

Indian Opinion

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Indian Opinion

SATURDAY, AUGUST 22ND, 1908.

The Mass Meeting

It must have been a scene worth witnessing that of over 3,000 Indians assembled under the shadow of the Hamidia Mosque at Johannesburg on Sunday last, and determined at any cost to oppose the Asiatic Voluntary Registration Validation Bill now before the Parliament of the Transvaal. The ceremony of burning the certificates has been described as a soul-stirring event. The enthusiasm of the people was unbounded. Over 200 certificates were handed in while the first batch was being burned. The *London Times* has called it "the birth of a new spirit among the hitherto submissive races of Asia." As a matter of fact, it is not a new spirit, and the races of Asia are not now any the less submissive for showing the spirit they have. Passive resistance has not been unknown to Indians or to the Chinese, though the application of it in the Transvaal is certainly new; but we think that the struggle has assumed this particular form because the races who are engaged in it are submissive. They find themselves confronted by almost insurmountable difficulties placed in their way by the Legislature of the Colony. They have no voice in, or control over, the legislation affecting them. In such circumstances, they

have adopted a weapon worthy of any submissive race. If improperly wielded, it can do no harm to any but the owners themselves. The result of the burning ceremony was demonstrated. Within 24 hours, the Government realised the force and the importance of the Asiatic opposition, and they promptly summoned the leaders to confer with them. Up to the time of writing, no decision has been reached, but, whether a satisfactory solution is arrived at or not, the moral to be drawn from the proceedings of the Mass Meeting is unmistakable. A people who are earnest in their demands and who are prepared to sacrifice much in order to achieve them will always command attention and a sympathetic hearing. Let us hope that the deadlock between the Asiatics and the Government will be removed and an honourable settlement arrived at.

The Brave Natal Indians

We reported last week that Messrs. Dawad Mahomed, Parsee Rustomjee, and M. C. Anglia, household names among Indians in South Africa, proceeded to the Transvaal, accompanied by several educated Indians, three of whom served as stretcher-bearers during the Zulu campaign. It speaks volumes for the courage of Mr. Dawad Mahomed and his companions that they should, for the sake of their countrymen in the Transvaal, forsake their avocations, suffer pecuniary loss, and invite trouble on themselves by entering the Transvaal. We had occasion to congratulate Mr. Sorabjee on the unique stand taken up by him, then to speak in similar terms of the incarceration of the Standerton merchants, but, to-day, instances of courage and self-sacrifice have become common enough among British Indians. If comparison were allowable in such cases, certainly the brilliant example set by Mr. Dawad Mahomed will undoubtedly top the list. Mr. Dawad Mahomed is not now a young man. For him to be indifferent to the hardships of a gaol-life is an example worthy to be copied by every Indian youth. We doubt not that a community that has such sterling worth in it cannot but command success in a cause that is just.

Joh'burg Mass Meeting

Vast and Enthusiastic Assembly

Notable Visitors

"Burn the Certificates"

[SPECIAL TO INDIAN OPINION]

Last Sunday afternoon witnessed such a scene as, it is to be hoped, may never need to be re-enacted in this country. Some three thousand British Indians gathered together purposefully, intent only upon consigning to the flames the outward sign and manifestation of the baseness and treachery whereby they had been duped into accomplishing the voluntary registration and consequent identification of the whole Indian community lawfully resident in the Transvaal. The whole of the space looking westwards from the Fordsburg mosque within the fence, was packed with members of the Indian community of all grades, creeds and places of origin. It was a wonderful display of national unity, and one that the Mother-Country might well be proud of. The air vibrated with expectancy, and a tense feeling seemed to hold everyone in check—until the supreme moment came.

On the platform were the Congress leaders, Messrs. Dawad Mahomed, Parsee Rustomjee, and M. C. Anglia, besides Mr. Adam H. G. Mahomed who, by a happy chance, was able to represent the Cape Indians, various prominent Transvaal Indians whose names are too well-known to need repetition, Mr. Leong Quinn, Chairman of the Chinese Association, and Mr. Gandhi. Delegates from many Transvaal towns were present and those places that were unrepresented sent telegrams of sympathy and support. Mr. Essop Ismail Mia presided over this vast gathering. Below him was the Press table, and beyond that, a sea of upturned and expectant faces, with determination and a bitter merriment stamped deep upon each one of them. In the front row a dozen representative Chinese leaders grimly sat, waiting the fateful moment. Briefly, the Chairman, first in Gujarati, and then, through the medium of Mr. N. A. Cama, detailed in measured accents the reason for calling the meeting together, and his words were listened to with the closest and most approving attention, punctuated here and there by ominous applause. Then Mr. Gandhi addressed the gathering, after which the voluntary registration certificates were thrown into a large cauldron, saturated with paraffin, and set ablaze by Mr. Essop Mia in the name of the community. Mr. S. Haloo

who, it will be remembered, registered under the Act, now publicly burnt his badge of slavery, and poured oil upon the flames. Bundle after bundle of certificates disappeared what time speeches of denunciation and determination were delivered, and at 6 p.m. the proceedings terminated, and the last flicker of the last certificate died out.

The following is the full text of the Chairman's address:

Chairman's Speech

Gentlemen,—It is my pleasant duty to welcome our brave brethren from Durban. This meeting is one of the most unique in Indian annals in South Africa. You see before you the revered Chairman of the Natal Indian Congress, the President of the British Indian League at Capetown, a Vice-President of the Natal Indian Congress, and you see the Joint Secretary of that Congress. All these have come to assist us and to show that they are just as ready to suffer as we are. Their presence here demonstrates that the question in the Transvaal is a South African question, indeed an Imperial question.

We have to meet an unholy combination against us. I fear that, on this question, there is no such thing as Progressive opposition, and, if we are successfully to fight this combination, it goes without saying that we must be united and we must be prepared for the worst.

It may be asked why have these gentlemen from Durban arrived here? Why have they brought with them others who claim to enter the Transvaal? It is not because we want to defy the laws of the country in so far as they are bearable, but we wish to show as clearly as we can that it is impossible for the Government to administer their laws successfully unless they carry with them the majority of, the most respectable among, the community to which such laws are applicable. We are now showing, by the determined opposition that we are offering to the Asiatic Law Amendment Act, that we resent it, that it is against our conscience to submit to it, that we have suffered much for it, and that the vast majority of Indians in South Africa are totally against it. Everyone who has entered the Transvaal has entered by way of protest against the breach of the compromise committed by General Smuts and against an invasion of our just rights. We claim that those who have lived in the Transvaal before the war have a right to return to the Transvaal and to live in it unmolested, subject to such supervision as may be necessary in order to effectually identify them from those who may be intruders. We claim that those who are so entitled should not be subjected to harassing inspection, much less to any symbol of the Asiatic Act, so long as it remains on the Statute Book. We claim, further, that educated Indi-

ans have, under the laws of the Colony, a right to enter the country. In our Durban guests, therefore, we have, in Mr. Dawad Mahomed and Mr. Parsee Rustomjee, not only distinguished Indians, but pre-war residents of the Transvaal. In Mr. Anglia, we have again a representative Indian, but, at the same time, possessing sufficient educational qualifications under the Immigrants' Restriction Act. There are other Indians who have arrived who possess Peace Preservation Ordinance Permits, or Dutch Registration Certificates, or educational qualifications. These, according to General Smuts, should become prohibited immigrants, if we want repeal of the Asiatic Act. It is impossible for us to accept any such bargain. We have been fighting all along not with a view to gain some questionable advantage for ourselves, but to gain self-respect and equal advantage for those Indians who have a right to enter the Transvaal.

As we have respectfully declined to accept repeal on the above mentioned conditions, a Validating Bill has been sprung upon the Asiatic communities, which, I have no hesitation in saying, is not worth the paper on which it is printed, in so far as we are concerned. The petition presented to the Parliament of the country sufficiently shows this. There is no occasion for me, therefore, to dilate upon it. Acceptance of that Act by us would, I have no doubt, mean, in reality, a breach of the solemn oath we took not to submit to the Asiatic Act. The Bill shows that we are being treated not as men but as children.

This meeting is an emphatic repudiation of any such treatment. The remedy before us is not defiance but suffering. The taking out of the certificates was a voluntary act induced, as I must now state, by false pretences. A belief was produced on the minds of the Asiatics that their position would be bettered, that the Asiatic Act would be repealed, if they voluntarily underwent registration. We accepted the assurance given partly in writing, partly through the lips of your Honorary Secretary, and partly in the public declarations of General Smuts. To-day, we find that that was an assurance not to be fulfilled, or to be fulfilled only with impossible conditions superimposed. Voluntary registration was a point of honour on either side, and ordinary decency demanded that, if, either through misunderstanding or any other cause, we wish to retire from the voluntary undertaking, General Smuts should have afforded us every facility. On the contrary, our request for the return of our voluntary applications was rejected. The Supreme Court, through a legal technicality, could not grant us relief. The only thing, therefore, left to us is to divest ourselves of the certificates we have been misled into taking. It is, in my opinion, a humiliating spectacle, for the Government to take advantage of

our strictly honourable behaviour. We have met here this afternoon under the shadow of the holy Mosque, in all humility, respectfully to burn the voluntary registration certificates we have taken out. Some who have repented of their having accepted the Asiatic Act have also handed in their certificates to be burned. This Act has been called by some to be open defiance of the law. It is an abuse of words to call this Act, which only imposes on us suffering and brings us within the clutches of the law, defiance. But, whether it is called defiance, or whether it is called a signal, for further suffering to be undergone by us, it is an act that has become absolutely necessary. The Validating Bill has been set down for the second reading to-morrow. This act is by way of strengthening the humble petition that is now before the Parliament of the Colony, and I implore that Parliament, in the name of this meeting, not to accept the Bill. The result is obvious. We would then be brought under the Asiatic Act, and we would share the same fate that would await the brave friends who have come from Durban, and hundreds of British Indians who, through no fault of their own, have not yet been voluntarily registered. The Validating Bill, it will be said, has been brought in in order to confer a benefit upon us. It will be somewhat humorous to call that a benefit which the receivers consider to be an insult and an indignity. What is it we want? We do not say that this country should be flooded with Indians. We do not want an open door. We have no desire to enter into unfair competition with anybody in the Colony. But we do ask that those who have been domiciled in the Transvaal should have a right to live in the country with perfect freedom and without restraint. We accept the position that further immigration of British Indians should be totally prohibited, except in respect of those who possess very high educational attainments, such as professional men, men possessing University degrees. These men we require to assist us, and they can only come into the country in infinitesimal numbers, not in order to compete with the general body of the Colonists, but only to earn their living from us and give us the benefit of their guidance and advice. I know of no British Colony where a large Asiatic population is denied the necessary facility for receiving such assistance. What, however, has appeared in the papers of late shows clearly that there is a wide difference between some Colonists and ourselves. Both are agreed that there should be no further uncontrolled immigration of Asiatics, but it is evident that the white Colonists intend ultimately to, to use a homely but telling expression, "freeze out" British Indians. We, on the other hand, claim, as we must, that those who are entitled to remain in

the country must be allowed every opportunity of prospering in it to the best of their deserts. The Asiatic Law Amendment Act, viewed in this light, is, therefore, a test of our sentiments. Are we prepared to allow ourselves to be entirely frozen out in the course of time? The answer that this meeting returns is that, so far as this Colony remains a British Colony, and so far as the King-Emperor does not withdraw the Proclamation of 1857 and declare to the world that we are not subjects of the Empire but chattels to be kicked about, so far must we continue to claim the rights of ordinary British citizens, and so far must we also fight and fight strenuously in the cleanest manner possible every attack upon our rights and liberty. The weapon we have chosen is a divinely-appointed one. It has been used by the greatest men of the world, and always in fear and trembling and in full realisation of the presence of the Supreme Being who rules over us all. I hope that even at this eleventh hour the Government of the Colony and the Colonists themselves will realise that the question, so far as we are concerned, is one of life and death, so far as they are concerned, is a very small one, in view of what we are asking.

