

Anti-Caste.

ADVOCATES THE BROTHERHOOD OF MANKIND IRRESPECTIVE OF COLOUR OR DESCENT

VOL. V. No. 7.

JULY, 1892.

Price One Cent, or Halfpenny.

Kaffir Democracies v. British Despotism.

Culled from "Black and White in Natal" by H. E. Colenso and E. Werner, (see "Contemporary Review" January, 1892).

NATAL is apparently on the eve of obtaining "Responsible Government" ("Home Rule") which in this case means not merely the right to self-government by colonists enjoying the franchise, but a placing in their hands of the destiny of some 300,000 unrepresented fellow subjects of ours—the native inhabitants of the land.

Natal was annexed by the English in 1843. At that time the native population consisted of portions of over one hundred tribes, each tribe governed by its own chief, who in turn was subject to a Supreme or paramount Chief.

Chiefs among the Kaffirs are not irresponsible despots—it is important to remember this—but "rule according to tribal law, as preserved and handed down by the old men, and are held accountable by their people for any deviation therefrom." "Native polity is in its essence a pure democracy," says Mr. W. Y. Campbell,* who is an authority on such matters, "the chiefs holding power during the pleasure of the people." The main principles of law are the same throughout the whole of the Kaffir tribes, but differing in every tribe as to detail. One of the "absolutely indispensable conditions" under which Natal was occupied by the English was—"That there shall not be in the eye of the law any distinction, or disqualification whatever, founded on mere difference of colour, origin, language, or creed, but that the protection of the law, in letter and in substance, shall be extended impartially to all alike," a declaration seemingly about as effective in securing justice for coloured communities as is the American Declaration of Independence. "The meaning" of this declaration, says Miss Colenso, "we must solve, and solve it in the right way, or it will destroy us."

By the year 1849, the supreme power seems to have passed into English hands. A Government ordinance issued in that year enacted that the Lieutenant-Governor of Natal should "hold and enjoy" all the

*Author of the "Draft Code of Native Law and Custom, Civil and Penal."

authority, &c., previously held and enjoyed by the Supreme or paramount native Chief, with, in addition, "full power to appoint and remove subordinate chiefs or other authorities among them" showing that early Colonial governments still recognised limitations to their power.

We next learn that the "Lieutenant-Governor, in his function of Supreme Chief, "has become the most irresponsible of despots." The Cape Official Handbook is thus quoted (in 1874) by the Lieutenant-Governor in Council:—"The paramount Chief is above all law in his own tribe, he has the power of life and death, and is supposed to do no wrong." The Acting Chief Justice too ruled that the Supreme Chief under the ordinance of 1849, was "possessed of plenary despotic powers," whereas he was required by native law to mete out justice to the natives under law, just as the Governor would rule the white population under Colonial law.

MAGISTRATES.

From the time when the Colony was first annexed, and the powers of the native Chiefs limited by law, the Government appointed white magistrates and administrators "to decide both civil and criminal matters in accordance with the tribal law." But these men knew little or nothing of native custom and tradition, and "the office is not, in the estimation of the Government (if we may judge by the salary attached thereto) one requiring consummate ability, wide experience, or a high standard of character." "As a matter of fact it is too often the resort of the half-educated youth in search of a career." "It is somewhat of a satire on the Government that the friends of a young man with no special aptitudes, and no capital—not even enough to start him on a farm, or fit him out for the trek to Mashonaland—should speak of getting him a "government appointment" as the natural thing to do under the circumstances."

EASY METHOD OF JUDGING A CASE.

"What does such a man know, or care to know, of native laws and customs? His knowledge of the language, even if he is considered independent of a clerk and interpreter—is seldom sufficient to guard him against gross blunders of one kind and

another. A case comes up before him for decision under native law. He is utterly in the dark as to its merits; he is probably patient and conscientious beyond the average if he takes the slightest degree of trouble in getting at the bare facts. His method is a sufficiently simple and easy one. He asks the nearest available native—as likely as not his own personal attendant—what is usually done in the tribe, under the circumstances. The "boy" in question may or may not be an unimpeachable authority on points of law and usage; at any rate, supposing him to be thoroughly well up in all the traditions of the elders, he can only be so as regards his own district, which may be miles away. The chances are that his answers, even if correct, will be utterly inapplicable to the case in hand; but that is all one to the magistrate."

