

# Indian Opinion

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## Indian Opinion

SATURDAY, AUGUST 29TH, 1908.

### The Triumph of Passive Resistance

WHATEVER happens to the new struggle that the Indians in the Transvaal have to go through, it must be patent to everybody that passive resistance has triumphed all along the line. Last January it was passive resistance which saved the community from ignominy and breach of its solemn obligation. That, after voluntary registration, General Smuts wanted to commit a breach of both did not affect the Indian struggle. The second series of prosecutions and the burning of the certificates, evincing the community's determination not to submit to the Asiatic Act, have brought about the Bill that has now passed through both Houses of the Parliament of the Transvaal. Under the Bill, if British Indians so choose, they can be registered without the Asiatic Act, and that Act will not apply to those who are covered by the Bill. It, therefore, enables the weaker members of the community to keep the solemn oath not to submit to the Act. The Bill, moreover, takes out from its operation Turkish Mahomedans, and protects, though not in quite a satisfactory manner, pre-war residents. So far, both the Government and the Progressive leaders deserve praise, and British Indians must recognise that, in meeting the community to that extent, they have shown a desire to do some measure of justice to British Indians. But for those who have realised the truth of passive resistance

the struggle is not closed, but it has only just commenced. Now it is purely for a principle. Indians in the Transvaal cannot rest until they have secured repeal of the Act and until the status of educated Asiatics is placed on a reasonable footing and Mr. Sorabjee receives the clemency of the Crown. And a community that will fight for a principle like this wherein it has no selfish interest to serve cannot but command admiration even in South Africa. We feel certain that if the large body of Indians in the Transvaal continue the struggle, the end can be but one, but the suffering will be far more intense. There may be even violence used by the unthinking portion of the European community. What then? Passive resistance will yield even to that. We read the brilliant instances of passive resistors having suffered physical torture throughout the world, and if that is to be the lot of the Asiatic community, so be it!

WE DRAW ATTENTION TO THE REPORT in another column of the case of Mr. Bhikhabhai D. Maliba, who on Wednesday last, was charged under Sub-section 3 of Section 8 of the Asiatic Law Amendment Act for failing to produce a registration certificate issued under the Act, on demand. Apart altogether from the fact that Mr. Bhikhabhai is a well-known resident of the Transvaal, it is a curious commentary on the action of the Government that he has been charged under the Asiatic Act, immediately after the passage of the new Bill which was to have rendered that Act a dead letter. Little wonder, then, after this and the Sorabjee incident that Asiatics, in the words of the *Rand Daily Mail*, refuse to credit the Government with the possession of common sense, and have decided not to accept assurances, but to continue their fight until the Asiatic Act is removed from the Statute Book.

WE RECENTLY PUBLISHED A COPY OF a petition forwarded to the Legislative Assembly of this Colony by the Natal Indian Patriotic Union. The statement of facts contained therein is lucid and concise. Most important of all, however, is that the facts thus summed up are irrefutable. To put an annual tax of £3 upon a boy of 16 or a girl of 13 is iniquitous in itself, but when we know what the effects of this tax are, we are led to marvel that the Government of this Colony can still call itself Christian. In the existing economic circum-

stances of the Colony, it is a known fact that the imposition of the tax compels the younger generation of Indian immigrants to live a life of servitude, from the very first days of their arrival at an age of discretion. They are bred with this taint. How almost impossible it is, then, to expect from them anything but a condition of mental and moral degradation! If they are not content to place themselves under indenture, they have the alternative of starvation or imprisonment. In the case of the girls and women, the outlook is horrible, for the temptation to forego their womanhood must necessarily be tremendous. We cannot believe that the European Colonists realise to the full the consequences entailed by so cruel and heartless a policy. The Protector of Indian Immigrants himself admits the utter impossibility of an indentured Indian being able to save sufficient to enable him to return to India and live there upon the savings of five years of unexpectedly hard toil. In his last Report, he shows how the average savings of the India-returning time-expired man scarcely exceeded £8, a mere nothing in the struggle for a bare existence. It is as though a man were given a pin with which to pull down the Tower of London. The fatuousness of such a policy must surely strike the white Colonist. What possible good purpose can be served by permitting people to be ground between their physical needs and the temptations that offer themselves? Such an existence is nothing better than a living death.

AT LONG LAST A PUBLIC MAN IN South Africa has found himself able to call a spade a spade. In our last issue we reproduced the reported words of the Hon. J. W. Sauer, one of the Cape Ministers in regard to the constitution of the Courts appointed by the Licensing Act to decide upon the question of the issue or re-issue of trading licences in the Colony. Mr. Sauer's condemnation was sweeping. He pointed out the iniquity of an Indians' trading rights being arbitrarily taken from him by a partial body composed of his trade-rivals. We make no apology for reproducing one or two extracts from Mr. Sauer's speeches.

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. Don't let them go into the hypocrisy of constituting a Court which they knew was biased and prejudiced, and which

was run in the interests of a particular class to create a monopoly. The greatest injustices had occurred, and the most reputable people had been refused licences by interested parties. Don't let them constitute a Court, which was biased, and don't let them pretend it was in the interests of the white man, or in the interest of morality, or for sanitary reasons that they did this. The basis of it all was to prevent competition. 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 very worst piece of humbug he had ever seen on the Statute-book.

These extracts are of more than passing interest, for they accurately describe our own Licensing Law and its effects. And now this Colony is desirous of robbing the Indian trader of the little remnant of trade that is left to him. The desire is Satanic. We can confidently recommend a perusal of Mr. Sauer's remarks and of the Natal Licensing measures to His Majesty's advisers, and we can foresee within a little the nature of the reply that will be given to the preposterous demands of the Natal Government.

## NO SURRENDER

### The Asiatic Attitude

### Submission, Not Ultimatum

### Passive Resistance to Continue

Under the above heading, the *Star* of the 22nd instant reports:

The Asiatic community of the Transvaal will not accept the new Bill concerning voluntary registration introduced by the Colonial Secretary yesterday. Passive resistance must, therefore, continue.

This policy was laid down in a statement made by Mr. M. K. Gandhi, the spokesman of the community, in an interview with a representative of *The Star* to-day.

"The new Bill, save for two things," said Mr. Gandhi, "would have been considered fairly satisfactory to my countrymen, but the non-repeal of the Asiatic Act of 1907 and the absence of provision for highly educated Asiatics to reside in the Transvaal are vital to its acceptance by the Asiatics. The question of the repeal is a very important one from the Indians' standpoint. They claim that repeal was promised and that a point of honour should have been granted. As a question of practical politics, having studied the new Bill, I can see no reason for keeping on the Statute Book the Asiatic Act as a perfect dead letter. It will give rise to many a humorous situation. If my reading of the Bill is correct, an Asiatic has the option of applying under the old Act or under the new Bill. If he wishes to take advantage—if advantage it be—of the old Act and enter the Colony before making his appli-

cation no one can prevent him. But under the new Bill he cannot apply for registration except from a place outside the Transvaal in South Africa. This strikes me as being ludicrous, and it opens the door to fraudulent practices which all parties want to prevent."

### A Supreme Question

"The question of the introduction of highly educated Indians is also of supreme importance to us but as far as I can see, of none to the Europeans. It must not be forgotten that British Indians were absolutely free to enter the Colony before the war. After the war the entry to educated Asiatics was not prohibited, but they were subject to the Peace Preservation Ordinance just as any European was. The Asiatic Act of 1907 dealt only with domiciled Asiatics. It did not regulate Asiatic immigration, as General Smuts himself admitted. The Immigration Act does not, even now, prohibit the entry of Asiatics who can pass the education test. Prohibition, therefore, has been brought about by the presence of the Asiatic Act to which British Indians will not submit.

"Surely then if we are restricting ourselves to the entry of highly educated Indians it is we who give up something, and not the Legislature that will give us a new privilege. It is, therefore, preposterous to say that we are setting forth a new demand. The other point, in what has been called the Asiatic ultimatum, and what I would call the Asiatic submission, are really not matters of law but of administrative act. The recall of Sorabjee, we have humbly maintained, is a matter on which the Government should have yielded. The other points are too insignificant to be dealt with. All I feel is that for these small matters an otherwise admirable Bill will be wrecked, so far as I can judge. My countrymen will not accept the benefit of the provisions of the new Bill until the wrong I have referred to has been redressed and passive resistance will, therefore, unfortunately, have to go on. I have been advised not to lead the passive resistance trouble, but I cannot possibly—as one who prefers, or tries to prefer, his conscience to everything else—accept the advice, no matter what the consequences may be."

### Mr. Gandhi's Views

Interviewed by a *Leader* reporter, in regard to the new Bill, Mr. Gandhi said: "the Bill, I must admit, is a vast improvement on the Validating Bill, which would undoubtedly have been a violation of almost all the terms of the compromise. It embodies, from a cursory glance at the summary published in the *Star* the points which were discussed at the interview with the meeting of Het Volk and Progressive leaders. I am afraid, however, that it falls short of the terms proposed by the Asiatic Conference. It is a most unfortunate thing that the Gov-

ernment have not seen their way to grant the very limited concessions asked for by the Conference—namely, repeal of the Asiatic Amendment Act, and admission of highly educated Indians. The two points are most important for British Indians, but in my opinion of little importance from the colonist's standpoint. Personally, knowing the law and its effect, I could reconcile myself to the present Bill standing side by side with the Asiatic Act of 1907 as a mere dead-letter, but my countrymen cannot understand the intricate distinction. To them no law is a dead-letter, and the fervour with which they spoke on the point at the Conference on Thursday last demonstrated to me the depth of feeling regarding the Bill. When, therefore, we offer that the essential clauses of the Asiatic Law Amendment Act so far as they might be necessary for a proper check on the Asiatic population might be re-enacted, I certainly cannot see any reason for not granting the repeal of the Act. It is true that as there has been so much controversy over the Act the colonists may demand its retention on the Statute Book with just as much pressure as my countrymen demand its repeal, but the representatives of the European colonists are enlightened enough to see without difficulty that if the purposes of the Colony can be served equally well by repeal of the Act they should have no objection to such repeal.