Mr. Gandhi's Speech

The responsibility that devolves upon me this afternoon is a very serious responsibility. I have been taken to task, in connection with the advice that I have been giving to my fellow-countrymen for some length of time, by friends. I have been ridiculed by those who do not profess to be friends, and, yet, after due consideration, and, shall I say, prayer also, the advice that I ventured to give to my fellow-countrymen I am going to repeat this afternoon, and that advice is that, as events have taken the turn that you know in connection with our struggle, we must burn our certificates. I am told that I may be instrumental in imposing on my countrymen untold suffering because of the advice that I have given, if they follow that advice. I know that well, but I do know this also, that, if the burning of the certificates will impose untold suffering on you, the keeping of these certificates and submission to the Asiatic Act or to the Validation Bill that is to be read a second time to-morrow will impose on my countrymen untold indignity, and I say with the greatest emphasis at my command that I would far rather that my countrymen suffered all they have to suffer than that they imposed on themselves indignity. Further my countrymen here in the Transvaal have taken a solemn oath not to submit to the Asiatic Act. The solemn oath was taken not merely to be fulfilled to the letter but in spirit also, and if you were so ill-advised by me, or by anybody else, that you may accept the Voluntary Asiatic Registration Validation Bill

and flatter yourselves with the belief that you have escaped the Asiatic Act, I should call myself a traitor to my countrymen, a traitor to God, a traitor to my oath. I shall do no such thing, no matter what suffering may be imposed on you by reason of burning your certificates, but, if you do burn your certificates, please bear in mind that you are not to take advantage of the certificates at any time whatsoever until a proper and just and honourable settlement has been arrived at. It is open to you to take copies to-morrow of the certificates that may be burned to ashes to-day by paying 5/-—I daresay that the Government will give you copies of these certificates even free of charge because the Bill has not yet become law, but, if there is any Indian in this vast assemblage who wants to take out a copy of that certificate, and to-day wishes to burn the certificate either out of shame or false modesty or any other reason of a similar nature then I say emphatically let him step forward and say he does not want his certificate to be burned, but if it is your solemn resolution that you will not go to the Government to ask for a copy of the certificate, then I say you have well done. Before this resolution was arrived at at the Committee meeting of the British Indian Association you had already sent to gaol several Indians. Mr. Sorabjee, all honour to him, came from Charlestown to fight your battle. (Hear, hear). Several Indians, humble folks amongst us, went to Johannesburg Fort in order that they might serve their countrymen, in order that their suffering might appeal to the Government, in order that we might be able to live in this Colony with self-respect and dignity. Does it behove any of us to keep the voluntary registration certificates, to sit tight on those certificates, and allow our poorer countrymen or those of our countrymen who happened to enter the country after the expiry of the 3 months to go to gaol or to expect them to accept the Asiatic Act? I say emphatically no. I did not come out of the gool before my time was up in order that I might leave the hardships that I was suffering there—personally, I was not undergoing any hardships whatever. It would be a far greater hardship to me to have to submit to indignity or to see a fellow-countryman trampled under foot or his bread, to which he is justly entitled, taken away from him. I would pass the whole of my life-time in gaol, and I say that in the House of God, in the House of Prayer, and I repeat it that I would far rather pass the whole of my life-time in gaol and be perfectly happy than see my fellow-countrymen subjected to indignity and I should come out of the gaol. No, gentlemen, the servant who stands before you this afternoon is not made of that stuff, and it is because I ask you to suffer everything that may be necessary rather than break your oath,

it is because I expect this of my countrymen, that they will be, above all, true to their God, that I ask you this afternoon to burn all these certificates (Cries of "we are ready to burn them"). I have been told that the statement I have made lately with reference to the position of British Indians in this Colony has been misconstrued. I have read some remarks that have been passed upon that statement, and it is this: that I claim that this country belongs to British Indians just as much as it belongs to the Europeans—and I claim that claim, but what does that claim mean? I do not, therefore, mean that it is open to us to have an unchecked influx of Asiatics into this country. No, I claim to be a Colonist, I claim to have passed a fair measure of my life in this country, and if this country, the welfare of this country, demands that Asiatic immigration should not proceed unchecked, then I should be the first man to say let that be so. If the majority of the inhabitants of this country demand that Asiatic immigration should cease, mind I lay stress upon the term immigration, if Asiatic immigration should be under well-ordered control, then I say that I should also accept that position, but, having accepted that position, I should claim that this country is just as much mine as any other Colonist's, and it is in that sense that I put forward that claim on behalf of my countrymen and I say also that it behoves the Colonists to recognise that claim. It cannot benefit the Colonists to have British Indians in the Transvaal who are not men but who may be treated as cattle even though it may be show-cattle. It will not do the Colonists any good, it will not do British Indians any good, and if that is the position that the Colonists or the British Indians take in this Colony it will be far better that Indians are hunted out of this Colony and sent to India rather than that they should remain in this Colony in the most humiliating position. It is in that sense that I claim that this country is just as much the British Indian's as it is the European's. What is this fight that we are engaged upon? What is its significance. To my mind, its significance did not commence with a demand for the repeal of the Asiatic Act nor does it end with the repeal of the Asiatic Act. I know full well that it is open to the Government of the Colony to give a repeal of this legislation to-day, to throw dust into our eyes, and then embark upon other legislation, far harsher, far more humiliating, but the lesson that I wanted to learn myself, the lesson that I would have my countrymen to learn from this struggle is this: that unenfranchised though we are, unrepresented though we are in the Transvaal, it is open to us to clothe ourselves with an undying franchise, and this consists in recognising our humanity, in recognising

that we are part and parcel of the great universal whole, that there is the Maker of us all ruling over the destinies of mankind and that our trust should be in Him rather than in earthly kings, and if my countrymen recognise that position I say that no matter what legislation is passed over our heads, if that legislation is in conflict with our ideas of right and wrong, if it is in conflict with our conscience, if it is in conflict with our religion, then we can say we shall not submit to that legislation. We use no physical force, but we accept the sanction that the Legislature provides, we accept the penalties that the Legislature provides. I refuse to call this defiance, but I consider that it is a perfectly respectful attitude, for a man, for a human being who calls himself man. And it is because it was necessary that British Indians should learn that lesson that the heads of the community gathered together and assembled together and said to themselves that this is the struggle, this is the method of struggle that they would place before their countrymen. It can do no harm whatsoever to the Government of the Colony, it can do no harm to those who are engaged in this struggle, it simply tests them and, if they are true then they can only win, if they are not true, then they simply get what they deserve. One thing more and I shall soon ask you whether you propose that Mr. Essop Mia, your Chairman, should set fire to these registration certificates: and it is this: I have been hitherto refraining from making any personal attack whatsoever. I did make a slight attack at the time of the trial of Ramsunder, and that was in connection with the head of the Registration Department, Mr. Chamney. I feel bound in the interests of the Colonists, in the interests of the Indian community, and for the honour of the Colony to make this remark, that, so long as Mr. Chamney reigns supreme in the Registration Department, there will be no peace so far as the Asiatics are concerned. I accused Mr. Chamney of hopeless incompetence and ignorance after so much experience. Again, after the charge was made, I repeat it. When I come to contrast what he has been doing with what Captain Hamilton-Fowle did I can only say that had Captain Hamilton-Fowle been at the helm of affairs we would not be face to face with a difficulty of this nature which not only stares the Indian community in the face but which stares the Government also in the face. Mr. Chamney is an estimable man, as I have often stated. He is above suspicion, but that is not all that is required in the head of a Department. The head of a Department has to know his work, he has to know the law that he wishes to administer, or the administration of which is given to him, and he has also to keep a cool head, and he has to be competent in the proper dis-

charge of his duties. Mr. Chamney has been tried, and has been found wanting, and no matter how much attached General Smuts may be to Mr. Chamney, this is the charge that I can bring against him after very close acquaintance with the working of his Department. I cannot go into the illustration of the proposition that I lay down, but I do say that, unless Mr. Chamney is removed from that Department—I have no desire that anybody's bread should be taken away from his mouth—but, unless he is removed from this Department, there will be no peace. But what is more, Mr. Chamney has been less than a man in putting his signature before a Justice of the Peace to an affidavit that was made on oath to the effect that he was present on the interview on the 3rd day of February and General Smuts never promised repeal of the Act. I say that that affidavit is untrue. He not only listened to the promise made by General Smuts as to the repeal of the Act, but he repeated that promise to me; he mentioned that promise to me, if once, twelve times, and each time he said that General Smuts was going to play the game that he was going to repeal the Act. There was once an occasion when I believe there was a fellow-countryman of mine in my company and he said "but remember that General Smuts also said that so long as there is a single Asiatic in the Colony who has not made a voluntary registration application that Act will be enforced against him." To-day the position is that there is no Asiatic, so far as I know, none to talk of, who has not made his application for voluntary registration. I now ask for a fulfilment of that promise, and if Mr. Chamney has made that affidavit, as he has made it, why, he has added some other disqualification to the disqualifications I have named, and I say again that unless Mr. Chamney is removed from that Department there cannot be any peace whatsoever.

