

Indian Opinion

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EDITORIAL NOTICES.

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CORRESPONDENCE.—Letters and other communications should be written on one side of the paper only. When articles of "Correspondence" are signed "with the writer's name or initials, or with a pseudonym, or are marked "Communicated," the Editor must not necessarily be held in agreement with the views therein expressed. In such instances, insertion only means that the matter or point of view is considered of sufficient interest and importance to warrant publication. Space being a consideration, correspondents are requested to be brief and to the point. Letters should be addressed:—The Editor, "Indian Opinion," Phenix, Natal.

Indian Opinion

SATURDAY, OCTOBER 10TH, 1908.

A Barefaced Mis-statement.

It is sometimes profitable to learn how one's thoughts or motives are represented or misrepresented. This is doubly so when a community's attitude is thus treated six thousand miles away and along the cable.

The *Times* correspondent in Johannesburg sent the following cable to his journal on the 10th Sept. last.

In view of Lord Amphill's letter, extracts from which have been telegraphed here, it is necessary to understand the present position with regard to the Indians as compared with last year. At that time the Indian Association professed to admit the Colony's right to exclude new Asiatic immigrants, provided the position of the Asiatics already settled here was respected. Lord Amphill, writing to *The Times* on behalf of the Indians on February 3, repudiated the idea that the association was seeking to establish the right of new Asiatic immigrants to enter the Colony. Now, the Government having conceded practically all the points asked for in regard to the Asiatics lawfully settled here, the association discloses the real object of the agitation by demanding the admission of Asiatics on the same conditions as Europeans.

The agitation is taking the form of active resistance to the law. Under the orders of the association Indians from Natal are entering the Transvaal, and, when deported, they immediately re-enter. After this procedure had been repeated several times the magistrate at Volksrust imposed a penalty of three months' imprisonment, upon which a great outcry was raised by the association at the severity of the sentence.

A similar policy of provoking a conflict with the law was pursued inside the borders of the Colony. The association ordered the resident Indians to destroy their certificates of registration with the object of procuring their arrest on the charge of being without certificates of registration. This enabled the association to represent that the Government was oppressing the resident Indians.

The Government here is acting with all possible moderation and is determined to enforce the law.

LATER.

From fuller accounts I see that Lord Amphill's letter describes my message as a barefaced misstatement of facts. My message only reported actual facts—namely, that the Indian Association now openly asserts what it previously disavowed, the claim of Asiatic immigrants to enter the Transvaal with only the same restrictions as Europeans. This is the cause of the present difference between the Government and the Indian Association, and was, throughout, the real ground of resistance to the Registration Act. The objection to the system of fingerprints was merely the ostensible ground. I repeat that the position of both sides, now as before, depends upon the question of future immigration. While Indians assert the right to enter on the same conditions as Europeans, no settlement will be possible.

The correspondent resented Lord Amphill characterising his version as "a barefaced misstatement of facts." The noble lord has exhaustively dealt with the message thus characterised. We will now show how barefacedly the above repudiation itself also misstates facts. The British Indian Association still adheres to the admission that *new Asiatic immigrants* may be excluded. But the Association does not consider the entry of highly-educated Indians to be new Asiatic immigration. The Transvaal Government has not practically conceded every point in regard to Asiatics lawfully resident in the Transvaal unless they can import highly educated Asiatics required for their full growth. The Association does not demand the admission of Asiatics on the same conditions as Europeans. They do demand legal equality as to admission of highly-educated Asiatics—a totally different thing. This demand is as old as the Asiatic Act of 1907 and much older. The agitation is not taking the form of active resistance of the law. It remains what it has been throughout the struggle. The Association does not issue orders. It advises and reasons. The Natal leaders did not re-enter several times after deportation. They were sentenced to three months imprisonment with hard labour on re-entering *after the first and the only deportation*.

The correspondent has conveniently omitted from his cable the expression "with hard labour." The outcry of the Association is raised over the sentences because British subjects have been punished barbarously for re-entering the country of their domicile or one which they under its laws claim to have a right to enter, and which is itself a British Colony. The Association has not—the Government has by its encouraging dishonesty—provoked a conflict with the law inside the borders of the Colony. The Asiatics did not procure their arrest by

burning certificates, but by burning them, they deprived themselves of the questionable advantage which the certificates gave them.

The Government, knowing its own weak and indefensible position, has not arrested Asiatics who have burned their certificates and has consequently not enabled them to represent, much as they would like it, because it would be true, that the Government was oppressing them. When the Asiatic Act was first passed in 1906 there was no Immigration Act super-imposed thereon. The only question was the Act itself. The finger prints intensified the objection and they would always constitute an objection if rigorously insisted upon. The question does not now depend and has never depended upon future immigration of Asiatics. That is a sealed book. But Asiatics cannot allow the status of their educated countrymen and therefore of national honour to be jeopardised by consenting to the retention of the Asiatic Act. Thus in almost every line of the *Times* correspondent's cable there is a mis-statement. And it is bare-faced because it is made by a correspondent who has held responsible positions under the Crown and who is in the "know" because of the unholy combination on this question between the Het Volk and the Progressive parties.

We Cannot Compel.

A FEW days ago, addressing the Education Conference in Pretoria, General Smuts gave utterance to an interesting declaration of policy in regard to the administration of the Education Act in the Transvaal, and, especially, in regard to the language question. He then stated (we speak without his actual words before us, but the tenour, we believe, is exact) that it was impossible to bring compulsion to bear upon any section of the South African population. Mr. Smuts was nearer the truth than he knew, when he made that statement. It is impossible to successfully compel any section of the South African population, using the last expression in the widest sense of the term. It is possible to direct means of compulsion against a particular section of the community. It is possible for this means to have, what may appear on the surface to be, an effect favourable to those putting the means into operation, but, in the long run, it will be found that compulsion can never be successful, and that, as Mr. Smuts has tritely argued, it is not possible to compel any section of the South African population to do any act to which, for various good and valid reasons, they object.