"The question of recognising the rights of highly educated Indians is also equally simple. There is no demand for an unrestricted influx even of educated Indians. British Indians think that fullest discretionary powers should be reserved to the Colonial Secretary as to the administration of the Act, but do say, and I think with perfect justice, that between Europeans and Asiatics of high attainments there should be no distinction.

"It would be a thousand pities to wreck an otherwise good Bill and to keep up Asiatic discontent for the sake of these minor points.

"The other matters are really matters of detail and not touching the Bill itself. It would be, in my opinion, highly unjust to expect my countrymen to sacrifice Mr. Sorabji, who has suffered for his country, but the Government have made it a matter of principle that Mr. Sorabji, having entered in defiance of the law, should suffer the penalty. He has suffered the penalty by being imprisoned for a month, but—to follow it up with a deportation—if Mr. Sorabji should be sent out of the country because he was under a removal order, so was I and many another Indian, but the Government have been pleased not to touch us.

"I notice a statement to the effect that we are daily growing more and more impudent in our requests. This is rather a nice way of emphasising what is contrary to fact. The request for repeal of the Act is as old as the Act itself, and if I personally was prepared to place before my countrymen

the question of another Bill provided that the Act became a dead-letter, surely that cannot be described as impudent; for my countrymen's rejection of any such proposal was in that they have all through fought for repeal of the Act. A general education test has become necessary, because of the interpretation placed upon the Immigration Restriction Act by the Colonial Secretary, and he knows well that repeal of the Asiatic Act makes the entry of educated Indians perfectly possible under the Immigrants Restriction Act. I therefore fail to see any impudence at all. On the contrary, I make bold to say that the Legislature have first of all stripped us naked, and then propose to dole out what they call concessions little by little, still refusing to return what to us is the main thing, and then exclaim, "How magnanimous!" If, therefore, the very moderate request of my country is not embodied in the new Bill, I very much fear, though I am very sorry, that the passive resistance will be resumed. General Smuts calls it a state of anarchy, lawlessness, and a declaration of war. We call it a state of suffering, and pray to our Maker, our reliance being entirely on Him. It is indeed a declaration of war on the part of General Smuts against British Indians."

#### A Last Appeal

Mr. Essop Ismail Mia, Chairman of the British Indian Association, has addressed the following letter, dated the 24th instant, to the Honourable, the Colonial Secretary, Pretoria:—

Sir,—I have the honour to enclose herewith a report of the proceedings that took place yesterday, and the Resolutions passed at the Mass Meeting. The Meeting was attended by over 3,000 Indians. The feeling of those who were present at the Meeting, so far as I have been able to gauge it, is unmistakable.

I venture to submit that, in the very humble prayer of the Meeting, there is nothing new. What the Meeting requests is, moreover, reasonable, and, on the eve of what promises to be a fierce struggle, I once more ask for the relief sought by the Meeting. I beg to assure the Government that there is no desire, on the part of the Indian community, to willfully embarrass the Government or to place ourselves outside the Laws of the country.

My Association, therefore, respectfully trusts that Colonial statesmanship will still find a way out of the difficulty, and close the struggle that has now gone on for nearly two years, and has cost the community represented by my Association very heavily in every respect.

#### The Natal Leaders

The following appears in the *Transvaal Leader*:—

Sir,—We, the undersigned, who have entered the Transvaal as pre-war residents, wish to draw public

attention to an incident that happened to us during our journey to Potchefstroom and Klerksdorp, whither we had gone, during our seven days' recess, for collecting registration certificates from those who would band them to us. We took, last Saturday, the 1.15 train from Potchefstroom, and from Potchefstroom to Klerksdorp we had to stand in the corridor although a compartment was vacant. The Conductor would not allow us to make use of that compartment. The European fellow-passengers sympathised with us very much, but they expressed their helplessness. So far as we are aware we were certainly not objectionable passengers. We had paid our full fares. This treatment is not, by any means, an isolated instance. Our inquiries made locally show that many of our brethren often fare in the same manner. It is treatment such as this which shows us clearly under what difficulties we have to remain in the Transvaal or even South Africa, and the struggle that the Indian community in the Transvaal is at present engaged in is a protest against this kind of treatment.

Your Correspondent informed you that there was coercion used at Krugersdorp in the collection of registration certificates. We deny this entirely. We went not in order to coerce, but in order to place before our countrymen the real position, and we received not only all support so far as the collection was concerned, from local Indians, but were treated by them most handsomely.

We are, etc.,

DAWAD MAHOMED,  
PARSEE RUSTOMJEE,  
M. C. ANGLIA.

Johannesburg,  
25 August, 1908.

#### Mr. Gandhi and the "Mail"

The following letter has been addressed, under date the 25th instant, by Mr. M. K. Gandhi to the *Rand Daily Mail*:—

It is wonderful how every demand made by British Indians is being misunderstood. When my countrymen recognise that the Bill just passed by the Local Parliament is better than the Asiatic Act, they do not admit that their position of serfs is removed. The very fact that the status of educated Indians hangs fire shows that there is no desire to treat them otherwise. Was not my claim of partnership resented? Was not its repudiation by General Smuts received with sustained cheers in the popular House? And, yet, what is strange in the claim put forward by me? You, Sir, know well that we are taught in the public schools in India the doctrine of partnership and equality in the eye of the law, and, yet, these are expressions one may not even whisper in the Colony without being laughed out of Court.

You have drawn a parallel between Mr. Sauer's remarks on the Dealers

Act at the Cape and a general education test in an Immigration Act, which would have the effect of preventing an unrestricted influx of Asiatics into a British Colony. May I remind you that Mr. Sauer has dealt with a farcical Court of Appeal consisting of prejudiced persons? I, too, should agree with the honourable member, and even go further than he has done, when fellow-traders are appointed a Court of Appeal for the question of a licence being granted to one of themselves. It is not only hypocrisy and humbug but downright injustice. I, however, see nothing wrong in an Immigration Act which provides against an indiscriminate entry of a class of people, the distinction being based not on their race or colour but on an educational disqualification. If what my countrymen claim is a quibble, surely the Parliament of the Colony should have sufficient magnanimity to concede a quibble. The fact is that it is not a quibble. The Colony wishes to establish a new principle and to draw a sharp colour-line. It wishes to override the late Mr. Rhodes' formula of equal rights for all civilised men South of the Zambesi, and it wishes also to fundamentally change the British policy. We would be less than men if, after having suffered for nearly two years, we were to quietly accept such a violent departure from British traditions, without making a supreme effort and without showing to the world that, although our own status can be made a little more bearable under the new Bill, we would reject the benefits thereunder, if we cannot successfully oppose the new departure.

You seem to think that Mr. Sorabjee's deportation is the last word on the interpretation of the Immigrants' Restriction Act. The future will show whether it is so. In the meanwhile, may I remind you that Mr. Sorabjee was convicted not under the Immigrants Restriction Act as a "prohibited immigrant" but under the Asiatic Act for being an unregistered Indian. He entered under the Immigrants' Restriction Act, but he came under the disability imposed on him by the Asiatic Act, which Mr. Sorabjee would not accept.

WHY PAY COMPENSATION? The Newcastle correspondent of the *Natal Mercury* writes:—In regard to Mr. Hyslop's notice of motion, is it at all likely that municipalities will be induced to pay out Asiatic traders, when all they have to do under their present powers is to refuse licences, for, as is well known, by a recent ruling of the Privy Council, the life of a licence is only for the term for which it has been granted, viz., twelve months. Why, then, should local authorities not make use of their existing powers, and ignore the grandmotherly prospective enactment of ten years hence?

## Transvaal Parliament

### Asiatics Registration Amendment Bill Passed

#### Third Reading

The *Transvaal Leader* of the 22nd instant has the following report of the debate in the Legislative Assembly:—

August 20.

The COLONIAL SECRETARY brought up a report of the Select Committee on the subject matter of the Asiatics Voluntary Registration Validation Bill, and a Bill drafted by the Committee.

The COLONIAL SECRETARY moved that the Asiatics Voluntary Registration Validation Bill, which was read a first time on the 13th August, be withdrawn.

Sir G. FARRAR (Boksburg East) seconded, and the motion was agreed to.

The amended Bill recommended by the Select Committee was read a first time, and the second reading fixed for the following day.

August 21.

The COLONIAL SECRETARY moved the second reading of the Asiatics Registration Amendment Bill. He said: This question comes before the House at a rather late stage of our proceedings, but I need scarcely assure hon. members that that is not due to any other cause than that of extreme anxiety on the part of the Government to bring before the House a Bill which will command the assent of the House and the country. (Hear, hear.) This Asiatic question has been assuming for the last three or four years even more serious proportions, and this state of affairs is to-day of really a very serious character. I do not think there is any question which, after the war itself, has stirred the white population of the Transvaal more deeply than has this Asiatic question. (Hear, hear.) At the same time there is no reason for hon. members of this House or for the people of the Transvaal to adopt any alarmist position. It is a case which eminently requires level-headed and calm reflection, and I hope that in the discussion which will take place on this Bill that this will be borne in mind. No doubt a great deal has happened recently which tends to inflame and excite public opinion, but in this House I am certain that hon. members will discuss the matter with all gravity and reasonableness. It is now the third session of this House, and this matter comes forward. Hon. members will remember that under the Crown Colony Government of 1906 a law was passed, which however failed to carry the assent of His Majesty the King and in March, 1907, the law which had not been assented to by His Majesty, as passed by the Crown Colony Government, was passed without any alterations by the Legislature of the Transvaal. That law came into force last year. The law was put into force. Different dates were proclaimed from time to time under it for the registration of Asiatics in this country, but for one reason or another the Asiatics organised a movement of passive resistance, and registration under that law proved to be very largely a failure. Of the Asiatics in this country not more than 600 had registered by the time that the dates for registration expired, which was June 30 of last year. As the number was considerably more than 600, it was quite clear that the Act had not proved a success, and that a successful movement of passive resistance had been organised against it. That was a very awkward and, in some senses, a very dangerous state of affairs. There is no more awkward position for a Government than a movement of passive resistance. It is a movement which is really tantamount to an act of war, and really amounts to a state of anarchy so far as the Government is concerned. In more primitive times one would have met it by simply issuing a declaration of war. But in these