Mr. Polak's Speech

I wish first of all to thank you for your very hearty welcome. The next thing is to inform you that I have been honoured by having a special title now. I have been called the shepherd of the Indian community. I do not know exactly why, but I presume it is for these three reasons:—first of all, because I have considered it my duty, so far as possible, to guard the Indian community; next, because I have considered it my duty to see that they were in the way they should go; and thirdly, because I have considered it my duty to see that when all was finished they were properly locked up. I was in Durban a few days ago, as you know, and that time I was the guest of Mr. Anglia. At the dinner that we had, Mr. Abdul Kadir, in a joke, said to me "Mr. Polak you cannot be an Indian, because your complexion is too fair." Well, I replied to him, of course, that

it was possible to be an Indian even if one had a fair complexion; but I regard it from another point of view. We to-day are not here as Indians only, we to-day are here as men first of all. We were men before ever we were Indians or Englishmen, and, although you may be born in India and I in England, although seven oceans may lie between us, although the whole stretch of a continent may divide us there is one thing that unites us, and that is what Mr. Anglia has called our common humanity, and that is regardless of colour, race, or religion. I am here to-day to speak to you as an Englishman and not as a member of the British Indian Association or the Editor of INDIAN OPINION, but as an Englishman, because I wish to join myself with you to-day, as I feel that my honour is at stake equally with yours in the proceedings that are before our eyes to-day. I see that you are burning the record of shame that has been endeavoured to be placed upon you. I see that you are trying to burn all the folly out of the community, I see that you are trying to purify yourselves through this fire here. Gentlemen, three hundred years ago, in England, they also lighted bonfires, they lighted bonfires also for religious purposes, they lighted bonfires because they also wanted to purify themselves, and the men who were burned then said "We now light candles, but from these candles will grow such a conflagration as England has not yet seen" and I say from these bonfires you have here will grow such a conflagration as India has not yet seen and South Africa has not yet seen. You are here not only as Indians in South Africa, but as representing India itself, as representing the honour of India, and you are here to suffer for the glory of India. I recollect reading recently some words of Mr. Justice Ranade, one of the greatest Indian economists. He said that if there was one reason more than another why he approved of emigration from India to outside lands it was that the people who went outside should learn lessons that they would be able to teach to India, that when they went back to India they would be teachers of honour, teachers of everything that could make a nation great. I ask you to remember that everyone is not here for himself, he is not here only for his 150,000 brethren in the country, but he is here for the sake of India. When I see here together before me Hindus, Mahomedans, Parsees, Christians, and a Jew it seems to me a very wonderful thing. It is divine dispensation that we can all be here together, that we can all join together, that we can all call together upon the name of God who rules over us all, and that we can all fight together for our glory, for our honour, and for His especially. When in Volksrust last night, I spoke with a gentleman expressing very great sympathy with us: "But Mr. Polak," he said, "cannot these people

stop? They will be beaten. They are on the wrong side. God is on the side of the big battalions and against them." I said to him "You are making a very great mistake, you do not see the battalions on the side of the British Indians. You talk of God being on the side of the big battalions. If you believe that, then your God is a coward like you, and I, and every human being, only a greater. It must be a fiend who can torture people like this because theirs is not the side of the big battalions. But we know He is on our side and, therefore, the big battalions are on our side, not God with us because of the big battalions but the big battalions because God is here with us fighting for us." That reply I would like you to remember, to take to heart, to believe in, to fight for, because it is a truth, a very great truth. Before I move from this platform I would ask you once more to remember that you took that very solemn oath in September, 1906, in the name of God, and God is now watching what you do, how you fulfil that oath and how you act as men, as preachers.

The following resolutions were carried amidst great enthusiasm:—

Resolution I.

This Mass Meeting of British Indians hereby protests against the Asiatic Voluntary Registration Validation Bill now before the Parliament of the Transvaal, and endorses the Petition presented to the Honourable, the Legislative Assembly, on behalf of the British Indian Association.

Proposed by Mr. Dawad Mahomed (President Natal Indian Congress), seconded by Mr. Adam H. Gool Mahomed (President British Indian League, Capetown), and supported by Mr. Parsee Rustomjee (Vice President Natal Indian Congress), Mr. M. C. Anglia, (Joint Secretary N. I. Congress) and Mr. V. A. Chettiar (Chairman Tamil Benefit Society).

Resolution II.

This Mass Meeting of British Indians solemnly, sincerely, and prayerfully, reaffirms the Resolution of the British Indian Community not to submit to the Asiatic Act, which it considers to be contrary to religion and their conscience.

Proposed by Mr. Imam Abdool Kadir Bawazeer (Chairman Hamidia Islamic Society), seconded by Mr. T. Naidoo and Moulvi Ahmed Muktar, and supported by Messrs. Ebrahim Aswat, Dildar Khan, E. M. Cachalia, R. K. Padiachy (Pretoria), V. Chetty, P. K. Naidoo, and M. P. Fancy.

Resolution III.

This Mass Meeting of British Indians is of opinion that the Asiatic Voluntary Registration Validation Bill above referred to is a breach of the compromise entered into by the Government with the Asiatic communities, and hopes that the Colonists will demand an honourable settlement

of the terms entered into by General Smuts on behalf of the Government of the Colony and in the name of the Colonists.

Proposed by Mr. Abdul Rahman (Potchefstroom), seconded by Mr. E. M. Pattel (Vereeniging), and supported by Messrs. R. S. Chokalingam Pillay, Harishankar Joshi (Durban), A. E. Chhotabhai (Krugersdorp), and Amod Suliman Khota (Heidelberg).

Resolution IV.

This Mass Meeting of British Indians hereby authorises the Chairman to forward copies of these resolutions to the proper quarters.

Natal to the Rescue!

Meeting at Volksrust

Another Asiatic Invasion

On the 13th instant Messrs. Dawad Mahomed, President of the Natal Indian Congress, M. C. Anglia, Secretary, Parsee Rustomjee, Vice-President, Adam H. G. Mahomed, President of the British Indian League (Capetown), H. S. L. Polak, S. J. Randeria, M. P. Killavala, S. B. Medh, H. I. Joshi, U. M. Shelat, and eleven others left Durban *en route* for the Transvaal, with the object of assisting their Transvaal brethren in their struggle against the Registration Act. They were seen off by a crowd of nearly 500 compatriots, including all the leaders of the Durban community. The send-off was most enthusiastic.

At Newcastle, members of the local Indian community met the train and provided refreshments. On the arrival of the train at Charl's town, the invaders were joined by Messrs. Imam Abdool Kadir Bawazeer, E. S. Coovadia, M. P. Fancy, Amod Moosaji, A. M. Bhyat, Dildarkhan, and Omarji Sale, all members of the Committee of the British Indian Association, and Mr. M. N. Goshalia, whose temporary permit having expired, he had left the Transvaal and was returning to test his right of entry under the Immigration Law. When the train arrived at Volksrust Constable Weymouth informed the Transvaal men that he had instructions to let them pass unchallenged, except Mr. Goshalia. They had refused to avail themselves of their voluntary registration certificates and were prepared to refuse to identify themselves. Evidently the challenge was too much for the Government.

Mr. Goshalia was detained, as were all the others, and the party of 21 trooped off to the Charge Office for examination.

On arrival there, Sergeant Mansfield proceeded to inquire into the status of the entrants. Messrs. M. C. Anglia, U. M. Shelat, M. P. Killavala, M. N. Goshalia, S. J. Randeria, S. B. Medh, and H. I. Joshi, claimed to enter the Transvaal under the Educa-

tional provisions of the Immigrants' Restriction Act. They were required to write out in English an application for admission, and to produce means of support. Not one amongst them had less than £20 in cash.

Messrs. Dawad Mahomed and Parsee Rustomjee claimed to be pre-war residents of the Transvaal. They had no papers. Mr. A. H. G. Mahomed said he had a voluntary registration certificate, but he did not have it with him. The other men claimed to be pre-war residents, four producing permits and registration certificates and the rest producing no papers. All refused to give thumb-prints. They were detained pending the receipt of instructions from Pretoria.

Meeting at Volksrust

A meeting was held at Mr. Suliman Cajee's store, attended by the members of the Volksrust community, and Messrs. Dawad Mahomed (President of the Natal Indian Congress), M. C. Anglia (Secretary), Parsee Rustomjee (Vice-President), Adam Hajee Gool Mahomed (Chairman of the Capetown British Indian League), Imam Abdool Kadir Bawazeer (Chairman of the Hamidia Islamic Society), M. P. Fancy (Secretary), E. S. Coovadia (Treasurer), Amod Moosajee, A. M. Bhyat, Omarji Sale (Members of the Committee of the British Indian Association), Dildarkhan, U. M. Shelat, M. P. Killavala, S. J. Randeria, S. B. Medh, H. I. Joshi, M. N. Goshalia, H. S. L. Polak, assist. Hon. Sec. of the British Indian Association and others.

Mr. Imam Abdool Kadir Bawazeer was elected chairman. He appreciated highly the unity manifested by the meeting amongst Hindus, Mahomedans, and Parsees. Natal and the Cape had also joined them in the fight. The credit for this was due to Mr. Gandhi, who had pointed out the way by passive resistance.

The Natal and Cape Indians were now adding to their expressions of sympathy and money, the active assistance of their leaders. They were determined to get the Act repealed.

Mr. Dawad Mahomed said that it was his duty to come. He had left everything, including his wife who was dangerously ill. He would not return to Natal until the Transvaal Government had remedied the Indian grievance.

Mr. Parsee Rustomjee supported the former speaker.

Mr. Adam H. G. Mahomed said that the responsible leaders of the Indian community had already realised the necessity of Closer Union among their people, and this had been achieved.

Mr. M. C. Anglia associated himself with sentiments expressed by the previous speakers.

Mr. H. S. L. Polak discussed the present position at some length.

Messrs. E. S. Coovadia, Dildarkhan, Omarji Sale, Killavala, Kijoo

Kalamia, and Suliman Cajee also spoke.

Mr. Suliman Cajee acted as host to his numerous guests, and at the meeting a number of voluntary registration certificates and licences were handed over for burning at the mass meeting on Sunday.

Mr. Bhabha also joined in the preparations. The Charleston Indian community prepared a number of dishes for the delectation of the Natal contingent, and the comestibles were much appreciated.

It appeared that no instructions had been received by the police as to whether a charge should be laid against the invaders or not. Late on Saturday afternoon, however, Sergeant Mansfield was instructed to proceed against them as prohibited immigrants. In order to be present at the Mass Meeting on Sunday, Messrs. Dawad Mahomed, M. C. Anglia, Parsee Rustomjee, and H. I. Joshi were admitted to bail of £5 each, and proceeded by the night train to Johannesburg. They were, of course, not detained in Volksrust at the lock-up, nor were the others. En route the travellers were joined by several other Indians having the same destination. When the party arrived at Park Station, they were met by a representative crowd, including every communal leader then in Johannesburg.

The Indian Struggle in the Transvaal

Mr. Gandhi writes to the *Star* as follows in reply to the leading article which appeared last week in our columns:—

Sir,—You will, I hope, allow me to correct you with regard to the question of educated Indians, touched upon in your leader of yesterday on the Asiatic struggle. British Indians do not ask for the opening of the door to educated Indians. They ask that the door should be left open as it is at present under the Immigrants' Restriction Act. You assume that a demand is being made for admitting English-speaking lads. The truth is that Indians have declared that they would be satisfied with an education test, no matter how severe, so long as the door is kept open (not now to be opened) for those possessing the highest educational attainments.