The whole history of the Asiatic passive resistance movement in the Transvaal has borne testimony to that truth. For two years and more, efforts have been made to coerce the Transvaal Indians into performing an act or certain acts against which their conscience, their highest instincts, revolted. To-day, they still reject the propositions put before them. One would almost go so far as to say that the Transvaal Government, making use of all its tremendous powers, has, in the abuse thereof, endeavoured to blackmail the community into accepting legislation which is abhorrent to it. That Government has not even refrained from stooping to acts of the utmost degradation, to cruel acts of torture against inoffensive, harmless people, people who are fighting a political battle with clean hands, people whose *bona fides* have been proved to the hilt, people who are long domiciled in the Transvaal, whose interests are there, and whose adopted home is in that Colony. The action of the Transvaal Government, throughout this lengthy struggle, has been nothing but a martyrdom of a disfranchised people.

We draw attention to the shocking representations of what is alleged to have transpired in regard to respected members of the community, at Lourenco Marques, Komatiapoort, and Barberton. Mr. Essop Mia, the late Chairman of the British Indian Association, on Saturday last, addressed the press with a description of the horrible cruelties that had been perpetrated against his aged mother-in-law, who is a confirmed invalid, his brother, who has only just returned from a visit to India and to the Holy Place of Mecca, the latter's wife, some babies who accompanied these, a number of boys of tender years, ranging from 9 to 15, and some 58 domiciled residents of the Transvaal. On Monday, appeared the terrible allegations made by Mr. Polak in the course of a lengthy letter to the Press, which we reproduce herewith, together with the press comments thereon. If only one-tenth of the allegations prove to be correct, there can be no doubt that this incident is one of the most shameful and shocking in the history of modern South Africa. One might expect this kind of thing from a savage government, one might expect it even from a civilised government, in times of war or fear of an invasion from a dangerous and vindictive enemy; but we had never thought to hear of such atrocities perpetrated under a Christian government flying the British flag in these modern times of ours.

We do not, for one moment, wish to go further than Mr. Polak, who, with great moderation, refrained from charging the Government with deliberate cruelty, but, as Mr. Polak has truly said, these things, even if unintentional, are the necessary outcome of the policy of menace and torture

inaugurated by the present Transvaal Government. To-day, we know that, in the Transvaal, men, women, and children can be tortured both in body and mind. What will be the effect of all this upon the impressionable minds of the little children who have suffered these iniquities, we fear to dwell upon. That an aged lady, unable to move even, should be exposed to the elements, and starved for 48 hours, without the slightest effort, on the part of the police who acted as guard, to procure the most elementary necessities of life, is almost incredible. It is a matter of deep gratification that with the notorious exception of the *Star*, the principal organs of the Transvaal press have moved so actively and so thoroughly in this matter, and that demand has been made for the urgent and complete investigation of the allegations made. Whatever may be the result of such inquiry, however, we are sure of one thing: that, unless the present struggle in the Transvaal is rapidly brought to a close by the Transvaal Government acceding to the two moderate requests of the Transvaal Indians, the fight must continue to the bitter end, with an exasperated people against whom harsh laws must harshly operate, and a recurrence of this incident is inevitable, in the very nature of things.

IT IS OBVIOUS THAT, WITH MR. Gandhi's re-arrest at Volksrust, the Transvaal Indians are now

at close grips with the Government, and we fear there is nothing for it but to fight a stern and unbending fight. Mr. Gandhi's re-arrest was not unexpected by the community, and was almost eagerly awaited by himself. It should do much to strengthen the resolution of the community, and to bring Indians in South Africa even more closely together than heretofore, in their determination to prosecute the struggle until the legitimate demands of the community have been granted. We do not, for one moment, suppose that Mr. Gandhi's sudden withdrawal from the scene of operations will make any difference whatever in the conduct of the struggle to-day in the Transvaal. Mr. Cachalia, the new Chairman of the British Indian Association, will now have the great opportunity of his life in showing his abilities as a leader and the power of his influence to inspire the people to follow the noble example of those who have prepared to sacrifice all things and go to gaol for the benefit and advantage of the community as a whole. We believe that the community will respond generously to his call, and we have no doubt whatever, but that the same result will be arrived at shortly as was arrived at at the end of January last, if the people remain true to their oath and firm in their purpose. It must now be their effort as never before to

release those who are suffering imprisonment to save them from degradation. To-day, prayer consists in action, and it is for the people to prove their religion and the feeling that is in them by their conduct during the crisis that is now at hand. The darkest hour is before the dawn. Perhaps the dawn is even now appearing faintly in the Eastern sky. We hope so. We believe so. But it is for the people to make it so.

WE REPRODUCE IN ANOTHER COLUMN a letter from young "Lost Faith" Hassan Dowad, the son of Mr. Dowad Mahomed who is at present undergoing imprisonment at Volksrust. We have given the letter as it is, omitting only personal references regarding his studies. The letter is remarkable in that the writer did not write it with the intention of having it published. It is undoubtedly written under excitement, yet it is restrained. It represents the view of many young Indians, even if it does not represent that of grown up and experienced men. We conceive it to be our duty to give publicity to such sentiments instead of allowing them to smoulder beneath the surface and pretending that they do not exist. No doubt there is a fallacy underlying the loss of faith in the British Government, for, after all, that Government is what the members of the Empire make it. Directly the British electorate make it, indirectly every citizen, not excluding Indians, of the Empire makes it. So that loss of faith in it means ultimately loss of faith in oneself. If the Transvaal Indians want justice, they will get it. They will give it to themselves. The British Government, whether it be Imperial or local, will be only nominally the giver. We cannot recall any reform or act of justice granted or done in the history of the Empire unless some one has fought for it, either utilising the body force or the soul force. British Indians are using the latter because it is infallible and therefore in the end never injurious. Whilst, therefore, there need be no loss of faith in the British Government, it behoves the latter to adjust the balance and set a proper tone to the weaker members of the Empire.

THE CONGRESS ACTIVE. Cablegrams were despatched on Saturday by the Natal Indian Congress to the South Africa British Indian Committee in London, the Bombay Chamber of Commerce, the Chairman of the Bombay Anjuman Islam, and Sir Pherozsha Mehta (Chairman of the Presidency Association). The cables informed of the sentences at Barberton, the half starving of the prisoners in the gaols, and the detention at Durban of the Transvaal Indian passengers.