OLD MEN HANDING DOWN THE LAW.

"He has often, with the amused contempt of the superior race, watched a circle of elderly natives, seated on the shady side of a kraal, talking long and earnestly, and marking off their points one by one with a bit of stick in the dust. He has wondered half-pityingly, what those old fellows can find to jaw about all day long, and supposed that to "jaw" about nothing particular is the common attribute of all half-rational beings. Yet these same despised greybeards could—did he condescend to ask them—enlighten him on many a knotty point of Kaffir judicature, for they are doing nothing else but handing down the knowledge of the law, recalling cases that happened in their young days or were remembered by their fathers, and discussing precedents. Probably the Homeric Nestor and his contemporaries were given to doing the same thing.

"But the magistrate is not likely—even were he aware of this fact—to send out and ask the opinion of a parcel of old niggers sitting under the kraal fence. It is much less trouble to take that of the "boy" who blacks his boots and runs his errands, and so his decision is delivered . . . and the puzzled suitors are left to make what they can of it. They may appeal if they like—and sometimes do—and the process is endless, for as a rule no two Courts will find alike."

The above, we are assured, is not intended to describe any individual, but to illustrate possible and *not infrequent* evils under the present system.

CORRUPTION AND CONFUSION.

.. "When [the suitors] find out the source whence the magistrate's law is derived, are they to be branded as depraved beyond the

rest of mankind, if it occurs to them that this source may be so manipulated as to obtain decisions in their favour? Hence more complaints and plentiful grounds for appeal. Alas! the magistrate like his "boy" is no more than human, and experience has demonstrated the necessity of frequent removals, if local ties are not to interfere with the administration of justice, and whatever knowledge he may have acquired in one district is soon rendered comparatively useless by his transfer to another."

"The result is [a] state of utter confusion. It is much to be wished that some trained lawyer of adequate linguistic attainments, and sympathies wide enough to enter into native modes of thought, would undertake to codify these native laws . . . there are surely somewhere powers which might be less worthily employed. The attempt, to a certain extent, has already been made, after years of research and industry, by the Mr. W. Y. Campbell, already quoted, a member of the Natal bar, and "his work will inevitably serve as a basis for any future attempt at legislation," we are told, although it is "vitiated by one fatal flaw—it assumes throughout that the position and authority of the Supreme Chief are by native law and custom those of an irresponsible despot," whereas "as a matter of fact a Supreme Chief knows that failure on his part to interpret and express the will of his people (when he cannot lead and guide it), renders him liable to prompt removal by the assegai, and the Supreme Chief 'above all law, and supposed to do no wrong,' is a mere invention of the white man."

How disastrously this theory has been "acted out in practice," in Zululand, we shall hope to tell in our next number.

THERE died lately in Bengal an aged patriot and sage, whose loss was mourned by the people of India "as almost a domestic calamity." The Pandit Vidyasagar was a social reformer of a high type, a man of surpassing moral courage, and of that "living faith in the ultimate triumph of truth, without which moral courage is impossible." At a Memorial meeting held in Calcutta, at which the Lieutenant-Governor presided, and in which many eminent Indians took part, it was observed that "the life of a social reformer is never a happy one," and that "the deceased Pandit had experienced this to the fullest," having met throughout his life, with bitter opposition from those whom he most sought to benefit. It was said of this good man that "he had no pride

of birth, and that he appreciated worth and intellect in whomsoever he found it." He once appointed a man belonging to what is called "the lowest Sudra Caste" to be a Pandit in his school, to teach Sanscrit to Brahman and Sudra alike,—a revolutionary step indeed, among Hindus! but "Vidyasagar was no respecter of distinctions of caste." Such was the greatness of this man.

Anti-Caste.

Published Monthly by Subscription.
TERMS:—Single copy, post free for one year, 1s. (25 cents.)
Payable in stamps (English, Foreign, or Colonial), or in
Postal Orders, or Greenbacks.
Copies for distribution sent GRATIS to subscribers of 1s.
(25 cents.) and upwards.
All communications to be addressed to
CATHERINE IMPEY,
Street, Somersetshire, (England.)
Subscriptions in aid of free distribution are earnestly invited.

WERE these Queensland "Black-birders" beginning to ship their victims to England to sustain some flagging industry, would the conscience of England see fit to license and regulate such a traffic in human beings?