You say that General Smuts will be justified in withdrawing from any promise he may have made, in view of the above alleged fresh demand. From the facts stated by me, you can verify for yourself that no fresh demand has been made. But, supposing that it was made, would it justify General Smuts in breaking a promise which was to be fulfilled on the condition of voluntary registration being gone through by Asiatics, even though that condition had been fulfilled? Moreover, if Asiatics ask for anything

new, he has undoubtedly a right to refuse it, but surely not on that account to break his promise. What Asiatics grieve over is the fact of the General making the acceptance of educational disqualification a condition of repeal of the Asiatic Act. Will it not be an honourable course for him to give what he has promised, and then throw the onus on the Asiatics of accepting or rejecting it?

You seem to imagine that, by repeal of the Act, Asiatics desire that there should be nothing of the Asiatic Act retained in any shape or form. So far is this from being true, that, in the draft Immigration Bill repealing the Act and shown to me by the Colonial Secretary, such provisions of the Asiatic Act as were necessary for properly checking certificates already issued and such other things were taken over from it. Asiatics do not oppose supervision, but they do oppose an Act which is based on charges of fraud and which contains many clauses of an objectionable character.

As to the promise of repeal, you reported General Smuts to have stated on the 6th day of February last that "he had told the Asiatics that he would not repeal the Act until every Asiatic was registered." I interpret this to amount to a public confirmation of the promise made by him to me on the 30th day of January and repeated on the 3rd day of February last. If the declaration has any other meaning, I confess I do not understand it.

You resent my having accused General Smuts of the murder of Mr Naidoo's child and my having used the expression "legalised robbery" in connection with the Magistrate's order at Vereeniging to seize the goods of the Indians charged, in lieu of the payment of the fines imposed upon them. I witnessed the scene enacted in Mrs. Naidoo's room immediately after her husband's third incarceration. I cannot forget it. Six days after, I heard that she had a still-born son. Mr. Naidoo had committed no offence save that, first, of helping General Smuts out of an awkward dilemma, and then of preferring his conscience to everything else. Although you may wonder, I must repeat that the death of the child must be laid at the door of General Smuts. Lastly, if a private individual were to take away my goods by violence, the law would call it robbery. When the legal machinery itself is utilised to confiscate my goods and thus to compel me to surrender my conscience, I may be pardoned for calling the process "legalised robbery." And yet that is what a forced sale of the goods of those who have done no wrong means to most Indians.

A Petition to Parliament

The following petition has been addressed to the Honourable the Speaker, and Members of the Honourable the Legislative Assembly of the Transvaal:

The petition of Essop Ismail Mia, in his capacity as chairman, and M.

K. Gandhi, in his capacity as honorary secretary, of the British Indian Association,

HUMBLY SHEWETH THAT:

1. The British Indian Association represents the British Indian residents of the Transvaal.

2. The members of the Association have read with much concern the Bill published in the *Government Gazette* entitled "to validate the voluntary registration of certain Asiatics who failed to comply with the provisions of the Asiatic Law Amendment Act 1907."

3. When British Indians undertook to take out voluntary registration they never had any intention of submitting to the Asiatic Law Amendment Act of 1907.

4. Whilst, nominally the Bill before this Honourable House does not make British Indians submit to the said Act, in reality, there is no distinction between the incidents of voluntary registration to be legalised under the said Bill and registration under the Asiatic Act.

5. The terms of the compromise as embodied in the letters that passed between the Honourable the Colonial Secretary and the honorary secretary of the British Indian Association and the other co-signatories were that:

(a) All Asiatics resident in the Colony at the time of the compromise should take out voluntary registration certificates "say within three months" from the date of the compromise.

(b) Children under 16 years were to be exempt from any registration.

(c) Such mode of registration was to be applicable to those who were entitled to enter the Transvaal, but who were not in the Transvaal at the time of the compromise.

(d) To those who submitted to voluntary registration Act No. 2 of 1907 was not to be applied.

(e) The voluntary registration was to be legalised in any other manner that the Government considered proper.

6. These were supplemented by conversations that took place at interviews granted by the Honourable the Colonial Secretary to the honorary secretary of the British Indian Association.

7. At these interviews the question of mode of legalisation was discussed, and the Honourable the Colonial Secretary definitely promised that if all the Asiatics in the Transvaal submitted to voluntary registration the said Act would be repealed.

8. The said promise was referred to by the Honourable the Colonial Secretary in one of his speeches delivered at Richmond soon after the compromise.

9. The petitioners respectfully invite the attention of this Honourable House to the fact that all the Asiatics who had an opportunity of submitting to voluntary registration have done so, and that the others have been always ready to do so, but voluntary registra-

tion after the 9th of May has been refused.

10. The Bill before this Honourable House, therefore, is in conflict with the compromise in the following particulars:—

(a) It does not repeal the said Act No. 2 of 1907.

(b) Whilst it seemingly validates voluntary registration under a separate measure, it does not definitely and unequivocally except voluntary registrants from the operation of the said Act.

(c) It does not exempt from registration the children under the age of 16 years of holders of voluntary registration certificate.

(d) It does not leave any opportunity for voluntary registration for Asiatics referred to in sub-paragraph (c) of paragraph 5 hereof.

11. The Bill is, therefore, in the humble opinion of the petitioning Association, in breach of the terms that were to be fulfilled by the Government.

12. The community represented by the petitioning Association has no desire to take advantage of the voluntary registration certificates that were taken out by it in good faith.

13. The petitioning Association respectfully invites the attention of this Honourable House to the fact that, at much personal sacrifice, and even at the risk of their lives, leading members of the Indian community fulfilled their part of the compromise.

14. The petitioning Association feels that the Bill before this Honourable House disregards the admittedly valuable help rendered to the Government of the Colony by the Association, in connection with the compromise.

15. Your petitioners, therefore, humbly pray that this Honourable House will reject the Bill, or grant such other relief as to it may seem fit and proper. And for this act of justice and mercy, etc., etc.

Dated at Johannesburg this 13th day of August, 1908.

(Sgd.) ESSOP ISMAIL MIA,
Chairman

(Sgd.) M. K. GANDHI,
Hon. Secretary

Mr. Gandhi Interviewed

In the course of an interview with a *Leader* reporter, Mr. Gandhi said:—

"There is a great deal of misunderstanding regarding the Indian position on the question of the admission of educated Indians. We contend that the Immigrants Restriction Law, as it stands, does not debar educated Indians from entering the country, but nothing can be further from the Indian thought than that hundreds of Indian youths should be able to come into the country. All that we want is that the colour of the skin should not act as a 'bar sinister,' and that professional Indians, who are necessarily required for the organic growth of the community, should be allowed to enter. This may not be even at the rate of

one per year, because there will be no scope for many such men. They certainly cannot compete in trade, and, after all is said and done, the Asiatic question is very largely a trade question. What is, however, lost sight of is that it is not the Indians who have raised the education question, but it is General Smuts who wishes them to accept his reading of the law. He does not care to consult Indians when he wishes to pass any offensive legislation concerning them, but when it is a matter of fulfilling the Government's part of the compromise he, in effect, says, 'I shall fulfil the compromise if you accept this additional disability in the shape of a prohibition of the entry of educated Indians, no matter what their qualifications may be.' It is quite open to him to fulfil the promise of repeal of the Act, and at the same time in disregard of our sentiments to bring in the educational disqualification, and we will fight that question on its own merits. He has not consulted us with reference to the present Bill, which, to my mind, is a breach of the compromise on the part of the Government, and yet he refuses to pass a Bill which he had actually drafted repealing the Act because we object to a clause in it which, among others, disqualifies educated Indians."

"A Question of Honour"

Under the above heading, the *Pretoria News* of the 12th instant, writing on the New Asiatic Bill, says:—

It is no longer a question of whether it is politic or desirable that the opportunities for the voluntary registration of Asiatics should be extended, nor whether it is desirable that educated Indians should be admitted to this country. It is a question of whether General Smuts is to keep the promise which he made to the Indians on behalf of the Government of this country, and whether the terms of the compromise under which the Asiatics agreed to register voluntarily are to be carried out. We have re-read very carefully the various speeches and documents bearing upon that compromise, and we find it difficult to avoid the conclusion that General Smuts, if we may use a homely simile, is not quite "playing the game." The Asiatics have honourably and faithfully fulfilled their part of the contract—no one up to the present has ventured to deny this—they have been put to a great deal of trouble, inconvenience, monetary loss, and in many cases, actual physical suffering in order to vindicate their position. The leaders, in their determination to stand by their compact, have suffered at the hands of the more extreme among their compatriots, but this has not prevented them from loyally adhering to the compromise. Under the circumstances, it is of the utmost importance that the Colonial Secretary, especially as representing, for the time being at

any rate, the white people of Transvaal, should adhere to the letter and spirit of his promises as fearlessly and with as little regard to public opinion as the Asiatic leaders have done. General Smuts is surely not going to admit that Mr. Gandhi has a nicer sense of public and political honour than himself; he is not for the sake of a little political kudos, and in order to "get the better" of the Asiatics, going to deviate from the terms of the compromise laid down. We cannot believe, therefore, that he is in earnest in refusing to extend the facilities for voluntary registration, as he must do if the Bill published this morning becomes an Act. But if in spite of all that has been said and written on the matter, the Government persists in driving the Bill through the House, we have no hesitation in asserting that it will set up a good case for Imperial interference. If General Smuts is not going to keep his promises, written and implied, they must be kept for him by some higher power. The Colonial Secretary will doubtless make an eloquent and convincing speech when introducing the new Bill, which everyone will read with interest, and to which everyone will give very serious and unbiassed consideration. In the meantime, one cannot help regretting that Mr. Gandhi and his supporters did not insist on having the terms of their compromise put into writing. They should have remembered the words of Mr. Chamberlain, uttered when negotiations were proceeding between the Imperial Government and President Kruger, advised by General Smuts, upon an occasion which need not here be further discussed: "He who sups with the devil needs a long spoon."

Harilal Gandhi gets a month

Mr. Harilal Gandhi was on Tuesday morning brought before Mr. Jordan A.R.M. of "B" Court. The accused was charged with failing to comply with an order of the Court ordering him to leave the Colony after an expiration of seven days. Mr. Gandhi, who appeared quite cheerful in the dock, pleaded guilty to the charge.

Mr. Geo. V. Godfrey watched the case for the defence and told the Magistrate that, as his client intended to plead guilty, there would really be no defence.

On Mr. Godfrey being asked to address the Court, he said he had no remarks to make.