times it is impossible to do that, and therefore the situation became a very difficult one for us to handle. I did my best, so far as it was possible, to carry out the law and apply the penalties which have been fixed under that law, and as a result early this year many Asiatics were languishing in prisons from one end of the country to the other. That was a very undesirable state of affairs. Hon. members will remember that finally I met some of the leaders of the Asiatic community and discussed the question with them, and the result was that, pending the meeting of this House temporary arrangements were made, the substance of which was that voluntary registration should take place of all Asiatics who are legally resident in the country, and that the matter should be brought for ratification before this House. Under that arrangement the Asiatics volunteered to register, and made application for registration, and up to date practically every Asiatic in the country, whether legally or illegally a resident here, has made application for registration. Altogether the applications numbered 9,153, and that is rather reassuring as showing that the total adult male population does not exceed this number, although there are additional women and children. Of these applications, 7,773 have been recognised as legal residents, and certificates of registration have been issued to them; 1,214 applications have been rejected, and that is therefore the number of adult Asiatics in this country whose residence here is illegal, and who under the law as it exists to-day ought to be deported or ordered to leave the country. The small number of 171 applications have not yet been decided, but are under consideration. Well, Sir, that is the state of affairs to-day. Hon. members will recollect it was the impression that it was regulations framed under the Act of last year, which were the principal stone of stumbling, that the Asiatics refused to comply with these regulations, and that that was the principal cause of the passive resistance movement. You will also know that under the arrangement made last January with the Asiatic leaders it was arranged that a dispensation should be given to those Asiatics who refused for religious reasons or otherwise to give their finger-prints. The result is interesting as showing that there has been no substantial objection to the giving of finger-prints. (Hear, hear.) In the case of the last number of applications, to which I have already referred, 7,010 gave finger-prints; 1,960 gave the two thumbs, which was considered equivalent and sufficient for the purpose of registration. Only 70 declined to give finger-prints, and in these cases the signature or other means of identification were resorted to. Hon. members will accordingly see that the impression which existed at one time—that the principal difficulty centred around these regulations in connection with the finger-prints—was not correct. The principal objection was to the law itself. Well, Sir, I have referred to this compromise, and it may be well before I proceed further if I say a word or two in regard to it, because charges have been levelled against me from time to time by prominent Indians that the terms of the compromise were not kept, that in that compromise there was a promise that the Act should be repealed, and that I have not kept that promise. I have laid on the Table the correspondence which embodies that compromise, and it is open to hon. members to read the two letters which constitute the compact. That compact has been carried out to the letter. The Asiatic leaders, in a letter of the 28th of January, issued from the Johannesburg Gaol, made the following offer in a petition:—They say: "Our opposition has never been directed so much against the finger-print requirements of the regulations under the Act—in so far as such finger-prints were deemed necessary for the identification of Asiatics who could not very well be otherwise identified—as against the element of compulsion contained in the Act itself. On that ground we have repeatedly offered to undergo voluntary registration if the Act were repealed. And even now, at this late hour, we would urge on the Govern-

ment the adoption as far as possible of the course more than once proposed by us." Now, the petition says: "We recognise during the Parliamentary recess it is not possible to repeal the Act, and we have noted your repeated declarations that there is no likelihood of the Act being repealed. We would, however, point out that the periods fixed for registration under the Act by the various Government notices have expired, and that therefore any registration at present would necessarily have to be of that voluntary nature which we originally prayed the Government to concede. Under these circumstances we would most respectfully suggest to the Government that all Asiatics over the age of 16 years should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register the Act be not applied, and that the Government take whatever steps they deem advisable to legalise such registration. Such mode of registration should apply to those also who, being out of the Colony, may return and otherwise possess the rights of re-entry." Then there is some reference to the relaxation of the finger-prints. This offer was accepted by me, and from it two questions have arisen: the first whether the permission was given to repeal the Act. I do not think that any court of law could put such an interpretation on my promise. The consequence was that an Asiatic who registered voluntarily could do so under another Act, and not under Act 2. The Asiatics took the matter to court, and Sir William Solomon took the view that the interpretation of the agreement was entirely different from the construction which the Asiatics placed upon it. Well, Sir, it was then stated that although this correspondence contained no compromise to repeal the Act, yet in interviews which I had with Mr. Gandhi, I promised to repeal it. That is not so, and the impression may be the result of a misconception. I know that on more than one occasion I discussed with Mr. Gandhi the question of putting the Asiatics under the Immigration Act. Personally, I am of opinion that the Immigration Act which we passed last year supplies better machinery and is a better law than Act 2. If it was possible to place Asiatics under it, I think the power we possess for dealing with Asiatics would be considerably improved. The discussions I had were purely tentative, and contained no promise. I was trying to see how far I could go, and what alterations I might be able to make; but when I found there were demands which it was impossible for me to accept, I dropped the idea. The second difficulty arose in consequence of the provision that voluntary registration should also apply to those Asiatics who at the time were out of the Colony, but who were entitled to and might otherwise return; in other words, that those who were entitled to lawful residence should be entitled to voluntary registration. My answer to that was that there was a compromise made for a specific period—three months—pending the meeting of Parliament. I could not promise that a certain class of the population here should be in a state outside the law. All I could say was that, pending the meeting of Parliament, there should be this interim state of affairs, and that as soon as Parliament met it would deal with the situation. It was impossible for me to promise that at a future date Asiatics coming into this country should be left to register as they wished. That was a request with which I could not comply, and which the law of the land would not sanction. After these large numbers of Asiatics had volunteered to register, further difficulties arose on two points. One point was the entry of these people after the period of the compromise expired, and the other was the contention of the Asiatic leaders that under the Immigration Act as framed last year educated Asiatics were entitled to enter the country. They contended that whatever arrangement should be made by the Government and by Parliament finally for the solution of the Asiatic difficulty, provision should be made whereby Asiatics who could pass a slight education test under the Immi-

gration Act should be allowed to pass that test and enter the country. That is a view of the law and a policy that I could never admit. (Hear, hear.) I think it would be a disastrous thing to open the doors of the country to the so-called educated Asiatic. The test imposed is a very slight one. If a man can write his name and a single sentence in English or any other European language dictated to him, he can enter the Colony, and if that test had been applied to Asiatics there was every danger that large numbers of people who otherwise were undesirable would be free to enter the country, and that I would never allow. Then the passive resistance movement started once more. Meetings were held, speeches of an inflammatory character were made, certificates were burned, and everything done to work up public feeling and irritate and inflame public feeling, and I am very sorry that should have been done. I think it was really unnecessary. I intended to stick to the letter of the arrangement I had made with the Asiatics, and in consequence a Bill was published, the provisions of which were to validate these voluntary registrations and not to travel a step further. When that Bill was published public feeling in the country was already very strong, and I consulted—as I consulted before—with hon. members on both sides of the House to see what would be the best way of arranging the difficulties in such a way that there should be no dissension on a question of such paramount importance, and I am very glad and happy to say that the assistance I have received all through from hon. members on both sides of the House during this trouble has been to me most gratifying indeed, and has strengthened me very much. (Cheers.) When, therefore about a week ago I again discussed this question with some hon. members on both sides of the House, the suggestion was made that we should come together with some prominent members of the Asiatics and discuss the difficulties. We met them and discussed various difficulties, and I think this Bill does fairly and reasonably meet every objection and every difficulty urged at that interview, with the exception of one—and that is the difficulty I have already referred to in connection with the educated Asiatics. They put the difficulties in this way—that under Act 2, 1907, the definition given of "Asiatic" in the old Volksraad Act No. 3, 1885, was maintained, and in that definition Turkish Mahomedans, subjects of the Turkish Empire, were excluded from this country. It was urged that that was not a provision intended to keep Turks out of the country, but was simply casting a slur and a stigma on the Mahomedan religion, which no white person or the Government has the slightest intention of doing. The number of Turks here has always been small, and I am told that there are none now, and in any case there is no danger of any influx from Turkey to this country. The only kind of Turkish subjects who do come here are Christians, and they are Syrians and other Levantines, against whom certain hon. members have strong objection. But they are Christians, and Mahomedan subjects of the Turkish Empire have never threatened, and are never likely to threaten, to invade this country. The objection, which was based on sentimental grounds, and which there was no difficulty on material grounds in meeting, we have met, and hon. members will see that the Bill now before the House strikes out that restriction which was placed against the immigration of a man simply because he was a Mahomedan subject of the Turkish Empire. The next point refers to the Asiatics who were resident in the Transvaal before the war, but who do not fall within the terms of the law of last year, which mentioned two tests for Indians in this country. Either they required to have the Peace Preservation permit under the Peace Preservation Ordinance, or had to be in this country on May 31, 1902, when peace was made. It was argued, and quite rightly, that there were some Asiatics who had resided in this country before the war, but who were not here on May 31, 1902, and who did not have the Peace Preservation permit, and in regard to