Swami Shankeranand

A Brief Sketch of his Life

The arrival of Swami Shankeranand in South Africa has created a stir among the Hindus in particular and Indians in general. The former rejoice over the fact that a renowned religious preacher has travelled to South Africa to impart religious instruction. All the other Indians rejoice to see in their midst a distinguished Indian scholar. The Swami arrived from England, which he had been visiting, on the 4th instant, per *Carrisbrook Castle*. He was welcomed at Cape Town by Mr. Haji Adam H. Gool Mahomed, Mr. Abdul Kadir and Mr. Pohoomull on behalf of the Indian community. The Swami stayed at the Cape only for the time that the steamer remained there, his destination being Durban. On the arrival of the steamer at the Point on Sunday he was met by a large concourse of Indians and was immediately driven to the rooms specially hired for the distinguished guest.

Swami Shankeranand was born at Jullendhur (Punjab) in the year 1868. He belongs to a well-known Brahmin family, being the son of Pundit Tulsi-ram Shastri, who was for some time Professor of the Oriental College of Lahore. Before he became a Sanyasin he was known by the name of Pundit Shankarnath. The Swami was partly educated at a mission school and partly at the D.A.V. College. While yet a boy he had an intense desire to realise his Brahminhood. He felt that it was wrong for a Brahmin to accept any Government- or such other service and that it was equally wrong for him to sell his learning by carrying on the profession of a paid teacher. He wanted to do like the Rishis of old, and yet it was so difficult. Could he not become a religious preacher? He did not know how that could be done—while he was passing through this mental tribulation, which well-nigh ruined his health. He was married, but his married life did not last long, his wife having died within a year of the event. The marriage, however, instead of lessening the zeal for knowledge and religious work, intensified it. The young Pundit felt that he should not re-marry. He felt, too, that many young Indians should remain celibates and lead chaste lives, that religious reform must precede or go side by side with political reform. While this struggle was going on Mr. Shankernath was learning languages and history. The Swami knows, besides Hindi and Urdu, Persian, Gujarati and Sanskrit. He understands Bengali and Marathi and thoroughly understands English, though he does not speak it fluently. Thus equipped, he came into touch with his future Guru (master or teacher), Swami Atmanandji of Delhi. He was trained under him for those years. In order to perfect his vow of celibacy and to crush

the flesh, he travelled barefoot from Ajmere to Cutch. In 1891 he returned to the Punjab and founded the Society of Celebates. Through it, he preached on the evils of child marriages. In 1892 he proceeded to Benares and carried on further studies. There he resuscitated the society for popularising the Nagri character. He then edited an Anglo-vernacular newspaper for advocating the use of home-made goods. In 1894 he founded the S.A.S. High School and in 1896 he became a Sanyasin and adopted the name he at present bears. He has passed some time at Hardwar and some also on the banks of the Brahmaputra in Assam. He has travelled through most parts of India and has now, at the invitation of the local Indians and on the advice of Professor Parmanand come to South Africa. The Swami belongs to no sect. He is no longer a member of the Arya Samaj. He states that his duty is to preach the essence of religion to all who would listen to him and learn from him. The Swami is a typical Punjabi, well-built and of commanding presence. Our readers will appreciate the likeness we are issuing as a supplement.

At the Portuguese Border.

[SPECIAL TO INDIAN OPINION]

On the 28th ulto., the *s.s. Gouverneur* arrived at Lourenzo Marques, bearing a large number of Indian passengers bound for the Transvaal. Several of them elected to go there by way of Portuguese territory and on the 29th, they entered at Komatiepoort, where they were stopped by the police authorities and asked to produce Act 2 certificates or certificates issued under the new Act which came into force on the 21st ulto. They failed to do so, and were warned that they could be dealt with as prohibited immigrants, as they were required, by virtue of the new Act, No. 36 of 1908, to apply for registration under it from some place without the Colony. However, if, from reasons of ignorance of the law, they had entered the Colony and desired to return to Mozambique, they could do so if they agreed to give their ten finger- impressions. This they declined to do, and were promptly arrested, and brought to Barberton, where they arrived late in the afternoon of the 1st inst. They were brought before the Court at once, and were remanded until the following day, being lodged in gaol overnight. There were 76 altogether, including 17 minors who were accompanying their parents.

On Friday morning 56 of them were brought before Mr. C. Currie, A.R.M., charged with contravening Sec. 5 of the Immigration Act (No. 15 of 1907) read in conjunction with Sub-Sec. 4 of Sec. 2 of that Act, in that they had all entered the Colony from Mozambique, being resident outside the Colony at

the commencement of Act 38 of 1908, and being required, in terms of sub-Sec. 3 of Sec. 4 of that Act to make application to the Registrar of Asiatics for registration under the Act from a place in South Africa outside the Colony.

The accused were Moosa Ismail Mia (brother of Mr. Essop Ismail Mia, late Chairman of the British Indian Association), Sale Mahomed, Ebrahim Ismail, Mahomed Essop, Ismail Cassim, Ebrahim Moosa, Hassan Amod, Ebrahim Hassan Bham, Ebrahim Chunara, Omarji Mahomed, Narotam Dulabh, Dulabh Prag, Nagar Dyah, Chhiba Iogi, Kala Bama, Prag Dulabh, Gopal Dulabh, Hassim Essop, Ebrahim Moosa, Ismail Adam, Essop Saliji, Saliji Hassan, Ismail Ahmed, Hassan Ismail, Moosa Ebrahim, Adamji Hoosen, Hassan Moosa, Rasool Noor, Ebrahim Adam, Mahomed Moosa, Essop Hassan, Ebrahim Hassim, Essop Ismail, Fakir Ismail, Sale Moosa, Adam Mamoojee, Bhaga Chhita, Amojee Moosa, Ebrahim Moosa, Akooji Ebrahim, Mahomed Essack, Hassan Adam, Ebrahim Bhana, Ebrahim Fakir, Hassan Moosa, Hoosen Khan Mahomed Khan, Rahman Murad, Moosa Suliman, Ebrahim Ahmed, Mahomed Patel, Suliman Akoob Daji, Mahmood Suliman, Suliman Ally, Ismail Hajee Moosa, Chhotalal Vajjidas, and Ebrahim Sale.

Mr. Hulley prosecuted, and Mr. H. S. L. Polak appeared for the defence. All pleaded not guilty.