The accused was then sentenced to one month's imprisonment with hard labour.

This is the second time Mr. Harilal Gandhi has suffered for his principles.

A Vereeniging Case

Bhana Dulabh was on Tuesday, sentenced at Vereeniging to pay a fine of £1/7/6 or undergo seven days

imprisonment with hard labour. He elected to go to gaol. Mr. Vorster defended. It will be remembered that in the previous Vereeniging cases no option of imprisonment was given, and that in those cases upon refusal to pay the fine, goods of the prisoners to the value of some £20 were attached.

The Johannesburg White League

A meeting of the South African Liberals (White League) was held in Johannesburg on the 12th inst., to discuss, amongst other things, the present Asiatic position. Col. Warren, it is stated, presided over a small audience. A protest was made "against any further concessions being granted to Indians in Transvaal," and it was urged "that no privileges be given to coloured people other than those extended to the natives of South Africa."

Mr. Sorabjee

In common with many other Indians, it was expected that Mr. Sorabjee Shapurjee Arajena would be discharged on Wednesday last and an expectant crowd of about 300 Indians waited near the gaol, including the leading Indians of Johannesburg. Scores of them had bunches or garlands of flowers with which to greet Mr. Sorabjee, but, much to their disappointment, they received the other prisoners gladly enough but Mr. Sorabjee was not among them. Mr. M. K. Gandhi immediately applied to the Governor for permission to see Mr. Sorabjee, which permission was granted. Mr. Sorabjee was looking well and happy, not knowing anything at all as to what was to happen to him. Rumour said that Mr. Sorabjee was to be deported under the Immigrants' Restriction Act—that would be a new move on the part of the Government—and it was known that Mr. Sorabjee was not to be discharged just then, the Gaol Regulations allowing the Authorities to detain prisoners up to six o'clock in the evening of the discharge day. The crowd, therefore, dispersed. Indian pickets were placed to watch the several gates of the Johannesburg Gaol, and it was known about 3 p.m. that Mr. Sorabjee was removed to "B" Court in a carriage with Superintendent Vernon in plain clothes. Up to the time of writing these notes, Mr. Sorabjee has not been discharged. He was taken before Mr. Jordan. Evidently, some secret ceremonial was gone through, and, after observing perfectly needless secrecy, he was taken away in a cab, his destination being unknown.

A Case for the Supreme Court

A point in regard to Asiatic trade licences was raised at the Police Court Pretoria, on a charge preferred against an Indian hawker of hawking without the necessary licence.

Mr. Lichtenstein, who was instructed by the British Indian Association, stated that the accused had applied for the licence required, but had been refused this unless he allowed his finger-prints to be taken. He submitted that this was not required.

Mr. Walton, A.R.M., before whom the men appeared, said he would grant a remand for a week, and Mr. Lichtenstein could apply for a mandamus, and take the case before the Supreme Court.

Volkstrust Cases

Remarkable Prosecutions

[SPECIAL TO INDIAN OPINION]

Before Mr. A. F. De Villiers, A.R.M., at Volkstrust, on Tuesday, the 18th inst, Messrs. Dawad Mahomed, Parsee Rustomjee, M. C. Anglia, H. I. Joshi, M. N. Goshalia, S. B. Medh, S. J. Randeria, M. P. Killavala, U. M. Shelat, Omar Osman, Ebrahim Hoosen, Moosa Ahmed, Suliman Ebrahim, Valli Amojee, Kajee Kalamia Dadamia, Diar Mawjee, Vallabh Bhula, Ismail Essop, Makhani Vallabh, and Moolji Ooka were charged with contravening section 8 sub-section 3 of Act 2 of 1907, in that they had failed to produce a registration certificate under the Act when called upon to do so.

Mr. Mentz prosecuted and Mr. H. S. L. Polak defended.

All pleaded not guilty.

Sergeant Mansfield, of the Transvaal Police, stated that the accused had been brought before him on the 14th inst., at the charge office, Volkstrust, to see if they were lawfully entitled to enter the Transvaal. They came by train from Natal. He examined them and asked for their permits or their registration certificates issued under the Act. None produced registration certificates. Four produced permits issued under Ordinance 5 of 1903. Two produced Dutch registration certificates. The others had no papers. He asked them if they had ever been in the Colony before. Some said yes, and claimed the rights of re-entry as pre-war residents of the Transvaal. Others said no they had not, but claimed now to enter the Colony under the exemptions of the Immigrants Act, they being each in possession of £20 and upwards produced to him, and they stated they could write in the English language, which they did at his request and dictation. They did not state whether they were in the Transvaal when peace was declared. The men with permits refused to give thumb-prints and he was not able to satisfy that they were the legal holders of these permits. They said that, being holders of these permits, they were entitled to eight days before they registered. He asked whether they would register, and was told that they had eight days to make up their

minds. He produced Government Notice No. 1097 of 1907 stating that the 30th November was the day after which demand for registration certificates could be made. The accused were male Asiatics over the age of 16 years.

Cross-Examined: Witness was appointed an Immigration Officer. He was a police-officer and therefore entitled to demand the production of registration certificates under the Act. He had instructions to stop anybody he was not satisfied with, whether Europeans or Asiatics. When they were stopped he required means of identifications from them. He had not stopped certain Asiatics who had entered the Colony from Charlestown on the 14th inst. because he was satisfied that they were entitled to be in the Colony. He stopped another Asiatic on the same day, Mr. Adam H. G. Mahomed. He was allowed to proceed after witness had received telegraphic instruction to that effect from Mr. Chamney stating that this entrant had a voluntary registration certificate and was a resident of Capetown. He was also identified by a European resident of Capetown and was quite satisfied as to his identity.

In regard to the four persons who produced permits, he agreed that the thumb-impression was not an integral part of the permits. These impressions were voluntarily given, and not under any regulation. They were simply a means of identification. On some permits there were no thumb-prints, and on others, the impressions were blurred and indecipherable by him. He admitted that these men were anxious to help him and to give him every facility for identifying them short of giving a thumb-impression. Witness asked them whether they had been ordered by any one to refuse to give thumb-prints, but they replied that their refusal came from themselves. They were quite prepared to give thumb or finger impressions as a voluntary act, but so long as the Asiatic Law Amendment Act requiring under compulsion the giving of a thumb-print, they would refuse to do so. He had no reason to suppose that they were not lawful holders of the certificates. Witness had satisfied himself that the men who claimed exemption from the prohibitions of the Immigrants Act could pass an education test and were persons of sufficient means. He had no other reason for detaining these seven men except that they were Asiatics. He would not have stopped Europeans who could pass the test in the same circumstances. With regard to the men who stated that they were in the Transvaal before the war he was satisfied with their statements. To sum up, he was satisfied that there was no reason to suppose that those men who produced permits were not the legal holders thereof, that the educated men could pass the education test and had sufficient means,

and that the men who claimed pre-war residence had made correct statements. Witness did not know whether any of the accused had had the opportunity to apply for registration under the Act.

This closed the case for the Crown. Mr. Polak then called

Mulji Ooka, who, through Mr. M. C. Anglia, who acted as interpreter, stated that he was a fruiterer, and was in the Transvaal from 1897 onwards. He gave the names of several Europeans who could identify him. He had been in Pietersburg and Johannesburg. He had a Dutch registration certificate which he had sent to Mr. Gandhi for the purpose of inquiring as to his right to re-enter as a pre-war resident. He was not willing to submit to the Asiatic Act, but had come to claim his rights of re-entry. He was prepared, if necessary, to submit to punishment for not taking out a certificate under the Asiatic Act.

Omar Osman stated that he was a tailor. He had been resident in the Transvaal from 1893 to 1899, and produced documentary evidence in support of his statement. He mentioned the names of several Europeans who could identify him. He claimed the right of re-entry. He had no opportunity prior to entering the Transvaal of making applications for registration either voluntary or otherwise. He had not come to defy the law but to assert his rights. He had been in Utrecht and Vryheid, and as far as Carolina. He still had outstanding book-debts here. He would not register under the Act.

Kajee Kalamia Dadamia said he was a fruit agent. He claimed the right of re-entry as a pre-war resident, having been in Zeerust, as a cook, and afterwards in Krugersdorp in 1896. He had had no opportunity of applying for registration in Natal. He was unaware of the existence of any office where, or person to whom such application could be made outside the Colony. He was prepared to suffer any punishment for not complying with the Act, but was willing to register voluntarily.

Ismail Essop stated that he was a salesman. He had never made application under the Registration Act and never desired to. He was in the Transvaal before the War with P. B. Ebrahim & Co., mattress makers. He went to the Transvaal in 1896 and returned to Durban on account of ill-health in 1898. He was at that time a minor and never required a registration certificate. He knew people in Johannesburg who could identify him. He claimed the right of re-entry as a pre-war resident.

Valli Amojee stated that he had been a servant, but his usual occupation was that of a hawker. He had never made application under the Act and did not intend to. He came to assert his rights as a pre-war resident of the Transvaal. Before the war, he was at Klerksdorp in 1896. He then served Rassool Hosen & Co.,

for 18 months. Then he had served M. E. Tilly for a year. Afterwards he had plied his trade of hawker until the war broke out, going as far as Lichtenburg, where he was well-known, to Ajam, Abed & Co., a prominent Indian firm there. He had a Dutch registration certificate, but had lost it. He had applied in 1906 for a permit to enter the Transvaal, but Mr. Chamney had replied stating that he was not satisfied with applicant's proofs. Mr. Chamney had never asked witness to produce further proof.

Mr. Dawad Mahomed stated that he was President of the Natal Indian Congress, the official organisation representing the Natal Indian community. He was a land and estate owner in Durban. He was a resident of the Transvaal at Pretoria, Potchefstroom, and other places before the war, coming to the Colony in 1884. He was in Pretoria a partner in the firm of Ismail Mamoojee & Co., and at Potchefstroom; he was partner in the firm of Aboobaker, Amod & Co. He knew in Pretoria ex-Landdrost De Villiers, Mr. T. W. Beckett, and other prominent Europeans intimately, as well as the late Post-Master General, Mr. Van Alphen. In Potchefstroom he knew, amongst other people, Mr. C. M. Douthwaite well, and there Mr. Baantjes, of Gold-Mining repute, was his clerk. He knew the members of the Baantjes family well. Witness had large business interests in the Transvaal at that period. He had now come to the Transvaal, not by way of defiance, but in order to assert his right as a pre-war resident. He had not applied and under no circumstances would apply for registration under the Act, as it was against his religion, sentiment and conscience. He fully realised that he was, if he did not register within a certain time, rendering himself liable to punishment under the Act. But he could not accept such an obnoxious measure, and was ready to suffer any penalties that the Court would be prepared to impose on him. If the compromise of last January had been honourably carried out, he might have applied for voluntary registration. He did not know of any Asiatic having had any opportunity whatever of making application under the Act in Natal. He claimed to avail himself of his right at any time, at will. He knew, both personally and in his official capacity that there were a number of pre-war Transvaal residents in Natal and elsewhere who had not yet asserted their right to re-enter the Colony, but reserved their right to do so when they choose. He had never been required to take out a registration certificate under the Law 3 of 1885, presumably owing to the very intimate relations existing between him and the Landdrost, which witness described as those of father and son. He held that General Smuts had not only failed to carry out his promise to repeal the Regis-

tration Act, but had introduced a Validating Bill which was even more degrading. He entered the Transvaal now in order to protest on behalf of his brethren as one of their chief leaders. He was a parliamentary voter in Natal.