which the law of last year gave no distinctive right of entry into this country. The law left a very large discretion to the Colonial Secretary. It was urged at the meeting that we should give a more distinctive right to those pre-war residents to re-enter the country or to reside in the country if they are here to-day. There was a good deal of substance in that claim, and, in my opinion, there is no danger in it being accepted. Hon. members will see a provision in the Bill that if Asiatics were residents in the country three years before the war, and they can prove that, then it is competent for them to apply within a year from the date of this Act for certificates of registration. If they can prove three years' pre-war residence, then within a year from the date of this Act they can make this application; and they shall be entitled, if not otherwise disqualified, to reside in the country, so that point which was raised by the Asiatic leaders has also been conceded in this Act. The third difficulty that they felt against Act 2 of 1907, referred to children. That Act provided machinery under which it was necessary that not only the adult males, but also minors between the ages of 8 years and 16 years should register. There was no special reason really for the provision that minors of those ages should be registered, and, as a matter of fact, in the voluntary registration that had taken place I had adopted an alternative procedure which was just as effective, viz., where the parent had been registered, the names, ages, and description of the children up to the age of 16 were inserted on each certificate, so that if a parent at any future date said he had five children it would be quite easy from the certificate to identify these children. That was all that was thought necessary, and that I embodied in the voluntary certificates, and therefore there was no trouble in meeting the Asiatics and embodying them in the law. Hon. members will see that is the third innovation made in the Bill—that minors below the age of 16 shall not be required to have certificates of registration, but shall be taken up in the certificates of their parent. The next point raised was in reference to the appeal, which the law of last year allowed, to the Magistrates in case the Registrar of Asiatics refused to recognise their claims, and in regard to whose certificates of registration the law of last year provided that the Asiatic should have the right of appeal to the Resident Magistrate of his district. The Asiatic leaders argued with some force that a different practice obtained in different Courts of Resident Magistrates. One was very lenient in issuing these certificates after registration had been refused by the Registrar; whilst another was severe, and there was this disorganised state of affairs brought about by the diversity of decisions. This had been met by another alteration in the Bill, to the effect that the Government will assign one special Magistrate to hear all cases of appeals from the decision of the Registrar of Asiatics. Thus the differences of practice which have grown up, or may grow up, in the various districts has been eliminated. That Magistrate will sit as a Court of Resident Magistrate, and under the ordinary laws a review will lie from his judgment to the Supreme Court. That right is not taken away, and this Magistrate's decisions will continue to be governed by the law, as in every other case the decision of the Magistrate is. (Hear, hear.) One other point was raised, and that was this—I have issued instructions that when Asiatics make application for licences they should give their thumb-prints as a means of identification; but it has been pointed out—and I think quite rightly—that there should be some latitude in regard to these requirements. Some Asiatics are well-known, others are well educated and can sign their names, and their signatures are accepted at the banks, and it is unnecessary to lay down a hard and fast rule. If the signature is a sufficient means of identification, let us accept the signature. If that is not sufficient, let us adopt such other measures as may be necessary to meet the case. Hon. members will see that this suggestion has been

embodied in this Bill, which gives greater latitude. Some minor recommendations were made. One was in reference to a liquor clause in the other Act, which exempted Asiatics from the Liquor Act of this country. They did not want that, so that clause has disappeared from this Bill. There is one other provision for the transfer of certain property into the name of the heirs of an Indian who was resident in this country. This is an old case, and has already figured in the Act of last year, but in language which does not really meet the case. These were the claims put forward by the Asiatic leaders when they met us a few days ago, and beyond that it was very strongly urged also that we should open the door, however slightly, to the educated Asiatic to come into this country. As I have shown hon. members, all these other claims have been met, and I think have been met in an absolutely fair and unequivocal language—(hear, hear)—but in regard to the education test I have not felt at liberty to recommend either to Parliament or to the country that any departure should be made from the law as it was laid down last year. (Hear, hear.) I think such a departure would be dangerous. We would not know what we were letting ourselves in for, and I did not see my way clear to accept that part of the recommendation made by the Asiatic leaders, and I think it will probably be found that hon. members who were associated with me in discussing this question with the Asiatics shared the same view—namely, that it would not be politic to make this innovation on the law of last year. One alteration that was pressed for I have conceded. The Act of last year provided that in special cases the Colonial Secretary could issue permits to Asiatics to come into the country for any period or periods, and that provision was, I think, introduced into the Act because it was deemed necessary in isolated cases to allow certain Asiatics into the country for special periods, and I have acted under that provision. I have sometimes let in priests where a priest was necessary for a religious community, and in one case I, or my predecessors, have allowed in a medical man under that provision. It was pointed out that it would be better to give that power to the Governor (under this Act the Governor is the Governor-in-Council), and hon. members will find that recommendation has also been embodied in the Bill, so if there is any feeling against the Colonial Secretary, as it is very likely there may be, as he has to administer this Act and feeling may run high against him, there is a more impartial authority to administer this provision, and I hope that the question will always be dealt with on impartial grounds. I think hon. members will agree that, after all these points were urged upon us and we had met them fairly in this Bill, there was every ground to expect some settlement, or some abatement of this storm which is going on in this country; but my secretary has received to-day a letter from the leaders of the Asiatic Committee which shows that that hope, which was entirely reasonable, is very likely to be disappointed. A meeting has been held by a number of Asiatics in Johannesburg, which agreed to the following points, which have been submitted. I will read these points, and hon. members will see that almost all are entirely fresh and novel, and were not mentioned at the conference: "Mr. Sorabjee to be reinstated with full residential rights." Hon. members probably know that he is a Natal Indian who was brought into this country in order to test this question that has arisen with regard to educated Asiatics. My view of the law was that under no Act was it possible for educated Indians to enter this country unless they were legally resident under the provisions of the Act. The Indian community contend that educated Asiatics can enter the country, and Mr. Sorabjee, an educated Natal Indian, came forward to test the law. He was sentenced by the Magistrate, and finally, the other day, he was deported to Natal. (Hear, hear.) His return to this country as a legal resident is made a condition of his reinstatement. The other two

visions are:—All prisoners to be discharged; Asiatic Act to be repealed; general educational test, with discretionary power as to the severity of the test for educated Indians; that the terms as discussed by them at their meeting should be embodied in the new Bill, with free issue of the burned certificates. (Laughter.) The last provision is that the draft Bill should be shown to the Association for suggestions as to details. (Loud laughter.) Hon. members will observe the position we are in. We are always receiving petitions, and we shall receive repeated petitions and fresh points will continually be raised. (Hear, hear.) We must have some finality. I think that the Bill as it stands now is fair. Of course, it is recognised what the Indians really want. Mr. Gandhi has referred to Indians being in partnership with the white population of this country. I have nothing to say against that. It is a claim which may appeal strongly to the Indians and those who are interested in them, but it is a claim which this white population will never allow. (Sustained cheers.) It will be impossible to meet them upon that ground. Once you admit a special issue there must be a special law for that issue, and on these grounds we have done our best to meet them. I have been in the very difficult position of having to administer the law, and I have done it as far as possible leniently and reasonably, and I will continue to do so. (Hear, hear.) The question will be solved, as all questions may be solved, by temperate measures. No doubt we will see some trouble in the immediate future. All I can say is that we must be careful, and I appeal to the white population of this country and the hon. members of this House to adopt this line of procedure. Let us always be prepared to be reasonable in matters of this sort. Asiatics are not represented in this House, and that is all the more reason why we should be careful and reasonable in whatever steps we take. I think the Bill before the House meets these requirements, and therefore I confidently expect that hon. members will unanimously give their assent to it. (General cheers.)

Sir G. FARRAR, Sir P. FITZPATRICK, Mr. W. WYBERGH, Mr. W. HOSKEN, Mr. J. A. JOUBERT and Sir A. WOOLS SAMPSON supported the Bill.

The motion was agreed to, and the Bill read a second time.

#### IN COMMITTEE

Clauses 1, 8, 9, and 11 were amended.

The Bill was reported with amendments, which were adopted.

#### THIRD READING

The Bill was read a third time.

#### LEGISLATIVE COUNCIL

Friday August 21.

The Hon. the Colonial Secretary moved the second reading of the Bill in similar terms to those employed by him in the Assembly, concluding his speech by saying:

I do sincerely hope, as I have already stated in another place, that these provisions may be found a basis upon which Asiatics will cease their present agitation and become obedient citizens of this Colony—(hear, hear)—or, if they continue their present attitude, at which public opinion is getting more and more exasperated—(hear, hear)—the result in the long run will be entirely detrimental to the interests of the Asiatic population in this country. (Cheers.)

Hon. L. G. CURTIS said that in view of the fact that the Bill had been laid before the House that night, he would venture to ask the Colonial Secretary, when the second reading was passed, to allow the remaining stages to stand over until to-morrow, so that members might have every opportunity of going through the clauses.

The PRESIDENT: The Colonial Secretary has already expressed his willingness to do that.

Hon. L. G. CURTIS: Thank you very much. Proceeding, the hon. member said there was another point. He was not quite clear from the statement of the Colonial Secretary whether this Bill was put forward as the last word of the Government on the subject.

The COLONIAL SECRETARY: Yes.

Hon. L. G. CURTIS hoped that in any negotiations of this sort the practice would be thoroughly established on every side that nothing whatever would be binding in these matters except what appeared in writing. Misconceptions very easily arose, especially in dealing with Asiatics, in regard to things which were said in the negotiations. Promises were made, and everyone put their own interpretation on these promises, and it was very important that the Asiatics should be clearly told that the whole of the negotiations—although the subject might be talked over—that the whole of the negotiations or the decision arrived at must be put in writing, that then alone would they be binding. (Hear, hear.) Those who sat on that side of the House recognised that the bringing forward of this Bill at this stage of the session was unavoidable. They knew that the Colonial Secretary had been carrying on under great difficulties most delicate negotiations, and that the Bill could not have been put before the House at an earlier date.

The COLONIAL SECRETARY: Hear, hear. The Bill was read a second time, and set down for Committee on the following day.

August 22.

#### IN COMMITTEE

Hon. L. G. CURTIS, referring to the sub-clause which defined "Asiatic" as "a Malay-born and resident in any British Colony or possession in South Africa," said, although it stood in the original Act, he viewed it with the greatest regret in view of the question which would inevitably arise in the future. They certainly should protest against it being used as a precedent for opening up the Transvaal to the Natal coolies.

[The Clause referred to reads thus: "Asiatic" shall not include (a) a Malay born and resident in any British Colony or possession in South Africa.—Ed. I.O.]

The Bill was reported without amendments.

Standing order 81 was suspended and the Bill read a third time.