If the "recruiters" were trafficking in the villages of our English coasts, the victims often so resisting that only by heavy shackling with irons or by levelling guns at them, and occasionally butchering a few of the more restive, could they be induced to embark, should we legalise this traffic? And these islanders have no strong government to watch over them and protect their interests.

"The experience of a long series of years," says the recent Memorial to the Government of the Anti-Slavery Society, "has incontestably shown that every effort on the part of the Imperial Government to regulate the Polynesian traffic with Queensland has entirely failed to prevent the continuance of a system of fraud, outrage, and murder."

And what wonder, seeing that the enforcement of even the best of "protective" measures in the Colony, rests with the planters and their representatives, to whose interest those of the unfortunate Kanakas are directly opposed.

WE are glad to note that the Non-Conformist Manifesto of the London Non-Conformist Council in its 11th clause, urges upon electors as "vital to the welfare of the nation," "the maintenance of just and humane relations with dependent races, the protection of their natural rights to the territory they inhabit, the prevention of the destructive traffic in opium and intoxicating liquors, and the promotion of their moral welfare as being the first duty of the strong toward the weak."

THE 31st of May, eighteen hundred and ninety-two "has gone down in history as the day when the coloured people of the United States assembled in their several churches, and prayed to God to stay the hands of the lawless white men of the South." So says a little negro paper from the North. At Boston, after a day of solemn fasting and prayer, the people gathered in a mass meeting, or rather in two meetings, in the two largest negro churches of the city, and an appeal was made to their white fellow countrymen to "put an end to the cruel hangings, burnings and other tortures inflicted upon the coloured race in the South." The responsibility of these horrible outrages rests, as they see but too plainly "not alone upon the perpetrators, but upon the powers that rule, and upon every member of the nation who does not lift his voice and influence against their continuance." The declaration uttered at this meeting, that this is "the last time they will appeal to God or to the American people," was intended we believe less as a threat, than as a solemn warning. In this light may we accept it, ere it be too late.

Coloured Teachers in White Schools. We are glad to learn from the *New South* (a paper published in South Carolina), that quite a number of coloured American girls are teaching in public schools attended by both white and coloured children. In Cleveland (Ohio), we are told there are six such coloured teachers; in the public schools at Dayton and Columbus (Ohio), there is one at each; at Detroit, Chicago, and St. Paul, two or three each, Boston four or five, &c. This is progress we may rejoice over indeed. But the terrible lynchings go on just the same.

"Some of our democratic friends seem not to understand the reason why the races are growing apart at the South," says this same *New South*. "It is simple enough, we are sure, and we are astonished to see their dullness of apprehension. The races were necessarily near together as master and slave, but that relationship has been totally annihilated and they now occupy the relationship of equals before the law—a reality that is not very palatable to the whites, of course, and which is recognized theoretically only by them. When the whites shall have sufficiently conquered their prejudices to acknowledge and accept those qualities in the Negro, that make white men worthy and acceptable, the races will come together again and to stay, but never before."

The Kanaka Labour Question.

A CORRESPONDENT writes to the *Sydney* (N.S.W.) *Telegraph* as follows:—

Sir,—Travelling last night on the northern express I sat between two young members of the pastoralist class, one from Queensland, the other belonging to our own colony. They seemed both very decent fellows, and for that reason the following extract from their conversation may all the better assist the public—as it certainly assisted me—to get a notion of what really can take place upon Australian soil. The whole conversation, I may add, was perfectly airy and indifferent, uttered at top voice:—

N.S.W.: “You’d better leave him with me; I’ll look after him; and you can pick him up next time I come along. I’ve tried for a long while to get hold of one, and can’t.”

Q.: “No fear! I’ve had him five or six years, and I’m not going to part with him. So-and-so” (mentioning a certain squatter whose name was familiar to me) “offered me £25 for him, but I wouldn’t take it.”

“He,” I found, was a human being, but a Kanaka.—Yours, etc., A. B. PIDDINGTON.

April 16.

The following is not from Queensland but from the neighbouring colony of Victoria, where self-interest in the question is less obtrusive.