The Police Sergeant, who gave evidence of arrest, detailed the circumstances thereof as described above. He was acting on telegraphic instructions from the Registrar of Asiatics in Pretoria, who was also the Chief Immigration Officer. Fifty-three of the accused had produced Peace Preservation Ordinance Permits, and three documents from the Asiatic Office showing that the bearers had held similar permits. All these documents bore a rubber-stamp endorsement purporting to be that of the Transvaal Immigration Officer in Mozambique, with a pencil addition to the effect that the holder should apply for registration within eight days of entering the Colony.

Cross-examined: He had no reason to believe that the permits were not the lawful property of the accused. Asked to state who was the Registrar of Asiatics contemplated by the new Act, the witness replied it was Mr. Chamney. Asked to point out the Government Notice appointing Mr. Chamney, Registrar under Act 36 of 1908, he failed to do so, but presumed that the Government Notice appointing Mr. Chamney Registrar under Act 2 of 1907 was sufficient. He believed the rubber-stamp endorsement was genuine and that it was actually made by the Mozambique representative of the Transvaal Immigration Department. He had often seen it before. Witness was aware that Act 2 of 1907 was still on the

Statute Book unrepealed and was still in operation.

The Prosecutor here asked for a remand for the purpose of calling the Registrar of Asiatics to prove that the accused had made no application for registration from without the Colony in terms of Act 36 of 1908, but Mr. Polak declared it to be unnecessary as he was prepared to admit that his clients had made no such application. The case for the Crown was then closed.

Mr. Polak called Moosa Ismail Mia, who stated that he had entered the Colony on the 29th ulto., and claimed the right, under Act 2 of 1907, to make application under that Act within 8 days of entering the Colony. The permit produced in Court was his, lawfully issued to him. He did not intend to apply for registration under the Act, being a passive resister.

Mr. Polak intimated that it might be necessary to call each of the accused to prove ownership of the permits produced before the Court, but the Prosecutor stated that he would admit that, and Mr. Polak closed his case.

The Prosecutor asked for judgment on the ground that the accused were manifestly prohibited immigrants as it had been admitted that they had never made application for registration as required by Act 36 of 1908.

Addressing the Court, Mr. Polak urged that the charge was wrongly brought. In the first place, there was no possibility of making application under the new Act to the Registrar, as no Registrar had been appointed. Mr. Chamney was appointed Registrar under Act 2 of 1907 to keep the register of Asiatics contemplated by Act 2. His appointment to keep the register mentioned in Act 36 of 1908 was certainly never contemplated by Act 2. The register mentioned in Act 36 was quite different from that mentioned in Act 2. The two laws were quite independent. If Mr. Chamney, the Registrar appointed under Act 2, dealt with any applications made under Act 36, he would be acting *ultra vires*. There being thus no Registrar appointed under Act 36, no application could be made to him. The title existed but not the holder.

Apart altogether from that, however, he argued that his clients claimed the right to enter the Colony by virtue of their permits, which rendered them eligible for registration under Act 2 of 1907, and this Act required that they should apply for registration thereunder within 8 days of entering the Colony. The section was very clear on that point. Act 2 was not repealed by Act 36 of 1908. The two laws were in conflict, but Act 2 was still in operation, and his clients chose to claim their rights under it. In those circumstances, he submitted that, as the accused were eligible for registration under Act 2 of 1907, they could not be regarded as prohibited immigrants. Should the Court, how-

ever, be against him on these points, he would remind the Court that the accused were passive resisters, who declined to accept either Act 2 of 1907 or Act 36 of 1908. They did not intend to apply for registration either within or without the Colony.

The Magistrate adjourned the Court for a short time, and, on resuming, stated that, after considering the argument for the defence, he was of opinion that the accused were guilty. He did not consider that Mr. Polak's reference to passive resistance was any mitigation of their offence.

Here Mr. Polak interposed and remarked that his statement was not at all intended by way of mitigation but of explanation.

Proceeding, the Magistrate said he would sentence each of the accused to pay a fine of £25 or go to gaol without hard labour for two months, and instructed the Prosecutor to apply for a deportation warrant. He imposed the lengthy sentence, that the records might go up for review.

Mahomed Ismail Esse and Suliman Moosa Wadiwalla were then similarly charged and both pleaded not guilty, Mr. Polak defending. They were found guilty and sentenced similarly to the last cases.

Mahomed Ismail was then charged as being a prohibited immigrant on the ground of being unable to read or write in a European language and not being possessed of sufficient means.

Police evidence of arrest was led, and a document from Mr. C. W. Jackson, Supervisor of Asiatics, was put in, and dated the 22nd August, 1903, purporting to declare that the bearer, a minor, did not need a permit.

The accused, giving evidence on his own behalf, stated that he had obtained the document in Johannesburg about five years before. He was then about 15 years of age, a minor. He then went to India and had just returned.

Mr. Polak, giving evidence, stated that he recognised the signature to the document as that of Mr. Jackson, one of the Supervisors of Asiatics in charge of an Asiatic Office. At the time the document was issued, there was no Registrar of Asiatics. In the administration of the Peace Preservation Ordinance, minors were not required to take out permits.

Addressing the Court, Mr. Polak said his client ought to be discharged. Here there was no question of the application of the new Act, and his client, being eligible for registration under Act 2, could not possibly be regarded as a prohibited immigrant. Sub-Section 4 of Section 2 of the Immigration Act did not apply, as it contemplated a removal order already made, and not to be made.

After consideration the Magistrate discharged the accused.

The 58 convicted men were afterwards marched up to the gaol, after being fed by their Barberton compatriots. The 17 boys were detained pending receipt of instructions from

Pretoria.

In the evening a meeting of local Indians, presided over by Mr. S. Mungalee, was held to protest against the harshness of the administration of the law which made domiciled residents of the Colony prohibited immigrants. A resolution condemning the administration and calling upon the Government to repeal Act 2 and make provision for the free admission of highly educated Indians was unanimously passed. The meeting was addressed by Messrs. Ebrahim Aswat and H. S. L. Polak.

Should Indians be Starved into Submission?

Further Correspondence

The following further correspondence has been sent to us for publication:—

30th September, 1908.

The Director of Prisons, Pretoria.