### Mr. Rachpal Singh

On Sunday morning, the 16th instant, at 4 a.m. there passed away at his residence, Warwick Avenue, Durban, Mr. Rachpal Singh, one of Durban's old residents. The deceased was very popular and has been in the service of the Durban Corporation for 34 years, during which period he occupied various positions and was for many years Head Sirdar of the Durban Corporation Sanitary Department. Mr. Singh was 49 years of age and took a keen interest in all public questions affecting his community and the welfare of the district generally. He took a prominent part in the building of the Hindu Temple, Depot Road, Durban, and was, until lately a member of the management committee of the said Temple. He was always charitable to the poor and to those who needed his help. The deceased leaves a widow and five children to mourn their loss and to whom heartfelt sympathy is extended.

The funeral took place at the Umgeni Crematorium and was attended by over 200 friends and relatives, the remains of the deceased being cremated according to Hindu custom.—Communicated.

### Asiatics in Natal and Mauritius

The *Natal Mercury* of the 17th instant has the following leading article:—

The correction of loose and inaccurate statements made by our present Ministers on almost every topic they touch has become a tedious task to the newspapers of the Colony, owing to the frequency with which they are called upon to perform it. The peccability of Natal Ministers in this regard has, however, been attracting unpleasant notoriety in the Home newspapers, and it is interesting to note how necessary it is felt by people over the water to put them right in important matters of fact. It will be remembered that, in moving the second reading of the Indian Licences Stoppage Bill, on the 15th of last month, Dr. O'Grady Gubbins rested his argument in favour of the proposed legislation very largely upon the historic example of Mauritius. He declared that Asiatic trading had become a curse in that island Colony, that the white man had fallen into a secondary place there, and warned us of the possibility that, in 25 years' time, the condition of Natal would become worse than that of Mauritius. Mr. Smythe pointed out that there was no danger of Natal becoming a second Mauritius, so long as we carried out the Act of 1897. If there is any man who can tell us what are the facts about Mauritius, it is Sir George Bruce, the late Governor of the island. Writing to *The Times* in reference to the cabled summary of Dr. Gubbins's speech, Sir George Bruce says: "The introduction of Asiatics into Mauritius has been from the first, and is still, promoted by the European community as essential to the economic salvation of the Colony. And, secondly, there can be little doubt that, but for Asiatic immigration, the island, destitute of the means of providing a revenue adequate to the support of a civilised Government, would have been abandoned and would have reverted to France. As it is, Asiatic immigration, under scientific European supervision and management, has enabled the Colony to develop its natural resources, to provide a revenue adequate to the requirements of a highly civilised Government, and to contribute generously to the defence of an important base of naval and military operations." We are anxious to see the evils of superfluous Indian immigration, and of increased Asiatic trading, counteracted by every legitimate means, but we fear that these ends are not to be attained by passing Bills which are foredoomed to the Imperial veto, and supporting them by arguments that will not stand the test of informed criticism.

## Another Mass Meeting

### More Certificates Burnt

### To-day's Position Outlined

Last Sunday, unfortunately, as the Chairman of the Association sorrowfully remarked, found it necessary to hold another large Mass Meeting of protest. The members, if anything, exceeded those of the crowd that massed within the Mosque grounds the week before. General Smuts had brought forward his new Bill, but as it did not repeal the Asiatic Act, and as it made no provision for the freedom and rights of highly educated Asiatics, it was not possible to accept the new measure. Hence Sunday's Meeting. A dramatic note was struck when the Pathan leaders admitted their previous errors and declared their intentions of joining the fight until the end. Amongst those present who gave encouragement to the people, were the Durban leaders, anxious only for the time when they should be summoned before the Court to pay the penalty of their patriotism. The details of the speeches may be discovered from what follows. It is only necessary to add that the meeting broke up when some 525 more certificates had been consigned to the flames amidst loud cheers, Mr. S. Haloo and Mr. U. M. Shelat assuming the role of stokers.

Addressing the Meeting, Mr. Essop Ismail Mia, who presided, said (through Mr. M. A. Cama):

Gentlemen,—I had hoped, as all did, that probably we should meet this Sunday to congratulate the Government and ourselves and the Colony in general on having secured a settlement honourable for all and just to ourselves. Unfortunately, such has not been the case, and we must still continue to suffer. The Validation Bill, with certain exceptions as to details, is a vast improvement on the Asiatic Act, and not unacceptable to us, but there are two very important omissions. It does not repeal the Asiatic Act, and it does not provide for the entry of those Asiatics who may pass a general education test, no matter how severe it may be. We will not question the severity of the test, but we must respectfully protest against the colour bar when it is introduced even with reference to Asiatics of the highest standing. The *Rand Daily Mail*, in what is evidently an inspired article, states: "It is purely a question of principle, of theory. If the Asiatics still insist upon being martyrs it cannot be helped. If they so decide it will not be from any personal grievance but from a determination to demand an absolute principle which, in practice, might be useless." We accept this statement of our case, and it is refreshing to find that, at last, the spirit of our struggle is being recognised. So far as I am aware, while we have resented personal

grievances, we undertook passive resistance not merely for redressing personal grievances but for establishing certain principles. We repudiated the charge of illicit influx on an organised scale. We considered the inclusion of Turkish Mahomedans in the Asiatic Act as an attack on religion. We resented the principle of passing such legislation deeply touching our personal liberty without any regard for our feelings. Our suffering has secured relief with reference to these points, but the remedy that we have hitherto applied must continue until the principle with reference to the education question is also recognised and established. It will redound to the credit of every British Indian who, whilst he may, if he chooses so to do, sit quietly by and take advantage of the Validation Bill, yet repudiates every such advantage, for the sake of removing the bar sinister, for the sake of resisting the admission in the British constitution of a distinction against British Indians based on racial lines. It is true that the conceding of the principle for which we must now fight may, in practice, be useless; indeed, we have said as much. If, within the next five years, only one professional man or one university man enters the Colony because he can pass an education test that may be prescribed by the Colonial Secretary or the Government, we should be satisfied, but we should consider it "an affront," to use Mr. Chamberlain's expression, "offered to the millions of India," if such an Indian could not enter as of right a British Colony, because he is an Indian.

It has been said that, with every fresh concession, we have asked for further concessions. This is contrary to fact. Indeed, as the years have rolled by, right after right has been snatched away from us, until, at last, we are face to face with being reduced to the status of bondmen. On the eve of the declaration of war, Asiatic immigration into the Transvaal was free and unrestricted. One of the causes of the war was to secure the redress of the grievances of British Indians created under Law 3 of 1885. On its close, we found ourselves not only with that law staring us in the face but put into active operation. Some of its clauses that had remained in abeyance were revived. Then followed a most unjust and immoral use of the Peace Preservation Ordinance to restrict the entry of British Indians, not only new, but those who were refugees, except in driblets. We submitted to that, thinking that, some day we would get relief; instead of which Lord Milner's Bazaar Notice was sprung on the community. Then followed voluntary registration on Lord Milner's advice. We did it because we wanted to gain the estimation of the Colonists. All, however, to no purpose. Every offer made by the Indian Community to conciliate the Colonial sentiment has been met with further inroads upon our liberty.

In 1906 came the crisis in the shape of the Asiatic Act; and it has taken nearly two years of extreme suffering, loss of money, the breaking up of many a home, to secure only in a modified form a return to the state we enjoyed before the Act was passed, but not the state we enjoyed before the war. And because we now ask for repeal of the Act, which General Smuts promised, and which he does not seriously deny in his speech on the second reading, and because we ask that the status of educated Asiatics should be preserved, as it is under the Immigrants' Restriction Act without the offending Asiatic Act, our demands are considered impudent, and we are told that absolute justice has been done to British Indians by the Validation Bill, and that we dare not ask for anything more. Such a view is not surprising, because we are not treated as men sensible enough to be consulted as to our wants, or men enough to resent an encroachment on our personal freedom.

I ask you, then, at this Meeting, to reaffirm the position that we decline to be treated as serfs, we decline to be treated as less than men, and, no matter what it may cost us, we shall insist upon full justice being done to us. I ask you to reaffirm the position that our struggle was undertaken not to gain personal benefits only but to have certain principles recognised in connection with ourselves. General Smuts has talked of a declaration of war. If to put inoffensive people in gaol, to deport men who have a right to remain in the country, to keep a whole community in a state of suspense for months, to disregard the clearly-expressed wishes of that community because it happens to be weak and unrepresented, is not a declaration of war by the Government against that people, I do not know what is; and, if the rulers choose to stigmatise the method that we have adopted of meeting such a war, namely, the method of meekly suffering in our own persons for non compliance with the arbitrary Laws or Acts of the Government as impudence, we must be content to be misunderstood, but there can be no swerving from the path, the narrow path, that we have mapped out for ourselves. We are asked to set out our wants in writing. We are asked whether the terms offered by the Government will be acceptable to us, and when, in certain particulars, we demur and convey privately, by their own wish, our wants in a brief but respectful manner, it is called an ultimatum, evidently with a view to affect public opinion at the centre of the Empire. But there is one at least who will not misunderstand us. In His name, have we commenced this terrific struggle, and by His help do we expect to gain in the end, and in His name it is that I call upon my countrymen this afternoon not to cease until what I consider to be very reasonable demands have been granted by the Government.

**Resolution I.**

Mr. Dawad Mahomed, chairman of the Natal Indian Congress, moved:

This Mass Meeting of British Indians respectfully prays that the Government will be pleased to exercise the clemency of the Crown and allow Mr. Sorabjee Shapurjee, who was permitted to cross the border unchallenged under the Immigrants' Restriction Act and who was brought under the operation of the Asiatic Law Amendment Act, to return, and trusts that the disputes outstanding between the Government and the British Indians will be amicably settled, and that the Government will be pleased to recognise the status of British Indians as part of the Empire, and give the community the rest and peace to which, in the humble opinion of this Meeting, it is entitled.

This was seconded by Mr. Parsee Rustomjee and carried.

**Resolution II.**

Mr. Geo. W. Godfrey moved—

This Mass Meeting of British Indians humbly prays that the Imperial Government will not sanction the Asiatic Voluntary Registration Validation Bill until the status of highly educated Asiatics and the repeal of the Asiatic Law Amendment Act of 1907 are secured.

Mr. N. A. Cama seconded and it was carried.