Cross-Examined: He considered himself to be a rich man in so far as he represented a community like the Natal Indians. His race was famous for being law-abiding, and he repudiated the Prosecutor suggestion that he came to defy the law. He was acting detrimentally to his material interests, and was prepared to sacrifice everything to uphold what he considered to be right. When the trouble ended last January, he was prepared to come to the Transvaal, but when he learnt that matters were shaping satisfactorily, he decided not to come.

Mr. Parsee Rustomjee gave evidence to the effect that he was a general merchant in Natal, where he had large business interests and was a considerable property-owner. He was a Vice-President of the Natal Indian Congress. He had important business interests all over South Africa, through which he had travelled again and again. He was a Parliamentary voter in Natal. He first came to the Transvaal in 1893, where he was in partnership with Shaikji Amod, in Johannesburg. He owned three properties there which were expropriated in 1904 by the Johannesburg Municipality. He had then placed his financial affairs for the Transvaal in the hands of Mr. Gandhi. As Paarsec, he had been exempted from the necessity of taking out a registration certificate under the Dutch Government. The introducing of the Validating Bill had especially induced him to come to the Transvaal at the present time, as he considered his vested rights as a pre-war resident were threatened thereby. He believed that those rights had been safeguarded under the compromise, and he had no reason to believe that they had ever been taken away, nor did he think they could be taken away under British rule. His father and grandfather were British subjects before him, and Parsees were in the Imperial Parliament and the Viceroy's Council. He certainly considered he was a law-abiding citizen, and had not come to defy the law but to submit to its punishments to which he might be liable. He would not accept the law even though he died for it. During the war he had supported British refugees to the sum of £50 per month—in all some £500. He was well-known to all leading merchants in the Transvaal. He regarded the whole of South Africa as his adopted country. He might wish to return to the Transvaal for the purpose of re-opening business there at any time. Although he had never had a permit, he had frequently been to the Transvaal with the knowledge and consent of the Registrar of

Asiatics. He considered that he had the same right of entry as anyone in Court.

Mr. M. C. Anglia, who was then called, stated that he was a merchant in Natal, where he possessed the Municipal franchise. In India he was a Municipal Councillor. He claimed the right to enter the Transvaal as being able to pass the Education Test under the Immigration Act and was a pre-war resident. He was in the Transvaal before the War, in 1897, as managing partner and representative of the firm of A. G. Hoosen & Co., large Mauritian sugar-merchants. On behalf of his firm he had entered into several important contracts to supply sugar, and was consequently well-known to a large number of prominent Europeans in the Transvaal. He had now come to the Colony with a full knowledge of the penalties of the Registration Act. He held that to register under the Act was to degrade his people below the level of cattle, and did not leave an atom of self-respect to them. His objection was a religious one, to the element of compulsion and the principle of segregation. His objections would largely disappear if the law were of general and not special application. He particularly objected, as a Mahomedan, to the distinction in the Act against Turkish Mahomedans, even of European birth, and excluding Turkish Christians. This Act he held to be not a measure of identification but of religious prejudice. It was contrary to the Mahomedan religion to submit to an Act distinguishing any section of the community, though his religion enjoined all Mahomedans to accept general legislation, whether just or unjust.

At this stage the Court adjourned the further hearing of the cases until Wednesday.

On Wednesday afternoon, on the resumption of the proceedings, Mr. Polak having already closed his defence, Mr. Mentz, the Prosecutor, addressing the Court, briefly analysed the evidence of the accused, referring to the fact that some of them had previously been refused permission to enter the Transvaal before the Act came into force. None, with the possible exception of the four men who held Peace Preservation Ordinance permits, could hope to escape from the consequences of entering the Colony without authority, the educated men being in fact prohibited immigrants under section 21 sub-section 4 of the Immigrants' Restriction Act. In respect to the ex-members of the Stretcher-Bearer Corps, he held that the law did not contemplate temporary corps. He also argued that the Crown was not obliged to allow 8 days for registrations under the Act before taking proceedings. As to the four holders of permits, it was impossible to identify them as they had refused to give thumb-prints.

Mr. Polak replied at some length after which the Court retired for a

few minutes for the purpose of considering judgment, and on resuming, the Magistrate said that, although the permit holders had not given thumb-prints or otherwise identified themselves he considered from the straightforward manner in which they had given their evidence, that they were the *bona fide* holders thereof and he discharged them, warning them to register within 8 days. He could not, however, accept as conclusive the evidence of those who produced Dutch registration certificates or other evidence as to pre-war residence. He did not suggest that they had not told the truth, but he would be establishing a dangerous precedent if he admitted such evidence as conclusive, especially as, in the case of the Dutch registration certificates it was notorious that there had been much trafficking in them. As to the members of the Volunteers, he regarded them and the other educated men as not pre-war residents. He could not go into the question of objections to the Act which he had only to administer. He ordered these 10 men to leave the Colony within 7 days.

All the accused left for Johannesburg by the evening train to confer on the new situation with Mr. Gandhi.

Natal Parliament

LEGISLATIVE COUNCIL.

August 13.

New Asiatic Licences

The Asiatic New Trading Licences Bill passed through Committee with an unimportant amendment.

The Council adjourned until 4 o'clock on Tuesday afternoon.

LEGISLATIVE ASSEMBLY.

August 13.

The Indian Existing Licences Bill was read a third time and passed.

LEGISLATIVE COUNCIL.

August 19.

The COLONIAL SECRETARY moved the second reading of the Asiatic Trading Licences Bill. In doing so, he asked what would be the verdict of posterity if they did not check the existing evil in connection with Asiatic traders. He thought that the wisest act of statesmanship in South Africa was when the Orange Free State decided to get rid of the Asiatics in that country. The result was that to-day the Orange River Colony was absolutely free of the evil. The strongest objection to the Bill was: Why should they compensate these people? He thought it was only fair, after they had allowed these people to remain here all these years, they should, after the completion of notice, give them reasonable compensation.

The Hon. Mr. MARSHALL CAMPBELL opposed the Bill. He said that

to deprive the Asiatics of their licences would be an injustice, and a wicked thing. He also thought the Bill would endanger the New Licences Bill, which he considered a fair measure. He moved that the Bill be read again in six months.

The Hon. Mr. ANGUS thought there was a great difference of principle between the two Bills. He supported the Hon. Mr. Campbell.

The Hon. Mr. HUTCHINSON did not see the immediate necessity for the Bill, and deprecated hasty legislation over such an important matter. He was in favour of the principle of the Bill, but questioned the advisability of hurrying it through.

The Hon. Mr. HENDERSON wholly supported the Government in the measure. He considered that the duty of Parliament was to correct the mistakes of past legislators.

The Hon. Mr. LABUSCHAGNE supported the Bill.

The Hon. Mr. WILLSON liked the Bill but was afraid it would endanger the other measure.

The Hon. Mr. KIRKMAN supported the Bill, but doubted the wisdom of passing it at once. He did not support the proposed scheme of compensation. He supported the second reading.

The Hon. Mr. UYS did not think the Bill would prejudice the other one. He thought the Bill did no injustice, but could not see the necessity for compensation. He strongly supported the Bill.

The COLONIAL SECRETARY, replying, said that the Bill would do no injustice. He referred to the support given by the London *Times* to the Colonial Asiatic legislation. The question was being taken up in all parts of the British Empire. It was their duty to hand down a clean land to their children, and he appealed to members to do their duty. He pointed out that nearly two-and-a-half millions of money was being sent out of Natal yearly by the Asiatics.

On a division the amendment was lost by 6 votes to 3.

The Bill was read a second time.

LEGISLATIVE ASSEMBLY.

August 19.

The House resolved into Committee to consider an amendment by the Legislative Council in the Indian Licences Stoppage Bill. The amendment was the introduction of the words, "or their descendants," in respect to the Asiatics.

The amendment was agreed to.

The Bill was again reported and re passed.—*Natal Mercury*.

A LECTURE. Mr. Gandhi was due on Thursday evening to take part in a debate, under the auspices of the Y.M.C.A., Johannesburg, on the question of "How the Asiatic problem effects Closer Union"

Transvaal Early Closing

Select Committee's Report

The Select Committee on the Shop Hours Regulations recently appointed by the Transvaal House of Assembly has now reported.

It recommends compulsory early closing, by means of direct legislation and suggests a draft Bill based upon its recommendations on the following lines, the provisions applying to retail dealers including hawkers and pedlars:

The open time for shops in Pretoria and the Witwatersrand area and "within a distance of five miles from the nearest boundary of any such municipality" is fixed as follows: Mondays, Tuesdays, Thursdays and Fridays not later than seven o'clock; Wednesdays, not later than one o'clock; Saturdays, not later than nine o'clock. Wholesale houses are permitted to open on Wednesdays until seven o'clock provided they close on Saturdays not later than one o'clock.

Shops in other areas must not be later than six o'clock except on Saturdays, when the hour may be seven provided the half-holiday—and all shops must observe one half-holiday a week—does not fall on the Saturday.

The above closing hours, says Clause 5, shall not apply to restaurants, tea-rooms (not being Asiatic tea-rooms), bakers' and confectioners' shops, railway book stalls, eating-houses (not being Kaffir or Asiatic eating-houses) nor to any premises where no merchandise other than fresh milk or flowers are sold or offered for sale.

Ensuing clauses provide that shops and businesses shall close on public holidays, permission being given for keeping them open on days preceding holidays (not being Sundays) up to the hour for closing on Saturdays. Saturdays hours also apply to days between December 22 and 31 inclusive, whilst on December 24 (not being a Sunday or public holiday) shops need not close until 11 o'clock.

No shopkeeper whose shop is exempted under the provisions of clause 5 shall, it is stated, keep an assistant at work for more than 9 hours a day.

The schedule fixes open time for various businesses as follows:

Fishmonger, poulterer, and vegetable, not later than: Wednesday, 1 p.m.; Saturday, 9 p.m.; Sunday not later than 9 a.m.; other days, 8 p.m.

Fruiterer, not later than: Wednesday, 1 p.m.; Sunday, 9 a.m.; other days, 10 p.m.