Sir,—I am informed by Mr. Vassan Ranchhod that he has just been released from the Germiston Gaol, where he was imprisoned for three days with hard labour. He informs my Association that the food supplied to him during that time was mealie-pap for breakfast, mealies cooked in or mixed with fat for dinner, and mealie-pap for supper. There was no alternative diet.

Should these allegations be found correct, my Association would be glad of an immediate assurance from you that ghee will be substituted for fat wherever used. I need not remind you that to an orthodox Mahomedan or Hindu, food cooked with fat is religiously unclean. A Mahomedan may only eat fat from an animal ritually killed, a Hindu may not eat fat at all.

I have the honour to be, Sir,

Your obedient servant,

A. M. CACHALIA.

Chairman, British Indian Association.

Pretoria, 16th September, 1908.

Sir,—In continuation of my minute No. 387/05/223 of the 31st ultimo in regard to the diet scale laid down for British Indian prisoners in Transvaal Prisons, I have the honour to inform you that the matter had been referred to the Medical Officer of Health for the Transvaal, who is of opinion that the diet scale specified is perfectly healthy and that a change of diet should only be made in individual cases on medical grounds. The Medical Officers are empowered to vary the diet when occasions demand such a course.

I have the honour to be, Sir,

Your obedient servant,

G. HANRETTE.

Director of Prisons.

The Chairman,

British Indian Association,
Johannesburg.

The Koomatiepoort Scandal

Serious Allegations

Women and Children treated as Cattle

Mr. Essop Ismail Mia (ex-Chairman of the British Indian Association), writing under date the 3rd instant to the Transvaal papers, says:—

It is with feelings of the deepest pain and anguish that I write this letter, in order to bring to the notice of the world and more particularly the people of the Transvaal the disgraceful and inhuman treatment that has been meted out to the 78 odd Indians who recently landed at Koomatiepoort. This batch of Indians, including several women and children of tender age, landed at Delagoa Bay on the 29th September, and, after being herded together like so many cattle, were entrained and sent on to Komatiepoort, which place they reached at 11 o'clock in the night. It may be incidentally mentioned here that although they held second-class tickets they were violently thrust into cattle trucks pellmell, irrespective of sex and the respectability of the passengers. The fact that there were ladies among them who are well known to be wives and relations of prominent Indian merchants of Johannesburg did not appeal to the decency of the responsible authorities who are the authors of this outrage. When they reached Komatiepoort they were marched from the Railway Station to the local Hospital, and at that late hour of the night, namely, at 11 p.m., these men and women, including the children, were shoved into a hall, which was nothing more or less than a disused shanty. There, in this limited space, without food, without bedding, and without comfort of any kind, the Authorities had decreed that these unfortunate people should spend the night. When one contemplates these miseries, it makes one hesitate to enter into or discuss the barrowing details of this dirty business, which cannot but be laid at the door of the Transvaal Government. When Lord Amthill recently questioned the fitness and ability of the Transvaal Government he undoubtedly indulged in a truism which is more than borne out by these ugly revelations.

Be it remembered that on the night of the 30th September, the ladies of the Company were also huddled together in the shanty with the men and the crying children in their arms. No food or victuals of any kind were allowed to be carried to them, nor were they allowed to send out and purchase any. Among this company was included Mr. Moosa Ismail Mia, the managing partner of Suliman Ismail Mia & Co., of Johannesburg, and his wife. Another sad feature of

this official tyranny is the fact that the violence and wrath of the Government also fell upon an unoffending lady of 80 years of age, who is practically blind and who is none other than my mother-in-law. To think that so powerful a government should so debase itself and abuse a government's terrible engine of power by fighting women and children, is a state of affairs that human language cannot adequately condemn. On the following night, namely, the 30th ulto., the weeping women and children were torn from their natural protectors, some were even snatched from the arms of their fathers and sent to Johannesburg. The shame and disgrace is deepened, and the awfulness of the situation dawns on one, when it is known that this arbitrary act of separation took place at about midnight, when probably men and women were hushed in sleep.

I should also like to refer to a telegram that was sent evidently in my brother Moosa Mia's name from Komatiepoort to me (Essop Mia) in Johannesburg, informing me that the ladies including his wife and my mother-in-law had been sent on to Johannesburg. This telegram was handed in for dispatch at 11 a.m. on the morning of the 1st instant, and reached me on the same day at 6.45 p.m., practically two hours after the Komatiepoort train had arrived in Johannesburg. Taking this incident with the other details of the case into consideration, I cannot but irresistibly come to the conclusion that this late despatch of the telegram is part and parcel of that larger policy of the Transvaal Government of harassing and persecuting defenceless people and disgracing that policy by the name of diplomacy. These sordid facts undoubtedly reveal in these days of 20th-century civilisation and enlightenment a sad commentary on human nature. The proverbial Russian tyranny and despotism pales into insignificance when compared with the latest version of the Transvaal diplomacy when dealing with the Indian question.

I may be allowed to remark in conclusion that such tactics are unworthy of a great government and reflect great discredit on the administrative part of a government's machinery. Tyranny, despotism, oppression and starvation can never reduce people to submission, more especially when they feel they are fighting for a great principle and for the rightful position which God gave to all men at the birth of creation.—

Mr. H. S. L. Polak follows Mr. Mia's letter with the following, dated the 5th instant:—

I have read Mr. Essop Ismail Mia's letter regarding the Transvaal returning Indians detained at Komatiepoort and afterwards sent to Barberton. As I have just returned from that place and have personally investigated the allegations, may I ask the courtesy of your columns for the

purpose of ventilating what I make bold to call one of the worst scandals connected with the Administration of the laws relating to Asiatics.