**A Tactless Prosecution**

In 'B' Court Johannesburg on Wednesday before Mr. H. H. Jordan, Mr. Bhikhabhai D. Maliha was charged under section 8 Sub-section 3 of the Asiatic Law Amendment Act No. 2 of 1907 for failing to produce a registration certificate issued under the Act on demand. Mr. Gandhi defended. Superintendent Vernon, who gave evidence as to the arrest, stated that he had arrested the accused on instructions. He knew that there were many Indians to-day in Johannesburg who had permits and old registration certificates, but he was not instructed to take action against them. The accused, giving evidence on his own behalf, stated that he was an old resident of the Transvaal and that he had a Peace Preservation Ordinance Permit and a Registration Certificate under Law 3 of 1885, both of which documents were produced before the Court.

Addressing the Court, Mr. Gandhi remarked upon the strangeness of the proceedings. Here was a man arrested and convicted under the Asiatic Act, whose rights were fully safeguarded under the Act that had just been passed. Either the Government intended to stick to their new measure or they did not. In view of the delicate relations that existed at the present time he had specially asked that this case should be remanded until next Monday, but whilst the Prosecution was willing to meet him in this, instructions had been received

by the latter from Pretoria to proceed. It certainly reflected upon Pretoria methods of administration.

**What is an Ultimatum?****The Historic Letter**

Owing to the manner in which the Transvaal Colonial Secretary made public use of a private letter in such a way as to induce in the minds of members of the assembly a belief that the Indian community had forwarded an ultimatum on the question of a settlement, Mr. Gandhi, in his speech last Sunday explained the circumstances fully. In view of General Smuts' breach of etiquette we publish below the full text of Mr. Gandhi's letter, of which unauthorised extracts have already appeared.

21-4 Court Chambers,  
Johannesburg,  
20th August, 1908.

PRIVATE.

Dear Mr. Lane,

Mr. Cartwright told me that I should write to you what I told him as to the decision of the Meeting to-day, and to give my impressions also.

I placed before the Meeting, for the third time to-day, the terms that I told them the Government were prepared to offer, and I told them further that these would form an acceptable compromise, if some provision was made for highly-educated Indians and for Mr. Sorabjee's reinstatement; but the Meeting would not listen to anything short of repeal of the Asiatic Act and the recognition of highly-educated Indians under the general clause of the Immigrants' Restriction Act. All I could persuade them to accept was that, the statutory right being recognised, there would be no objection to an administrative discrimination against educated Indians so that only the most highly educated Indians could enter. The meeting was most enthusiastic, and what was intended to be a meeting for a few delegates only became a general Mass Meeting. It was attended by three of the most eminent Indians in South Africa, who have as you know, come over from Natal, but who were pre-war residents, and who had a large stake in the country before the war. Most of the influential Indians from Pretoria who have submitted to the Act also came and sympathised. After much difficulty, I was able to persuade the Meeting to unanimously agree to the following:—

1. Mr. Sorabjee to be re-instated, with full residential rights.
2. All prisoners to be discharged.
3. The Asiatic Act to be repealed.
4. A general education test, with discretionary power as to its severity regarding educated Indians.
5. The terms as per Sir Percy's notes to be embodied, with the necessary changes, in the new Bill.

6. Free re-issue of burnt certificates.

7. The essential clauses of the Asiatic Act, in so far as they may be necessary for a proper check over the Asiatic population and for prevention of fraud, to be re-enacted in the new Bill.

8. The draft Bill to be shown to the Committee of the Association for suggestions as to details.

It will be seen that this submission does not materially alter the terms as per Sir Percy's notes. I cannot see any difficulty in showing the Parliament and the country that repeal of the Act is simply a graceful act to soothe an unrepresented community in the Colony, without in any way relaxing the hold of the Legislature on that class.

The Sorabjee incident raised the enthusiasm of the people to a white heat. It caused intense irritation. I assure you that the meeting as a whole went much further than I should ever care to go under the present circumstances, but it was by my deliberate promise to lead them in passive resistance if the promised repeal was not granted that I could persuade them to restrict the Community to the above terms. I was disinclined to impose on my countrymen further suffering and was, therefore, prepared to waive a substantial repeal of the Act, so far as it became inoperative against all save those who had accepted it; but I am glad to say they would not listen to it, and they said they were prepared to suffer to the uttermost. I hope therefore that the Government will be pleased to accept the above terms and close the controversy. If they do, I, for one, shall refuse to go any further so far as the Asiatic Act is concerned.

One thing more. One speaker actually got up and suggested that the terms should include a clause asking for Mr. Chamney's removal. It was, however, not embodied in the terms; but I cannot help recording my opinion that Mr. Chamney is ignorant and hopelessly incompetent. This I say in the interests of the Colony at large. I have personally nothing against him. I have always received courtesy from him, but, in spite of all my efforts to the contrary, I have not been able to see any competence in him for the office he holds. I am sure that he never knows from one hour to another what his decision should be, and the largest amount of irritation was caused in the initial stages of the working of voluntary registration purely through his vacillation and ill-considered decisions. I could give several instances, but I do not think it is necessary. In my opinion, what is required is a man of judicial talent and wide sympathies. If this suggestion is not accepted, I fear that there will always be irritation and consequent difficulty in the admin-



nistration of any Act however well-devised

I am sending copies to the Progressive leaders.

I remain,  
Yours truly,

(Sd.) M. K. GANDHI.

Ernest F. C. Lane Esq.,  
Private Secretary to  
General Smuts,  
Colonial Office, Pretoria.

## The Volksrust Cases

[SPECIAL TO INDIAN OPINION]

The following evidence in the above cases and Mr. Polak's address before the Court were unavoidably left out of our last issue:—

H. I. Joshi said that he was a book-keeper. He had never been in the Transvaal before and now entered to claim his rights as an educated man under the Immigrants Restriction Act. He had passed an education test on crossing the border and had upon demand produced sufficient means. He received his education at the Ahmedabad High School and had studied English for ten years. He had acted frequently as interpreter in the English and Indian languages in Natal, and had there passed an education test. He was a Sergeant in the Indian Stretcher-bearer Corps during the Natal Rebellion and served under Sergt.-Major Gandhi from whom he received a clean discharge, which he offered to produce. Under the terms of the Immigration Act, he claimed this as an additional ground for freedom of entry into the Transvaal. He also claimed that, not being a prohibited immigrant, he was entitled within 8 days after entry into the Colony to apply for registration under the Registration Act if he chose to do so, but that, until that period had expired, he did not come under the penalties contemplated by the Act. He had no intention of complying with the Act, which he regarded as degrading and humiliating.

U. M. Shelat, who stated that he was an agent, interpreter, and book-keeper, claimed similar right of entry to the last witness. He held an interpreter's certificate from the Natal Government Board of Examiners in certain Indian languages and in English. He had studied English for seven years in various leading Indian schools, and at one time was a Government servant under the Baroda Government. During the Natal Rebellion, he was Senior Sergeant of the Indian Volunteer Stretcher-bearer Corps, under Sergt.-Major Gandhi, from whom he received a clean discharge. He claimed similar rights to the last witness to apply for registration under the Act if he chose. But he would not comply with that Act. He considered any penalty or hardship he might suffer under the Act preferable to the "privileges" conferred by the Act.

M. N. Goshalia said he was a book-keeper and interpreter and had passed the education test in the Transvaal and Natal. He also claimed to enter the Transvaal under the education clause of the Immigrants Restriction Act. He associated himself with the views expressed by previous witnesses in regard to the Registration Act.

M. P. Killavala, an interpreter and teacher, said that he had interpreted before the Natal Courts on several occasions. He had an official appointment as interpreter. He was formerly a Government servant in India. Yesterday he had interpreted before that very Court in an Indian case. He possessed a passport issued to him by the Governor of Mauritius purporting to entitle him to proceed to and travel anywhere in British South Africa. In 1906, he had applied for and been arbitrarily refused permission to enter the Transvaal, although he held a passport issued in His Majesty's name authorising him to enter.

S. B. Medh, who described himself as a commercial broker, interpreter, book-keeper, teacher, and with several other qualifications, also claimed rights of entry under the Immigration Act. He held a senior certificate in accountancy issued by the London Chamber of Commerce. He was a Sergeant in the Indian Volunteer Stretcher-bearer Corps in the Natal Rebellion. He had passed an education test in the Transvaal.

S. J. Randeria, a certificated accountant, claimed similar rights of entry. He held a passport issued to him by the British Consul at Zanzibar purporting to entitle him to proceed to any British Colony with all rights of British citizenship there. He was a Parsee, and as such had been granted a Peace Preservation Ordinance permit such as was issued to Europeans, giving a signature but not a thumb-print. He had never availed himself of this permit, which was in Durban. He belonged to a race which, in India, had worked for time immemorial for the liberty and freedom of his countrymen. The Parsees were law-makers, not law-breakers; he could not submit to a degrading Act like this. South Africa was the land of his adoption, and he claimed his right to reside anywhere therein.

Mr. Polak: Mr. Randeria seems to be a believer in Closer Union. (Laughter.)

All the above declined to make application for registration under the Act.

Suliman Ebrahim stated that he was a hawker, resident before the war in Johannesburg. He had obtained a Dutch Registration Certificate which he produced. There were several persons in Johannesburg who could identify him, including the Chairman and various prominent members of the British Indian Association.

Ebrahim Hoosen also claimed to be a pre-war resident and produced a Dutch Registration Certificate. He could also be identified. Neither was

prepared to submit to the Registration Act.

Diar Mawjee held a Peace Preservation Ordinance permit and a registration certificate issued to him under Lord Milner's régime. Both documents bore his own thumb-print voluntarily given, but he had refused to give Sergt. Mansfield his thumb-print on the ground that it was demanded under the compulsion of the Registration Act. He would give any number of impressions voluntarily were the Act repealed.

Moosa Ahmed, Vallabh Bhula, and Makan Vallabh, who also produced permits and registration certificates, gave similar testimony. All held the same views with regard to the Registration Act. They had also refused on re-entry to give a thumb-print for identification purposes.