Hairdressers, not later than: Wednesday, 2 p.m.; Saturday, 9 p.m.; other days, 7 p.m.

Tobacconist, not later than: Wednesday, 2 p.m.; Saturday, 10 p.m.; other days, 8 p.m.

Newspaper vendors, not later than: Wednesday, 2 p.m.; Thursday, 8 p.m.; other days, 7 p.m.

Asiatic and Kaffir tea-rooms and eating-houses, not later than 8 p.m. every day.

Hairdressers, tobacconists, newspaper vendors, and Asiatic and Kaffir eating-houses must close on Sundays.

A Settlement In Sight

The *Rand Daily Mail's* Pretoria correspondent telegraphing on Tuesday night, says that there is still a chance of a settlement of the Transvaal trouble.

Mr. Smuts again postponed introducing his promised Bill into Parliament to-day, the reason being that important negotiations are proceeding.

Mr. M. K. Gandhi, representing the British Indians, and Mr. Leung Quin, the head of the Chinese community, were in Pretoria this morning to interview the Government. An important meeting was held at Government Buildings, when the Asiatic representatives, together with Sir George Farrar, Sir Percy FitzPatrick, Mr. W. Hosken, and Mr. Lindsay, representing the Opposition, met the Ministers.

A long conversation took place, the whole situation being reviewed, and the problem discussed as between the Government, the Opposition and the Asiatics themselves.

The result was inconclusive, but it is understood that the dispute has been narrowed down to one point dealing with the education test. Upon all other points it is possible to come to an agreement, and negotiations on the educational question have been adjourned till to-morrow to enable the Asiatic delegates to consult their people.

The impression prevails that a settlement will be reached.

Government's Attitude

The *Star* on Wednesday reports:—The Government had not decided this morning the attitude to be taken up concerning the Asiatic crisis. I learn, however, that the deputation from Johannesburg which waited upon General Smuts and General Botha yesterday were particularly firm regarding the stand to be adopted by the Asiatics generally, and at the conference held in Johannesburg last evening the leaders of the Asiatic community again expressed their determination not to give way. The Government, I am informed, have conceded every point with the exception of the repeal of the Asiatic Law Amendment Act, No. 2 of 1907, which Mr. Gandhi insists was promised by General Smuts, and which promise the Colonial Secretary denies having made. According to the Immigration Restriction Act an educational standard is set which equally applies to Asiatics as well as to other

immigrants. The Government, however, desire to exclude Asiatics from the provisions of this latter law, and, I understand, have asked the leaders of the Asiatic community to give an undertaking in writing that even educated Asiatics should be refused admittance to the Colony. To this strong objection is taken, it being argued for the Asiatics that any educated Asiatic should certainly be granted the facilities under the Act which are accorded to Europeans. Their anxiety to repeal Law No. 2 of 1907 is based upon the argument that it is class legislation. The result of negotiations to date is a deadlock. All the morning the Government have debated the matter, but up to the present nothing substantial has been arrived at.

Sorabji Deported

Johannesburg, Aug. 20.—This morning about 200 representatives, members of the Asiatic community from all parts of the Transvaal, assembled at the mosque to discuss the terms of compromise suggested in an interview between Mr. Gandhi and others, and the representatives of the Government. Prior to the proceedings excitement prevailed amongst those present at the news concerning the deportation of Parsee Sorabji, many being inclined to think that this deportation had been ordered by the Government with the intention of overawing the conference into submitting to the proposed terms of the compromise.

Mr. Gandhi stated that nothing would be communicated to the Press, and then mentioned that Sorabji had telegraphed as follows: "Had solitary confinement yesterday." (Cries of "Shame"). "Pushed out by Vernon on the Natal border."—*Natal Mercury*.

The Irreducible Minimum

Johannesburg, Aug. 20 (Reuter).—The Indian Conference, having concluded discussion, definite terms for the settlement of the situation have been sent to the Government for consideration, but the conditions for the time being are private.

In Parliament

On Thursday the Colonial Secretary brought up the report of the Select Committee, appointed yesterday, to go into the subject matter of the Asiatic Voluntary Registration Bill, drafted by the Committee. He moved, as an unopposed motion, that the Asiatic Voluntary Registration Validation Bill, which was read a first time, on August 13, be withdrawn, and that the amended Bill be read a first time.

Sir George Farrar seconded the motion, which was carried, the second reading being set down for to-morrow.—Reuter.

Cape Parliament

"The Worst Piece of Humbug ever seen on the Statute-book"

LEGISLATIVE ASSEMBLY.

August 11.

Mr POWELL moved that a Select Committee be appointed to inquire into the working of the Immigration Act and the General Dealers' Act, with power to take evidence and call for papers; and to consist of Dr. Murray, Mr. Levey, Mr. Lundie, Mr. Alexander, Mr. Withinsbaw, Mr. Hellier, and the mover. The mover said the object he had in view was to inquire into the grievances of Indians, who had presented petitions to the House, and of other persons, who had also petitioned. He would do his best to have all sides of the question thoroughly inquired into, and he intended later to move that the petitions presented to the House be referred to the committee.

Mr. SAUER said he had opposed this General Dealers' Act when it was first introduced. It was the only instance on record that he could find in any civilised country in the world where the judges were interested. The Act constituted a Court of prejudiced Judges. It was an iniquitous principle, and it had worked most perniciously. If they wanted to keep Asiatics out, let them do so. Whether the Asiatics were British subjects or not did not matter. If they were objectionable at all, they were objectionable whether they were British subjects or not. But don't let them go into the hypocrisy of constituting a Court which they knew was biassed and prejudiced, and which was run in the interests of a particular class to create a monopoly. He had yet to learn that it was in the interest of the purchaser that there should be fewer people from whom he might buy his goods. The greatest injustices had occurred, and the most reputable people had been refused licences by interested parties. He did not sympathise at all with the class of people who came here to undersell white traders, but don't let them constitute a Court which was biassed, and don't let them pretend it was in the interests of the white man or in the interests of morality, or for sanitary reasons that they did this. The basis of it all was to prevent competition. He heard there was a movement now to go so far as to say in what street a man should keep a shop. He hoped they would soon come back to the position when they would not inquire into a man's colour or his nationality, but when they would give free trade here so far as business was concerned. It was a scandalous thing that there should be a Court constituted like this, and he would do his very utmost to get the law as it now stood on the Statute-book repealed, because he believed it was a piece of hypocrisy,

the worst piece of humbug he had ever seen on the Statute-book.

Mr. DE WAAL moved that the committee consist of nine members, and that Mr. Louw and Mr. Greer be members of the committee.

The amendment was agreed to.

The motion, as amended, was agreed to.

Cape Indians' Petition

Presented to Parliament

Immigration and Licences Acts

The following petition has been presented to both Houses of Parliament on behalf of the South African Indian Association—to the Legislative Council by the Hon. J. D. Cartwright and to the House of Assembly by Mr. B. Upington:

1. That the said association humbly approach your Honourable House, in pursuance of a mandate from an influential Indian Conference which sat in Cape Town in the last week of June, and submit this petition, embodying the substance of resolutions adopted by it, and of a subsequent resolution passed by the association, after full deliberation, setting forth grievances suffered by the Indian community in this Colony.

2. That your petitioners beg to state that the resolutions adopted by the said Conference—which was composed of delegates from such important centres as Port Elizabeth, Kimberley, Vryburg, Mafeking, Robertson, and Stellenbosch, in addition to Cape Town and the district thereof—have reference chiefly to the severe restrictions imposed on the Indian community by the Immigration Act, to the hardships occasioned by the drastic provisions of the General Dealer's Act, and to the invidious position in which British Indian subjects are placed in East London, by reason of the exceptionally severe Municipal regulations enforced against them as a class in that township.

3. That your petitioners would humbly represent that the law governing immigration in this Colony has become oppressive to a degree to the Indian community, owing to the want of a clear definition of the term "domicile," and that the placing of a proper construction on that term, authoritatively, once for all, or the determining of a three years' residence in the Colony to constitute domicile in every case, as well as the sanctioning of the grant of certificates under the Immigration Act, without any limit as to time of return to the Colony of applicants for the same, appear imperative, so as to bring about a satisfactory change in the present state of things.

4. That in respect of minors whom it is desired to bring into the Colony by parents or relatives settled here, petitioners submit, in terms of the resolution of the Conference, that the

age limit in all such cases be that which is now recognised by the Roman-Dutch law for all other legal purposes in this Colony namely, under twenty-one years.

5. That, looking to the fact that the difficulty of control of immigration, and the annoyance and hardship inflicted on Indians under the Act, arise chiefly from the illiberal and unsympathetic attitude of the department, and the withholding of all reasonable concessions, the South African Indian Association has, since the meeting of the Conference, specially considered and resolved, as a matter of great expediency, that the following enactments be urged for the early consideration of Parliament, in the way of a remedy that will afford adequate means of doing away with existing abuses, and provide a more rational method of departmental procedure:

(a) Servants, under agreement for a term of years, under proper limitations, to be allowed to enter the Colony, on application of traders of good repute, subject to the condition that such traders, or employers, make a deposit to Government of a sufficient sum of money to cover the ultimate repatriation of such servants, and afford all reasonable guarantees for the due fulfilment of the condition;

(b) A duly authenticated certificate under the hand of a Magistrate in India with respect to the age of a minor, and the *bona fide* character of the case dealt with, on application, be deemed sufficient for all official purposes in this Colony;

6. That petitioners would urge, in conformity with the unanimous resolution of the Indian Conference that, in view of the strictures recently made by the honourable Judges of the Supreme Court, in connection with several cases of appeal heard by them relating to immigration, Parliament may be pleased, as a matter of pressing public necessity, to order that the Select Committee appointed last year to inquire into immigration matters do continue its labours, take further evidence and publish its report during the present session.

7. That, with regard to the General Dealer's Act, in view of the fact that it operates harshly on British Indians more than on other members of the community—the European trading class of the lower grade being chiefly foreigners—your petitioners respectfully beg to represent that, it being found impracticable, owing to the peculiar circumstances of this Colony, to authorise the free and unrestricted issue of licences to British Indians, as in other parts of the British Dominions, the powers now vested in Municipalities and Divisional Councils be revoked, and the right to grant licences be placed in the hands of Resident Magistrates. This change the Conference deemed absolutely essential, seeing that in the majority of cases Municipal Councillors are

practically interested parties in trade concerns and cannot therefore be free from prejudice or unbiassed when dealing with applications.

8. That your petitioners would also state that great hardship has likewise been inflicted on hawkers, without discrimination, by the wholesale refusal of licences to them to trade. Such indiscriminate and ill-judged method of dealing with applications of persons who have been long established here has not only seriously affected the interests of many mercantile firms, but it has also tended to the loss of public revenue; while on the other hand, it has undoubtedly led to a systematic and serious abuse by coercing respectable traders into adopting dishonest methods of public dealing.