The Melbourne *Spectator*, official journal of the Wesleyan Methodists, says of the Queensland Kanaka trade:

“The traffic is not to be trusted to private hands, even under Government supervision, unless that supervision be something very different from what it was in the ‘black-birding’ days. Nothing short of the very strictest regulations, carried out to the letter, and enforced by the sternest penalties, can reduce the evil of the traffic to a minimum; to keep evil out of it, altogether is an utter impossibility. The plain fact is that the trade is of such a nature that, if carried on righteously, it will not pay; and there is sure to be an ever-increasing pressure brought to bear upon the Government, either to relax the regulations which will make it difficult to earn a profit, or to wink at laxity in carrying them out. Not even public opinion is to be trusted in the matter. Of this we have had a notable proof in our own community. We do not forget—we are not likely ever to forget—that, in the memorable case of the Carl, ‘twelve Melbourne jurymen’ (we quote from the leading article of the *Daily Telegraph* of Dec. 21st, 1872) ‘twelve Melbourne jurymen were found to agree that killing seventy kidnapped black men, and throwing half of them overboard to the sharks while the life was still in them, cannot by any possibility be counted as murder.’ The verdict brought in by that conscientious jury was ‘Manslaughter!’ Nor do we forget that when the men against whom that verdict was recorded were released a short time afterwards, in consequence of a legal flaw in the sentence, a great crowd cheered them in the public street as if they were men who had done some glorious deed. It was no mob of larrikins and

loafers who brought this indelible disgrace upon us, but a crowd of well-dressed Melbourne citizens.”
A nice slave name Queensland is getting. And all for what?

A UNITED MEETING OF MINISTERS of various denominations was held in Queensland (at Brisbane, the capital), on April 8th, to discuss the Black Labour Question, and on the following Sundays several ministers preached sermons on the subject, but to our thinking none of them had the right ring, for though they admit the grave danger of abuses and the serious responsibilities resting on the Colony to educate and Christianise the Kanakas while among them, they end by supporting and approving the labour traffic.

Views of British Naval Authorities on the Renewal of the Labour Traffic.

VICE-ADMIRAL ERSKINE wrote the other day to say that the proposed revival of the traffic had filled him with sorrow and dismay. He was three years in command at the Australian station, and his experience, he testifies, taught him that even under the most stringent regulations wrongs and abuses occurred in connection with the traffic which invariably led to bloodshed and accompanying complications and reprisals, and that two of the chief characteristics of Polynesian labourers were intense love of country and unfitnes for continuous manual labour. Rear-Admiral Lord Charles Scott, who is at present in command at the Australian station, in a letter addressed to Sir H. Norman, and printed in the Blue Book just issued on the question, says he regrets “it is proposed to introduce labour from countries that have no form of Government to look after the interests of those who are recruited, thus entailing heavy responsibilities upon the Queensland Government, and also upon Her Majesty’s naval officers, who have to see that the Kidnapping Act and various Acts relating to recruiting labour in the Western Pacific Islands are not infringed.”—*Dundee Advertiser*.

The Admiral in command in the South Pacific makes a suggestion that we should be glad to see carried out. His proposal is that depôts should be established in the islands under control of Imperial officers; that islanders wishing to go to Queensland should be registered at these depôts, and that no recruiting should be carried on outside of them. Sir Samuel Griffith, the Premier of Queensland, admits that this is a most excellent suggestion, but fears that the Government of France might object to the establishment of these depôts. We do not think that this obstacle would prove to be an insuperable one, and we hope Lord Salisbury will see his way to do his best to get the necessary permission of the French Government. No doubt it would involve the occupation of land by agents of the Queensland Government in the New Hebrides, and it might be urged that this would be inconsistent with the spirit of the engagement entered into between the Governments of Great Britain and France, with respect to the independence of these islands. But, under limitations that suggest themselves to all, we cannot but think that the French Government would acquiesce; and if it would, then the main difficulty in the way of securing the islanders against substantial injustice and oppression would be removed.

Stock-Exchange.

THE QUEENSLAND LABOUR TRAFFIC.

THE proposed continuation of licenses for the introduction of Polynesian labourers into Queensland having been sanctioned by the Prime Minister of that Colony, Sir SAMUEL GRIFFITHS, in the interests of sugar planters, a very considerable amount of discussion upon this subject has lately taken place in both Houses of the British Parliament. This form of servile labour having been strongly opposed by the ANTI-SLAVERY SOCIETY ever since its introduction, before 1868, that Society has felt constrained to address a Memorial to LORD SALISBURY, praying Her Majesty's Government to withhold the Imperial sanction from any continuance of this kind of labour in Queensland.