At 3 o'clock in the afternoon of the 29th ultimo, the S.S. *Gouverneur* arrived at Lourenco Marques where the Indian passengers were examined by the local representative of the Transvaal Immigration Office. On instructions from the Portuguese authorities, some eighty of them, including one aged woman of 80 years half paralyzed, two other ladies, two little children of 3 years, and 17 other children ranging in age from 9 to 15 years were landed and crowded into a cattle truck on the wharf. The truck was locked and the unfortunate people who could find place were obliged to crouch upon the floor of the vehicle. The local Indians were prevented from approaching them, but, as an act of grace, the authorities permitted these to bring a sackfull of bread for their compatriots' entertainment, and this was thrown to them by their Portuguese Gaolers. Apparently, neither the Transvaal Immigration Official nor the British Consul, both of whom must have been aware of Portuguese Administrative methods, made any attempt to discover what had happened to the Indian passengers or to intervene on their behalf. The truck remained for several hours on the wharf and was then taken to the station so that the Indian passengers could leave by the 8.45 p.m. train for the Transvaal. On arrival at Komatiepoort the whole party was obliged to descend from the train upon the order of the Transvaal Immigration Official stationed there; this was just before midnight. They were then taken to a small shed attached to the hospital, a considerable distance from the station. The old lady had to be carried. Parenthetically, I may say, she is the mother-in-law of Mr. Essop Ismail Mia, the late Chairman of the British Indian Association and was accompanied by her son-in-law's brother, Mr. Moosa Ismail, and the latter's wife and child. Several of those detained are prominent members of the Johannesburg Indian community, highly respectable men with great financial interests depending on them. They were all old residents of the Transvaal and were returning from a visit to India, many of them accompanied by their children. All the adults, with the exception of two, were provided with Peace Preservation Ordinance Permits and Milner's Registration Certificates purporting to entitle them to enter and reside in the Transvaal. The shed to which they were taken was so small that there was not even space to sit down, its filth was indistinguishable, the floor was covered with the excreta of previous occupants and the stench arising therefrom was horrible. In order to obtain a little privacy for his aged relative and the other ladies and the very young children, Mr.

Moosa Ismail took them outside the shed, and there they waited in the middle of the night exposed to the inclemency of the elements. The night was rough and it threatened rain. A passing European, moved to pity, warned them to move to an adjacent verandah, which they did and there awaited the arrival of daylight. Then Mr. Moosa Ismail went over to the shed to try to obtain for the female and juvenile members of his family some kind of decent accommodation. He was, however, detained by the police on guard and prevented from returning to the ladies who were left helpless outside during the whole of that day. At night they were brought inside the shed, and at about 10 o'clock the three ladies and the two small children were informed that they would now be allowed to proceed on their journey. At 11 o'clock that night they were taken over to the station, accompanied under Kaffir Police escort, by Mr. Moosa Ismail. He, however, was not allowed to see them off, but was driven away with foul insults by the native guard, leaving the women and children weeping bitterly at the loss of their natural protector. During the whole time that these people were detained at Komatiapoort they were never provided with food, bedding or even sitting accommodation. They still had a few remnants of stale bread remaining from the gift of their Delagoa Bay compatriots and these were carefully hoarded and sparingly distributed to the children so that they, at least, might not starve. To add to the hardships, the unfortunate ladies had to travel the whole of the following day without food owing to the religious prohibitions of the great Mahomedan fast which is now proceeding. They were thus obliged to starve from three o'clock in the afternoon of the 29th ultimo, when they arrived at Delagoa Bay, until 5 o'clock in the afternoon of the 1st instant, when they reached their homes in Johannesburg. The men and boys who remained fared no better. At 12.30 p.m. on the 1st instant they were removed in 3rd-class Kaffir trucks to Barberton, arriving there at 3.30 p.m. They were immediately taken before the Magistrate and remained until the following day. As it would be too late for them to receive the evening meal at the gaol, their local compatriots endeavoured to furnish them with food but were prevented from doing so by the police. They were compelled to secure the services of the local solicitor, through whose professional intervention the unhappy prisoners were at length enabled to obtain food, otherwise, owing to the rigours of the fast, they would have been obliged to starve for yet another day. Fifty-eight of the adults were sentenced to two month's imprisonment, an order being made for their deportation as prohibited immigrants, the 17 children whose fathers are

now in gaol are now kept under detention and are living on the charity of the local Indian community, and are to be given the option of accompanying their parents when the latter are removed from the Colony or of being prosecuted and sent to gaol as prohibited immigrants.

And now what is these people's offence? Although the lawful holders of the permits produced before the Court which the Crown admitted to be theirs and which on the face of them entitled their holders to enter and reside in the Transvaal, together with their wives and minor children, they have been condemned as prohibited immigrants because they failed to apply for registration under the new Act from a place in South Africa outside the Transvaal, and on arriving at the Transvaal border, refused to return to foreign soil for that purpose. And what is their punishment? They themselves are starved for 48 hours together with their female relatives and their children, they are kept herded like sheep in a filthy, stinking shed, unable even to sit down, without bedding or protection from the elements, women and children exposed to the weather, their helplessness shamefully abused, they themselves sent to prison and their children are left dependent upon the charity of the Indian community with the alternative of being driven out of the Colony, or of being tainted by the gaol surroundings.

I have no wish or intention to blame the Government for the deliberate acts of cruelty perpetrated upon inoffensive old women and children of tender years. No doubt it is part of the effects of the machinery put into operation by the Government against the Indian passive resistance, and all because the latter request the repeal of an antiquated Act which has recently been replaced on the Statute Book but not repealed by a later Act of greater general utility and inoffensive to those in regard to whom it operates: And provision to be made for the entry and residence free from restriction of the very limited number of cultured Indians who can and who may care to submit themselves to the series of educational tests administered under the general Immigration Act.

I offer no further comment, this letter is already overlong; but I ask, can it be wondered at that British Indians continue to fight, and to suffer for their convictions so long as iniquity such as that which I have indicated above is possible in this Colony?

Apologising for trespassing so lengthily upon your space and offering as my excuse the urgency of the case and the honour of the Colony which is at stake.

Press Comments

The *Rand Daily Mail* of the 6th instant has the following leading art-

icle on the subject:—

We print in another column in this issue a remarkable letter regarding the treatment accorded to a number of Indians who entered the Transvaal through Delagoa Bay and Komatiapoort. These Indians seem to have held Peace Preservation Ordinance certificates and also registration certificates granted under Lord Milner's scheme of voluntary registration. They included a number of women and children, one of the women being eighty years of age. They had not, however, complied with the law by which they should first have made application for registration from some part of South Africa outside the Transvaal. With the prosecution of the men for not complying with the law we are not concerned. Their action was deliberately taken in accordance with the passive resistance movement. They knew they were breaking the law. They knew they would be prosecuted. They were punished. But we are very deeply concerned at the nature of the charges made by Mr. Polak, who is, we believe, an attorney of the Transvaal Supreme Court. Mr. Polak has been associated with the Indian cause for some years, and his sympathies go out strongly to the passive resisters. But he makes a series of specific allegations of inhuman treatment which demand the instant investigation of the Government. The public will want to know the true facts of the case of the women and children, and whether they were really treated in the extraordinary way of which Mr. Polak complains. Until an enquiry is made we must reserve judgment. But in view of the source from which the charges come, and the fact that Mr. Polak declares he had personally investigated the matter, we would urge that the enquiry be prompt, thorough and impartial.