9. That petitioners, while soliciting the restoration of licence privileges to deserving persons of the hawker class, would at the same time urge for consideration that, where a licence is refused, the applicant may, by virtue of his vested rights, be allowed the right of appeal to the Supreme Court, as is now conceded in the case of a general dealer.

10. Wherefore your petitioners humbly and respectfully pray that your honourable House will take this their petition into gracious consideration. They venture to hope that Parliament will recognise the need for a modification of the law and introduce the necessary amendments to the above-cited Acts during the present session, thereby removing the needless restrictions imposed on British Indians in this Colony, where they have, up to a recent period enjoyed all the rights and privileges of loyal subjects of the Crown, and in which they hope to continue to enjoy their full citizen rights, with all others of the community, as faithful subjects of His Most Gracious Majesty the King.

The Kimberley Petition

In the Legislative Assembly on the 4th instant, Mr. Oliver moved that the petition presented to the House on July 22, from V. Samy and 204 other Indians, residing in Kimberley and Beaconsfield, praying that the time limit imposed under the Immigration Act, 1906, may be repealed in the case of resident Indians, be referred to the Government for inquiry and report. The motion was agreed to.

MR. SORABJEE. We have received a telegram from Mr. Sorabjee which states that he is again ready for the fray. He wishes to thank the numerous friends who have sent congratulatory telegrams and letters.

Problems of Empire

Coloured Immigration

By the

Right Honourable A. Lyttelton, M.P.

(COLONIAL SECRETARY IN LAST UNIONIST ADMINISTRATION)

(Concluded)

History shows that for long the Colonial Office resisted the policy of which these quotations are the expression; and at a date so recent as 1897 Mr. Chamberlain at the Colonial Conference of that year said: "We quite sympathise with the determination of the white inhabitants of these Colonies which are in comparatively close proximity to millions and hundreds of millions of Asiatics that there shall not be an influx of people, alien in civilisation, alien in religion, alien in customs, whose influx, moreover, would most seriously interfere with the legitimate rights of the labour population. An immigration of that kind must, I quite understand, in the interests of the Colonies, be prevented at all hazards, and we shall not offer any opposition to the proposals intended with that object; but we also ask you to bear in mind the traditions of the Empire, which makes no distinction in favour of, or against, race or colour; and to exclude, by reason of their colour, or by reason of their race, all her Majesty's Indian subjects, or even all Asiatics, would be an act so offensive to those peoples that it would be most painful, I am certain, to her Majesty to have to sanction it. . . . The United Kingdom owns as its brightest and greatest dependency that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown as you are yourselves, and among them there are hundreds and thousands of men who are every whit as civilized as we are ourselves, who are, if that is anything, better born in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble, such for instance, as the Indian Mutiny, saved the Empire by their loyalty. I say, you, who have seen all this, cannot be willing to put upon these men a slight which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill feeling, discontent, irritation, and would be most unpalatable to the feelings not only of her Majesty the Queen, but of all her people."

Yet the Colonial Minister found himself constrained to assent to the Natal Act of 1897 which has since become, in substance, the model of similar legislation in the Cape Colony and Australia, which employs language, it is true, polite and unag-

gressive, but in substance entrusts the Colony with the power at discretion of prohibiting Asiatic immigration. Certain incidents in the Transvaal may parenthetically be mentioned arising from the action of Mr. Chamberlain's successor, who insisted after the war in maintaining certain rights of British Indians settled in the Colony on the faith of British pledges, but these relate only to a limited number of Asiatic immigrants, and need not be further referred to here except as illustrating the sharp line of cleavage dividing the question of the now admitted power of a Colony to regulate future immigration and the question of the obligations of a Colony towards British subjects encouraged in the past to settle within her borders. The right to regulate future Asiatic immigration of British subjects was not disputed by the late Government any more than his Majesty's present advisers. Canada has not adopted the same methods of excluding the Asiatics—but it cannot be doubted that the Dominion Government is at one with her sister States of Australia and South Africa in the resolution to prevent free and effective competition by British subjects of the Asiatic races, and the facts briefly summarised above prove that the Imperial Government have, though reluctantly, been driven to acquiescence in a policy which it would be useless and dangerous, even if it were expedient at the present time to resist. A shrewd appreciation of what the attitude of the British democracy would be towards Asiatic immigration if this country were not protected against such competition by climate has in this matter imposed moderation of language upon many immoderate people, and has kept in some bounds that inexpensive virtue which prescribes sacrifice on others. Yet if we look on this matter not merely as affecting the self-governing Dominions of the British Empire, but broadly, the East and the West, it may be permitted to us to doubt whether the Western nations will be able always to maintain the position which they have so firmly taken. For no system with the appearance of equity can be constructed which will give even temporary shelter to the claim by the West for free admission, the open door, to the East, and prohibition, the shut door, to the West. Nothing but plain force, the mailed fist, in the most palpable form, can support the dogma of free competition for Western in Eastern lands and strict monopoly for them in their own.

Such a claim becomes more difficult when it is made in face of the doubts expressed even in some countries asserting it. I was much struck by the reasonableness and force of a paper recently read by the Bishop of Carpentaria before the Victorian branch of the Royal Geographical Society of Australia, giving a sober account of the problems revealed by

twenty-two years' experience of Northern Australia and the result in those tropical regions of the "White Australia" policy. The long experience has proved, in the Bishop's words, that the climate of the country, whence Asiatics are altogether banished, is one which is injurious to the health of white women, tending to produce and intensify diseases peculiar to them, and especially to make child bearing more difficult and dangerous than in the South; that, further, the health of children is unsatisfactory: they grow too fast, and are pale and lacking in health and vigour; and that men only, if temperate, are able to preserve their health, though not their energy; and yet all their energy is needed, for upon them and their labour is placed the heavy burden and cost of two homes demanded by the necessity of sending wife and family away for long and expensive changes.

The Bishop also points out how important are the questions of accessibility and defence in relation to Northern Australia. Few people in Melbourne, in his opinion, realise how near Northern Australia is to the East, and how impossible of any adequate protection from the South. Port Darwin is distant from the Philippine Islands only 1156 miles, but from Melbourne 3030. Again, from Thursday Island to Dutch New Guinea is 112 miles, and to German New Guinea 860, while to Melbourne it is 2230 miles.

Australians, as a discussion aroused by the Bishop's paper proved, and as a most interesting article in the *Melbourne Argus* testified, are beginning to see the significance of these facts. They recognise the formidable nature of the argument: "You can make no profitable use of the country yourselves, why should you grudge it to others?"

This illustration—and it might be shown not to be an isolated one—is given here in an entirely uncontroversial spirit. No one recognises more clearly than I do the legitimate sensitiveness to anything approaching dogmatism from outside felt by those who have in their own persons and in their own fortunes to encounter the momentous issues raised by this world problem. No one can be more alive than I am to the weight of objections to laws restrictive of full industrial freedom to Asiatic labour, objections based in some cases no doubt on ignorance and prejudice, but in others on lofty and aspiring ideals. Yet it seems almost impossible to devise other means to reconcile the conflicting aims of those who passionately desire to preserve the purity and the industrial standards of the race, yet flinch from the waste of the world's resources following the exclusion from wide tropical lands of those who alone can effectively gather from them their increase.

To Stop Asiatic Trading

Text of the Bill

The following is the full text of the Bill "To prohibit after a certain time the holding of trading licences by Asiatics," which has passed the third reading in the Natal Legislative Assembly:—

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

1. In this Act the term Asiatics shall be taken to mean any Natives of Asia, or their descendants, or any persons belonging to the class usually designated in this Colony as Banians, Arabs—or Arab traders.

"Licence" means a wholesale or retail licence of any description for purposes of trading.

2. After the 31st day of December, 1918, no licence shall be issued or transferred to or be capable of being held by or on behalf of an Asiatic.

3. An Asiatic who on the 31st day of December, 1918, holds a licence and who is by this Act prevented from obtaining a renewal thereof shall be entitled to be compensated from the public revenue of the Colony for the loss resulting from the discontinuance of the licence, in manner and subject to the provisions of this Act.

4. The compensation payable as aforesaid shall be a sum equal to three years' purchase of the profits of the business, and shall be calculated upon the average net profits, as nearly as they can be ascertained, for the two years preceding the 31st day of December, 1918, unless for some sufficient reason appearing to the arbitrators such an average is a manifestly inadequate basis of assessment, in which case the assessment shall be made upon the normal yearly profits of the business as nearly as they can be estimated.

5. If the compensation payable be not agreed upon, it shall be determined by the award of two arbitrators and an umpire according to the Arbitration Act, 1898, or any other Act then in force: Provided that should the arbitrators for the respective parties not agree in the selection of an umpire, the Protector of Indian Immigrants (or if there be no such officer, the magistrate of the division) shall appoint some fit and disinterested person to be an umpire.

6. Upon proof in the Court of a magistrate that any business is being carried on by or on behalf of an Asiatic under cover of a licence which according to the terms of this Act could not be lawfully issued to or held by an Asiatic, the licence shall be adjudged void, and the Asiatic as well as the holder of the licence shall be liable to be convicted of a contravention of the Licensing Acts for

the time being in force as having carried on the business without a licence.

7. If upon any application for the issue or transfer of a licence the question shall arise whether any person is or is not an Asiatic within the meaning of this Act the proof shall rest with the applicant.

8. This Act shall not come into operation unless and until the Governor shall notify by proclamation in the *Government Gazette* that it is His Majesty's pleasure not to disallow the same; and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other proclamation.

Late News

[SPECIAL TELEGRAMS]

Johannesburg,

Friday.

Four Indians at Germiston and two at Boksburg went to gaol for trading without licences, refusing to pay the fines.

The Asiatic Conference held yesterday included prominent Indians of Pretoria who submitted to the Asiatic Act. Delegates from all parts of the Transvaal attended, and Natal was represented also.

It was decided to accept the terms proposed by the Government with modifications involving the repeal of the Asiatic Act.

Mr. Sorabji was yesterday pushed over the border by Supt. Vernon. He was told by Magistrate Jordan that he could stay eight days if he would give his word of honour to leave the country. Mr. Sorabjee indignantly refused to agree with the proposal.

Needless, but utmost secrecy was observed.

Supt. Vernon bluffed Mr. Gandhi, saying that the decision would be known late in the evening. The Pickets, therefore, who had been keeping watch, withdrew. After entraining, a message was received from the Police Office saying that Mr. Sorabjee had gone.

The news has created a great sensation and has strengthened the Indians. It has made a settlement difficult, the Indians considering the Government's action vindictive and childish.

The Asiatic Validation Bill, as amended by the Select Committee, was read in the Assembly a first time last evening. The terms of the Bill are not disclosed.