Memorial to Lord Salisbury.

"BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY,

"55, New Broad Street, London, E.C.,

"June 3, 1892.

"TO THE RIGHT HONOURABLE THE MARQUIS OF SALISBURY, K.G., P.C., HER MAJESTY'S PRIME MINISTER AND PRINCIPAL SECRETARY OF STATE FOR FOREIGN AFFAIRS.

"MY LORD,—The BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY has seen with deep concern the projected renewal of licenses for the importation of Polynesian labour into Queensland—a system which (besides the undoubted atrocities with which it has been accompanied) has been shown to be productive of a very serious rate of mortality amongst those islanders who labour in Queensland, even when no exception can be taken to the treatment they receive at the hands of the planters.

"The subject of the importation of South Sea Islanders into Queensland has claimed the attention of this Society since the introduction of the system, now nearly thirty years ago, and a Memorial protesting against the traffic was presented by the Committee to His Grace the DUKE OF BUCKINGHAM AND CHANDOS in March, 1868. In spite of the stringent regulations for the traffic demanded by EARL GRANVILLE, in 1870, failing which he stated that 'the trade must be suppressed,' the Society felt itself obliged, in consequence of the constant appeals made to it by witnesses of the horrors accompanying the traffic between Queensland and the South Seas, to make further efforts to obtain its abolition. In April, 1871, a Deputation from the Society waited upon the MARQUIS OF NORMANBY, the recently-appointed Governor of Queensland, and presented an address against the Polynesian traffic, in reply to which his Excellency stated that 'he would be no party to anything akin to Slavery or the Slave-trade.'

"Again, in 1872, a joint Deputation from the Anti-Slavery, Missionary and other Societies waited upon LORD KIMBERLEY to urge that immediate and energetic measures should be taken to stop the kidnapping of Polynesian labourers, which resulted in the passing of an Act by the British Parliament for that purpose. Notwithstanding the passing of this Act, the abuses of the system became so flagrant that the Society was again obliged to memorialise the Colonial Office, in February, 1873, against 'the Slave-trade carried on in the South Seas, under the license of the British flag.'

"It may be in the recollection of your Lordship that, in the amending Act of 1875 of the British Parliament, a High Commissioner was created, with full powers over British subjects within the islands of the Pacific, and regulations for dealing with the Polynesian traffic were included in the Orders in Council of 1877 and 1879, but that these regulations were disregarded was clearly shown by the report of the Royal Commission which sat in 1885.

"It was with feelings of satisfaction that the Society received the announcement that Sir SAMUEL GRIFFITH, the Prime Minister of Queensland, had determined to suspend the issue of licenses for Kanaka labour after the close of the year 1890; and it now learns with dismay that the Queensland Premier has reversed his former humane decision, and that the traffic has been renewed.

"The experience of a long series of years has incontestably shown that every effort on the part of the Imperial Government to regulate the Polynesian traffic with Queensland has entirely failed to prevent the continuance of a system of fraud, outrage, and murder.

"Therefore the Society cannot but feel that any regulations imposed by the Queensland Government upon this traffic, however well intended, must inevitably fail in the accomplishment of their object, more especially as it would be impossible to provide trustworthy Government agents, sufficiently conversant with the twenty or more languages spoken in the islands from which labourers are recruited, to insure the due carrying out of the provisions of the Act.

"The BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY must therefore maintain that, whilst the provisions of the Pacific Islanders' Protection Acts confer very extensive powers on Her Majesty's Government for controlling the abuses of the Polynesian traffic, the effectual carrying out of that control will become almost impossible should Her Majesty's Government give its sanction to the recent Act of the Queensland Legislature for continuing the importation of Polynesian Islanders.

"The Committee would therefore, true to the policy carried out by the Society for the last thirty years with regard to the South Sea labour traffic, respectfully, but earnestly, urge upon Her Majesty's Government the necessity of withholding the Imperial sanction from any continuance of Kanaka labour in Queensland.

"On behalf of the Committee, I have the honour to be,

"Your Lordship's faithful Servant,

"CHAS. H. ALLEN, *Secretary.*"