The *Star* says:—

The letter which we publish to-day from Mr. H. S. L. Polak, Mr. Gandhi's partner and co-worker in the Asiatic cause, deserves and will no doubt receive the attention of the authorities. Nothing can be said in defence of the action of the Portuguese railway officials in huddling some eighty Indians into a cattle truck and dispatching them to the Transvaal in such a vehicle. Evidently there has been gross blundering somewhere. We cannot believe, however, that the Portuguese authorities could have been so heartless as to deny these people facilities to obtain food for the railway journey. We cannot help feeling that the Indian leaders are largely to blame for the subsequent experience of these unfortunate people. If they paid a little more attention to the personal comfort of their compatriots and a little less to political agitation, the whole of this trouble might have been obviated. A representative of the

British Indian Association could have obtained access to these immigrants through the British Consul, and warned them of the futility of continuing the journey until they obtained the necessary permits. He could also have provided them with or enabled them to obtain an adequate food supply. When immigrants or old residents of the Transvaal enter the Colony without proper authority, the representatives of the Transvaal Government clearly cannot be held blameworthy for the resulting consequences. It is not the duty of the Government to provide food and good accommodation for those who are entering the Colony in defiance of the Asiatic Registration Act. We propose instituting inquiries into this matter; meanwhile, we would ask our readers to suspend judgment until the other side of the case is put before them. Without desiring to prejudge the question ourselves, we wish to say that we do not believe that the Lourenco Marques representative of the Registrar of Asiatics failed to warn these Asiatics that it would be useless for them to proceed to the Transvaal until they obtained the requisite permits. Probably the latter neglected his advice, and preferred to risk the consequences; possibly the more intelligent of them were advised, or had a suspicion, that just such a *contretemps* as has happened would be of considerable assistance to those who are engineering the agitation against the Transvaal Government and seeking to bring the administration of the law into disrepute. At any rate, pending confirmation, we cannot accept Mr. Polak's second-hand information as either a complete or an accurate representation of the facts.

Letters to the Press

Canon Digby M. Berry writes to the *Leader* :—

Is the letter of your correspondent, Essop Ismail Mia, in your issue of to-day, a statement of facts? Is it true that 78 people, including ladies and children, and one lady of 80 years of age, were compelled to pass the night in a "disused shanty" at Komatiepoort, without sleeping accommodation, without food, and without decent privacy? Was this thing done last week under the authority of our Transvaal Government?

I refrain from committing to paper an expression of the burning indignation that arises in one's mind at reading of such treatment of our fellow-subjects, who at the worst are not criminals.

But as yet we have seen no contradiction of allegations only a degree less scandalous than this.—We read of political prisoners not only compelled to wear the clothes of common felons, but to eat food which is a religious abomination to them. Is our Government so ignorant of history as not to know that little more

than fifty years ago the mere suspicion of such treatment as this was the direct cause of the Indian Mutiny? I wish it were possible to believe that such statements as I have referred to were the product of a heated imagination; but if they are true, I for one am ready to join in any form of public protest against such administration.

Rev. Chas. Phillips writes on the subject to the *Leader* as follows :—

I have read with horror the communication from Canon Berry, Mr. Essop Mia and Mr. Hy. Polak, together with the leaderettes in the *Rand Daily Mail* and the *Leader* in regard to the treatment of Asiatics, who have as much right to be in the Transvaal, as the rest of us, at Komatiepoort. One's instinct of humanity is revolted by the story, and presuming the facts to be as described, I wish to add my protest against such iniquities continuing to smirch the fair name of the Colony. It is to be hoped that the rising tide of indignation will speedily make the repetition of such cruelties impossible. In the name of religion, of humanity, of civilisation and of self-respect, such things should not be permitted. It is not thus that the Asiatic question will ever be settled. It is more likely to prove the spark which will lead to a great conflagration. Neither the Indians of South Africa nor of India itself are likely to take such acts lying down. We are sowing dragons teeth and the harvest is likely to be after its kind.

The recent Municipal Census has again proved that there has been no such illicit influx of Asiatics as is so often alleged to justify our present policy. On the contrary the actual number of them is steadily diminishing. Practically we are perpetrating such barbarities because we will not allow them to bring into the country their own legal, medical and spiritual advisers, which they are prepared to agree shall never exceed a maximum of six in the year, and will probably often be none. Such men would not come into competition with the rest of the population and this is in reality not a violation of but simply the carrying out of the present law.

The story of "Jenkins's Ear" was wisdom compared with our present folly, and alas! our folly may have consequences we may later bitterly repent.

Mr. Chamney's Denial

The *Star's* Pretoria correspondent has interviewed Mr. Chamney on the above matter. The Registrar of Asiatics stated that he had been informed by his agent at Lourenco Marques that no complaints were made to that official or to any officer connected with his staff and that "there is not a particle of truth in the statements made regarding the railway accommodation afforded them."

With reference to the alleged ill-treatment of the Indians at Komatiepoort, Mr. Chamney says: "When the adults were arrested at Komatiepoort the women and children accompanied them to the place in which they were confined pending their removal to Barberton for trial. This place of confinement was not, as alleged, a shanty in a filthy condition; it was the Government gaol at Komatiepoort, and consisted of three rooms and a large enclosure, which were placed at the disposal of the prisoners."

The Asiatic Act a Dead Letter?

Commenting on the case, published in our columns last week, under the above heading, the *Transvaal Leader* of the 30th ulto. says :—

Section 1 of Clause 4 of the latest Act relating to the Asiatics reads as follows :—

4. (1) Every unregistered adult Asiatic resident in this Colony at the commencement of this Act shall, before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may by notice in the *Gazette* prescribe for particulars areas of this Colony, make application for registration, and the registrar shall, on being satisfied that such Asiatic is entitled to registration, issue to him a certificate of registration.