Mr. H. S. L. Polak, giving evidence, stated that he was an attorney of the Supreme Court of the Transvaal and Assistant Hon. Secretary of the British Indian Association. He stated that it was within his knowledge that Asiatics holding Dutch registration certificates but without holding Peace Preservation Ordinance permits had entered the Transvaal. Such persons had, under the voluntary arrangement substituted for registration under the Asiatic Law Amendment Act, applied for voluntary registration and had been duly registered and granted certificates. The registration certificates issued under Lord Milner's régime had been voluntarily substituted for the Dutch registration certificates by the Asiatic communities.

Mr. Polak then addressed the Court.

To begin with, he argued, the accused who were charged under section 8, sub-section 3 of the Registration Act, should either have been charged under section 9 of the Act for refusing to give means of identification or they should have been dealt with in terms of the Immigrants' Restriction Act, as prohibited immigrants. This not having been done, the charge should fail. Section 4, sub-section 2 of the Registration Act distinctly stated that "any Asiatic" who entered the Colony after the enforcement of that Act should apply for registrations within eight days of his entry. His clients had had no opportunity outside the Colony to apply for registration. They were not being prosecuted for not having permits. The Peace Preservation Ordinance, in that respect, did not apply and did not exist. It was today not possible to obtain such permits. All his clients could do was to avail themselves of the rights granted to them under the Registration Act and the Immigration Act. In regard to the four permit holders, they were undoubtedly "lawful residents" of the Transvaal according to the definitions of the Act. They had produced to Sgt. Mansfield their proper permits and that officer had stated that he had no reason to be dissatisfied as to

their being the lawful holders of those permits. Apart from that, it was a matter for the Registrar of Asiatics to decide and not for the Court, when these accused made applications for registration if such was their desire. Moreover, the mere fact that they had refused to give a thumb-impression of identification had no bearing at all on the question as to whether they were the lawful holders of these permits. These thumb-prints were an act of grace, and not given under compulsion of any law, and did not form an integral part of a permit. These men had undoubtedly proved their right to be in the Transvaal and he asked for their discharge.

Proceeding, Mr. Polak contended, on behalf of the educated men—that, having passed an education test and produced sufficient means, under the Immigration Act, they could not be regarded as prohibited immigrants, and quoted in support Justice Solomon's judgment in the case of *Ratanji Laloo vs. Rex*. Section 2 sub-section 4 of the Act could not possibly apply to these men, because that sub-section obviously contemplated a prosecution and a conviction, unless this had happened, his clients certainly could not be regarded as prohibited immigrants, but were entitled to freedom of entry. Moreover, the very word of that Act, "any person," created a new class of lawful Asiatic residents in the Transvaal, adding a fourth to those enumerated in section 3 sub-section 2 of the Registration Act. These too, were entitled to eight days' delay, before prosecutions could be instituted against them. In regard to the ex-volunteers, the Immigration Act distinctly said "any volunteer corps," and obviously meant what it said. These men accordingly had equal right of entry. In regard to the claims of the pre-war residents, Mr. Polak contended that they also had 8 days' delay. When the Registration Law had first of all been introduced by Mr. Duucan into the nominated Council, the latter had distinctly stated that he was safeguarding the rights of pre-war residents, and there was internal evidence of this in section 5 of the Act, which gave the Registrar the widest discretion, enabling him to accept the application of any approved Asiatic, even though he might not come within the three classes of lawful Asiatic residents enumerated in sections 3 sub-sections 2.

Regarding now the interpretation of section 4 sub-section 2, if none of these people was to be allowed to enter the Transvaal for the purpose of making good his claim, that sub-section might be regarded for all practical purposes as a dead letter. Moreover, they would be in the absurd position of finding men with approved permits stopped at the border, even though legally entitled to enter the Transvaal, and their registration certificates under the Act

demanding of them and they would be prosecuted for failure to show them, though they had never had the opportunity of making application for those documents had they so wished.

Continuing, Mr. Polak contended that his clients had not defied the law. To use the word "defiance" was an abuse of language. His clients had two alternatives—to choose the privileges or the punishments contemplated by the Act. They had made their choice. Had they sought to evade the punishments, that might well have been regarded as a defiance of the law. He referred to the well-known law-abiding nature of British Indians, who abhorred breach of law and order, and to the great services to the Empire that had been rendered by men like Mr. Dawad Mahomed, Mr. Rustomjee, Mr. Anglia, and the volunteers. For the purpose of considering the question of the discharge of his clients, Mr. Polak claimed that the Magistrate was not called upon to consider their statements of intentions as to applying for registration under the Act. They had the privilege, like other people, of changing their minds, though he was personally convinced that they would not. But if the Magistrate was against him on the whole argument, he would ask him to bear those expressed intentions in mind, and instead of making the usual order to leave the Colony in 7 days, to reduce the period to 7 hours. His clients were prepared to accept the shortest possible notice.

Concluding, Mr. Polak paid an eloquent tribute to the courtesy, consideration, and sympathy displayed in all these long proceedings by the Court, the police, and the prosecution. British Indians were accustomed to expect justice from British Courts of Justice, and usually received from them consideration and sympathy likewise. He thanked the Court on behalf of himself, his clients, and the community represented by them.

**MORE IMPRISONMENTS.** On Tuesday, in Johannesburg, Ebrahim Jamal and Hassan Mia Dawad were sentenced to hard labour for 7 days for carrying on the trade of butchers without a licence. In Pretoria, Gopal Chhiba was similarly sentenced for a similar offence.

**WHITE LABOUR FOR SUGAR ESTATES.** Mr. C. H. Haggart, M.L.A., is promoting a scheme to place white labour on the Natal sugar estates to replace Indian labour. At a recent meeting of Durban unemployed, Mr. Haggart said there was no good in kicking up a row about other people being here if the whites were not to join in and do the work that was to be done.

## Natal Parliament

On the occasion of the second reading of the Licences Prohibition Bill in the Legislative Council on the 19th instant, Mr. Marshall Campbell moved its rejection, as follows: I oppose the principle of this Bill; and I shall oppose the Bill itself as much as ever I can. The Hon. Colonial Secretary made one mistake in saying that the Transvaal Government, in the days of the Republic, gave no licences to coolies. That Government issued a great number of such licences. The Free State Government refused to do so, and I am quite in agreement with the hon. gentleman in saying that that was the very wisest course open to that Government. It would have been a very wise course if Natal had done the same also in the earlier portion of the Colony's history. We have passed one Bill, which is a fair one, that no new licences shall be issued to Asiatics. But to deprive Asiatics who have already got licences of any chance of renewing these after ten years would, I think, be an injustice—it would be really a wicked thing to take away from these people a right that we ourselves have given them. We encouraged them to come here and settle. They were encouraged in every shape and form by the municipalities of the different towns, by the merchants and by the banks. They have paid their licences and public dues, and have paid millions to the Government in different ways, including railway carriage. This Bill, if it passes, will be a great reflection upon the Parliament of the Colony, and more so upon ourselves in this Council, who have been specially appointed to safeguard the interests of those who are not otherwise represented in the Parliament of the Colony—the natives and the Asiatics. To secure protection of the interests of these two classes was one of the chief reasons for the creation of this Council. Further, in my opinion, if this Bill passes, it will jeopardise the ultimate legalising of the Bill that has already been passed in regard to the stoppage of new Asiatic licences. The latter in a way is a fair attempt to meet a certain cry that has been raised against Asiatic traders. A wave of public feeling against Asiatic traders has arisen, but it will only roll on and disappear from the surface of Colonial life, just as lynching the black men in America is a transient ebullition of public temper over there that at times manifests itself, and soon quiets down. It appears to me to be the duty of this Council to reject this Bill, and I now move that it be read this day six months.

LEGISLATIVE COUNCIL.

August 20.

### Asiatic Licences

The Asiatics New Trading Licences Bill was re-transmitted to the Legis-

lative Assembly, with an amendment made by the Council.

The Council resolved into Committee on the Asiatic Trading Licences Prohibition Bill.

On the second clause,

The Hon. Mr. MARSHALL CAMPBELL said that, for reasons he explained yesterday, he moved that the Chairman leave the chair.

On a division the motion was lost, the Hon. Messrs. Campbell, Angus, and Hutchinson voting for it.

On the third clause,

The Hon. Mr. MARSHALL CAMPBELL said he thought it would be advisable for hon. members to further consider what they were voting for. He, therefore, moved that progress be reported.

The COLONIAL SECRETARY said the measure had been before Parliament for a considerable time, and members had had ample opportunity for considering it.

The Hon. Mr. MARSHALL CAMPBELL asked whether the Colonial Secretary was in order in speaking to the motion.

The CHAIRMAN ruled that the Colonial Secretary was not in order.

The COLONIAL SECRETARY said that surely he was in order in pointing out that the measure had been before Parliament for weeks.

The CHAIRMAN read the rule to the effect that a motion to report progress must be put without discussion.

On a division, the motion was lost, only the Hon. Messrs. Angus and Campbell voting for it.

The Hon. Mr. LABUSCHAGNE moved the deletion of the clause referring to compensation for holders of licences.

The COLONIAL SECRETARY said the clause would disarm the criticism of the people at Home. They would show that they were prepared to stretch a point by putting in such a clause as that. He did not think the amount of money they would have to pay as compensation would be a very serious charge upon the Colony.

The Hon. Mr. MARSHALL CAMPBELL hoped that the Hon. Mr. Labuschagne would press his motion. The clause had been introduced for the purpose of white-washing the Government, and he hoped it would be deleted.

The Hon. Mr. Uys thought the clause was a fair one. The period of ten years was sufficient to enable the Government to put its house in order.

#### LEGISLATIVE ASSEMBLY

August 20.

#### The £3 Licence

Mr. McLarty presented a petition signed by over 400 Indians, and promoted by the Natal Indian Patriotic Union, praying for the removal of the £3 licence imposed on free Indians.

#### LEGISLATIVE COUNCIL.

August 24.

The Hon. Mr. Marshall Campbell gave notice to remove the re-committal of the Asiatic Licences Prohibition

Bill, with the following contingent motion:—"That in Clause 4, for the words 'three years' in the first line be substituted the words 'five years.'"

