2^a, and committed to a Committee of the Whole House To-morrow.

HOUSE OF LORDS.

Wednesday, 19th February, 1913.

PENSIONS (GOVERNORS OF DOMINIONS) BILL.

House in Committee (according to Order): Bill reported without amendment: Then (Standing Order No. XXXIX having been suspended) Bill read 3^a, and passed.

HOUSE OF LORDS.

Friday, 7th March, 1913.

ROYAL COMMISSION.

The following Bill received the Royal Assent—

Pensions (Governors of Dominions).

HIS MAJESTY'S SPEECH.

And afterwards His Majesty's most gracious Speech was delivered to both Houses of Parliament by the Lord Chancellor (in pursuance of His Majesty's Command) as followeth :—

“ My Lords, and Gentlemen,

“ After a prolonged and exacting Session, I regret that you should enjoy only a nominal period of release from your labours. It is, however, necessary to call upon you again within a few days to consider the provision required for the service for the coming year and to renew your deliberations upon public affairs.

“ I shall then have occasion again to address you in the ordinary course.

“ Gentlemen of the House of Commons,

“ I thank you for the liberal supplies which you have granted in order to maintain the full efficiency of the Public Service in its various branches.

“ My Lords, and Gentlemen,

“ I have assented to an Act which enables effect to be given to the administrative changes in India which I announced at my Coronation Durbar.

“ I have sanctioned a number of Statutes dealing with domestic reforms, from which I anticipate beneficial results.

“ It is my earnest prayer that the blessing of the Almighty may rest upon all your past and coming labours.”

Then a Commission for proroguing the Parliament was read.

After which the LORD CHANCELLOR said :

MY LORDS AND GENTLEMEN, By virtue of His Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in His Majesty's Name and in obedience to His Commands, prorogue this Parliament to Monday the Tenth day of March One thousand nine hundred and thirteen, to be then here holden ; and this Parliament is accordingly prorogued to Monday the Tenth day of March One thousand nine hundred and thirteen.

End of the Second Session of the Thirtieth Parliament of the United Kingdom of Great Britain and Ireland, in the Third year of the Reign of His Majesty, King George V.

INDEX.

FEBRUARY 14, 1912—MARCH 7, 1913

EXPLANATION OF ABBREVIATIONS.

Bills: Read First, Second or Third Time = 1R., 2R., 3R.

Where in the Index * is added with Reading of a Bill or any other stage, it indicates that no debate took place on that stage of the Bill.

Amphill, Lord

- British Indians in South Africa—
 - Effect of recent legislation, 42, 49, 50, 51, 52.
- Gokhale, Mr., result of visit of, 54, 57.
- Portuguese officials' power to detain minor children accompanying their parents, 4, 9, 12.
- Transvaal—
 - Vrededorp Stands Ordinance, working of, 27.
 - Working of recent legislation, 14, 16, 26.
- Governors, system of appointing—Colonial Office policy, 38.

British Indians in South Africa

- Effect of recent legislation, 42.
- Gokhale, Mr., result of visit of, 54.
- Portuguese officials' power to detain minor children accompanying their parents, 4.
- Transvaal—
 - Vrededorp Stands Ordinance, working of, 27.
 - Working of recent legislation, 14.

Crewe, Marquess of—Lord Privy Seal and Secretary of State for India

- British Indians in the Transvaal—Working of recent legislation, 20, 22.
- Governors, system of appointing—Colonial Office policy, 39.

Emmott, Lord—Under Secretary of State for the Colonies

- British Indians in South Africa—
 - Effect of recent legislation, 48.
- Gokhale, Mr., result of visit of, 56.
- Portuguese officials' power to detain minor children accompanying their parents, 7, 12.

Emmott, Lord—contd.

- British Indians in South Africa—*contd.*
 - Transvaal—
 - Vrededorp Stands Ordinance, working of, 27.
 - Working of recent legislation, 16.
- Governors, system of appointing—Colonial Office policy, 34.
- Pensions (Governors of Dominions) Bill 2R., 57.
- Scott (Antarctic) Expedition, particulars of disaster to, 53.

Governors

- System of appointing—Colonial Office policy, 27.

Knutsford, Viscount

- Governors, system of appointing—Colonial Office policy, 33.

Lamington, Lord

- Scott (Antarctic) Expedition, particulars of disaster to, 53.

Pensions (Governors of Dominions) Bill

- 1R.,* 57.
- 2R., 57.
- Committee, reported and 3R.,* 58.
- Royal Assent, 59.

Scott (Antarctic) Expedition

- Particulars of disaster to, 53.

Selborne, Earl of

- British Indians in the Transvaal, position of—
 - Working of recent legislation, 17.
- Governors, system of appointing—Colonial Office policy, 27, 37, 40.

INDEX

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