August 27.

The COLONIAL SECRETARY moved the third reading of the Asiatic Trading Licences Bill.

The Hon. Mr. MARSHALL CAMPBELL again opposed the Bill.

After discussion, the third reading was agreed to by 6 votes to 2, the Hon. Mr. Marshall Campbell and the Hon. Mr. Angus voting against it.—*Natal Mercury.*

## Problems of Empire

### Coloured Immigration into South Africa

By the Hon. George Maydon, J.P.  
(EX-COLONIAL SECRETARY, NATAL)

In a special article contributed to the *Standard of Empire*, Mr. Maydon writes:—

The revolt against the employment of Chinese labour has given life throughout the Empire to the feeling which had frequently found expression previously, and which appears now to have crystallised into a settled policy amongst the whole of the British Colonies—namely, the exclusion of Asiatics from their borders.

When communities differing so widely in habits and sentiments as do the people of Vancouver from those of Australia are at one in the determination to put an end to Asiatic immigration, whether that of the alien or a fellow subject of the Crown, it is clear that the problem has to be fairly faced, and an attempt made at its solution.

And here might be noted an idea which found favour with many men who have been anxiously examining this difficulty—namely, that of recognising the claims of the King's Indian subjects, who by loyalty and devotion to the Crown on many difficult and dangerous occasions had established a claim to most considerate treatment of the individual Indian in other parts of the Empire. This idea was to devote to the outflow population of India certain portions of the Colonial possessions which seem to be specially suitable for the activities of the Indian people, and are very sparsely occupied at present by Europeans; yet before it has taken any definite shape, before it has reached a stage of being more than mooted for investigation, we find it denounced by the European dwellers already in occupation of such tracts.

Nor, indeed, is it to be wondered at. Precisely the same spirit which led the English people from the days of the Crusades to go forth to the far ends of the earth for profit and adventure is actuating that people to-day, though it manifests itself in such different method.

And irrational and illogical as it may seem that the same people who

forced open the barred doors of India and China, who shrank from no means or force\* to gain themselves entrance to the country of their desire, alike against the wishes of rulers and of people, should to-day desire to bar their own doors against co-equal occupation wherever the accident of previous residence has not established an irrefutable claim, I can see no reason why this principle of the reservation of its Colonial possessions for occupation by the sons of the House should not be maintained, but I cannot conceive of it being successfully done other than by the methods which were employed to force open doors in our favour.

No desire to exclude Asiatic competition from the fields of labour or of commerce would ever have arisen had it not been found that it was a formidable rival in each. Nor are the ranks of the various professions unthreatened of invasion.

#### In Natal

What has been the industrial history of Asiatic settlement? So early as 1860 the fact that manual labour was not available to industry (agricultural or otherwise) in Natal, owing to the sparseness of European population, and the aversion of the native (used through many generations to no demand upon him other than for hunting or for war) to any form of work, led the people here to make arrangements for obtaining Indian labour, which in the first instance was drawn through the island of Mauritius, and only at a much later period from India itself.

The effect of this movement was unquestionably economically of the greatest value. Occupations for white people became possible which hitherto had failed, or, at least, had languished.

Nor was the result disastrous in any social sense.

The Indian labourer, while not standing very high in the order of human progress, is industrious and orderly, and he is certainly not without intelligence.

If he has no marked criminal tendencies—and I think he is little if any below the standard of Western peoples of the same grade of life in this respect—he has a somewhat lower estimate of the consequences which a lapse from the recognised rules of life entails. Thus, when he offends, he offends in a far cruder way, but the general orderliness and amenity to discipline where numbers of these people are employed is at least as marked as among many far more civilised people.

On completion of his terms of service, an agrarian passion, which is innate in him, led him to occupy himself in those avocations which were most useful to this community. Numbers of these people, upon expiry of their term of service, settled on the land, either as peasant farmers eking out a scanty living and paying quite

(\*Read the account of Ellis's attack on Patna, the origin of the war with Meer Cassim in 1763.)

considerable rents for lands in the tropic belt, which until their advent it had been impossible to bring under cultivation, or settling on even higher rented lands near the towns, have proved invaluable—indispensable indeed as market gardeners and purveyors of fruit and vegetables.

(To be Continued)

### A Petition to Parliament

The following is a copy of a Petition presented to the Legislative Council by the Natal Indian Patriotic Union, protesting against the passage of the Indian Licences Stoppage Bill:—

To the Honourable the Speaker and Members of the Honourable the Legislative Council of the Colony of Natal, Pietermaritzburg.

The humble Petition of the British Indian Citizens in the Colony of Natal,

HUMBLY SHEWETH:

1. That your Petitioners having read the text of the Bills referring to Asiatic Licences humbly submit that the passing of such a drastic measure as the one above referred to would seriously affect and endanger the constitutional rights of your Petitioners:

2. That your Petitioners have made this Colony their home and any curtailment of their inherent rights and privileges as free born British Citizens would cause considerable ill-feeling in the minds of a great section of His Majesty's loyal subjects.

3. That your Petitioners respectfully beg to submit that the existing Licensing Act is drastic enough to meet the requirements of the so-called overtrading competition.

4. That your Petitioners are of opinion that the present tendency towards class legislation is highly detrimental to the general well-being of this Colony, the fortunes of which are wedded with that of your petitioners.

5. That in consequence of the arbitrary administration of the existing Licensing Act Your Petitioners venture to submit abuse of power has become a matter of frequent occurrence:

6. That the entrusting of such unlimited powers in the hands of Licensing Officers or Boards are inimical to the interests of the subjects:

7. That experience has proved that invariably in the exercise of these powers, the Licensing Officers or the Boards are without exception influenced by local sentiments and petty jealousies, which naturally lead to serious miscarriage of justice.

8. That in some cases Your Petitioners venture to submit that the present existing Licensing Act has been administered without any regard for equity and that it has brought reproach on the good name of this Colony.

9. That contrary to all British traditions and the solemn pronouncements made by such eminent Ministers as the late The Honourable Harry Escombe and others, the present Licensing Act is so oppressively enforced that even sons of this soil—Colonial born Indians and well educated and cultured Indians are refused licences to trade in this Colony.

10. Therefore Your Petitioners humbly pray that this Honourable House will be pleased to reject the two Indian Licensing Bills and will be pleased to amend the existing Licensing Act so as to give appellate jurisdiction to the Higher Courts.

11. And for this act of justice Your Petitioners will in duty bound ever pray, etc.

Durban,

10th August 1908.

### Correspondence

#### "National Volunteers"

The Editor, INDIAN OPINION.

Sir,—I read a letter in your estimable weekly on the above subject from Mr. N. T. Chetty.

I endorse his opinion that South Africa should send some Indians as "National Volunteers" to our Mother Country, without any hesitation. About 12 years ago, I had the opportunity of witnessing the celebration of the "Magham" festival at Kumbakonam. I have the greatest pleasure in saying that I saw on that occasion, people belonging to several nations, viz, China, Japan, America, Europe, etc. The visitors represented all classes, from gentry to peasants. It is incumbent upon every Indian to support this movement so as to show a sign of unity. In order to fulfil my share of duty, I am prepared to enroll myself as a Volunteer and I hope others will do the same, so as to make it a good number. I shall be only too pleased to furnish any information on the subject, to anyone who desires it.

I further suggest that a meeting be convened to consider the advisability of enrolling members for the purpose.

Yours, etc.,

C. RAJAGOPAL NAIDOO.

P.O. Box 637, Durban.

**TO-DAY'S MASS MEETING.** This afternoon a huge gathering will assemble in the Indian Market, to protest against the Asiatic Licensing Bills. In the absence of Mr. Dawad Mohamed (President of the Natal Indian Congress), the chair will be occupied by Mr. Abdool Cadir. Resolutions are to be adopted protesting against the Asiatic Trading Bills, copies of which will be forwarded to the Imperial, Indian, and Natal Governments.

## Late News

[SPECIAL TELEGRAMS]

Volskrust, Thursday.

To-day, before the Magistrate, Mr. De Villiers, an Indian named Patel was charged as a prohibited immigrant. He was unable to pass the education test and was not possessed of sufficient means. Mr. Polak defended.

Accused stated that he applied for voluntary registration in March last and his application was not refused. He had been in the Transvaal six months before then. When making application for registration, he produced a Dutch registration certificate. He had just returned from a visit to Natal.

Mr. Polak argued that the accused was not an immigrant at all. He was in the Transvaal before the enforcement of the Immigration Act and was returning to the Transvaal.

The Magistrate found him guilty and imposed a fine of £5 or 14 days' simple imprisonment pending deportation. Two other Indians holding voluntary registration certificates were charged under the Registration Act for refusing to give thumb-print identification. They were remanded till Tuesday next.

Johannesburg, Friday.

Messrs. Dawad Mahomed, Parsee Rustomjee, M. C. Anglia and S. J. Randeria were arrested at Pretoria whilst addressing a meeting of the Anjuman Islam.

Ismail Jeen and Essop Ahmed of Heidelberg have been sentenced to pay a fine of £5 without the option of imprisonment. Both are storekeepers.

Pretoria, Friday.

The Natal Indian leaders were deported by this morning's train, despite a protest that they were being deported without trial. They were well treated by the Police and were taken openly, unlike Mr. Sorabjee. Mr. Gandhi and others met them at the station. They, with Mr. Sorabjee, will re-enter the Transvaal on Saturday.

The Anjuman Islam held a meeting last night, and this afternoon a Mass Meeting will be held to burn certificates. There is great indignation.

Volskrust, Friday.

Mr. Ebrahim Osman, brother of Mr. Dada Osman of Durban, was detained last night. He held a permit but refused to give duplicate thumb-impressions. He was charged to-day under the Asiatic Act, Section 9 for refusing to give means of identification. He would not submit to the Act and was prepared to suffer the consequences. Mr. Polak defended. The accused was sentenced to a fine of £10 or 14 days' imprisonment without hard labour. Accused elected to go to gaol.