Yet despite this an unregistered Asiatic was sentenced yesterday under the old Act. It is extremely difficult to see how the Colonial Secretary can reconcile procedure of this kind with his references to the old Act in Parliament and elsewhere. What is the explanation?

Mr. Polak has addressed the following letters to the *Leader* and the *Pretoria News* :—

The Editor, *Transvaal Leader*.

Sir,—In your issue of to-day's date, you remark that, despite the terms of Section 1 of Clause 4 of the new Act, an unregistered Asiatic was sentenced yesterday under the old Act.

May I say that two unregistered Asiatics were yesterday sentenced under the old Act, one to a month's imprisonment, the other being ordered to leave the Colony within seven days. Both of these men are, therefore, precluded from availing themselves of the terms of the Government Notice enabling them to apply for registration under the new Act, in Johannesburg, during the whole month of October. In seven days' time, if the second man has not left the Colony, he will be re-arrested and sentenced, in all probability, to one month's imprisonment, notwithstanding that the new Act applies to him.

An even worse abuse of power is that which authorised the arrest, under the Asiatic Act, of Mr Javerbhai Randeree at the gaol-gates to-day, immediately upon his release from the Fort on the expiry of his sentence of one month's imprisonment for failing to leave the Colony. He was asked to produce a registration certificate under the Asiatic Act, and, on failure to do so, was arrested and taken before the Court. His case is remanded until to-morrow.

British Indians have been fondly allowed to believe that the old Act, for administrative purposes, was to be a dead letter, and that, in future, the new Act would apply. Can it be wondered at, then, that they insist upon the repeal of the old Act, so long as proceedings of the nature referred to above are possible. Sleeping dogs have an unhappy knack of waking up and attacking the unwary passer-by.

Johannesburg,
30th September, 1908.

The Editor, *Pretoria News*.

Sir,—In continuation of my letter to you of yesterday's date, I would venture to bring to your notice the following facts:—

You have assumed that the Asiatic Act is *functus officio*. To-day two men have been convicted under it, notwithstanding the fact that the new Validation Act has been in force for over a week. One man was ordered to leave the Colony under the Asiatic Act on the 19th instant. On the 21st, the new Act came into force. Yesterday, he was arrested for failing to obey the order, and to-day was sent to gaol for one month under the old Act. Inquiry was made of the Pretoria Authorities yesterday as to whether proceedings should be conducted in this case, and the reply, I am informed, was "yes, go on." To-day also an Indian was ordered to leave the Colony within 7 days, under the Asiatic Act, for failing to produce a registration certificate under that Act. Both these men come within the terms of Section 4 Sub-section 1 of the new Act, and are required to register under that Act here in Johannesburg during the month of October. The one man is shut up in gaol, the other man is to leave the Colony. Can you wonder that the Indian community has charged General Smuts with foul play in refusing to repeal the Asiatic Act, which we are fondly allowed to suppose is a dead letter? And these things will continue to happen so long as the old Act remains on the Statute Book. Seeing that the new Act is supposed to safeguard the Colonists fully, what is the object of retaining the old Act? It can only be as a permanent reminder to the Indian community of the low estimate in which they are held by General Smuts.

Johannesburg,
29th September, 1908.

The Editor, *Pretoria News*.

Sir,—It is again my unfortunate duty to bring the old Act and its operation to your notice.

Mr. Javerbhai Randeree has just served one month's imprisonment for breach of the Act. He was released from gaol to-day, but, at the very gaol-gates, he was asked to produce a registration certificate under the Act, and, as he was unable to do so, he was hauled before the Magistrate, the case being remanded till to-morrow. And, yet, you say that the Asiatic Act is *functus officio*. You now have three instances proving the contrary. Are you still surprised that British Indians indignantly charge the Government with a breach of faith?

Johannesburg,
30th September, 1908.

Is it Slavery?

Startling Indictment by
"One Who Knows"

Of Indian Immigration

Alleged Ill-Treatment, Injustice
and Neglect

In its issue of the 19th ulto., the *Natal Advertiser* published the sub-joined letter under the above headlines, with the following prelatory remark:—

We have been asked to publish the following statement by one competent to speak, and of whose *bona fides* we have satisfied ourselves. We have made special inquiries into the allegations of ill-treatment, and have taken pains to consult official records and have found his charges amply demand the fullest inquiry. His indictment reads as follows:—

The life of an indentured Indian in Natal—what is it? In many instances a

HELL ON EARTH.

The wicked part of it all is that he is occasionally at least, told that he is coming to a land flowing with milk and honey, that his wife and children will not have to work, that he himself will have short hours and long wages, that food is cheap and that he will have plenty of time for his own husbandry. All these and similar lies he is told by some of the agents, who go round among the villages in India; of course the Government tell him nothing of the sort. When he lands here he has to sign certain documents which he frequently does not understand, he binds himself down body and soul for 5 years, and at the end of that time far from getting free land he has to pay rent for it, which of course, he should do, also he pays £3 a year for himself, £3 a year for his wife and £1 a year poll tax—that is £7 to Government. I wonder what the average white man would say if he

was taxed in proportion. The most the average free Indian farmer makes would not be above

£15 TO £20 A YEAR,

if that. It is true he has the alternative of going home at the end of his indenture, but often he has friends already settled here or not yet finished their indentures and perhaps is married to a wife who has still some years to run, so that he is bound down by ties which it may be difficult for him to break.

With regard to the few points about the Indian's life on the estates which I wish to bring forward, it is to be understood that I deal with the life of the actual field, mill and factory worker, and not the house servant whose lot is usually paradise compared with that of the former, and who is as a rule more or less well treated by his or her employer.

Now as to indentured labour from the point of view of one who has seen much of it; and one who takes the view that under the existing circumstances of the Indian Immigration Department, the present state of the average indentured Indian in Natal is

WORSE THAN SLAVERY.

Did only the general public at Home know as much about indentured Indian labour in Natal as they do, or think they do about the native and Chinaman, they would forget about the latter and raise their voices in a general outcry against the present state of affairs in this country and would do so with very good reason.

With regard to rights and wrongs of black versus white labour on estates, this letter has nothing to do, it is only desired that the public here should know that, if it is considered necessary that the indentured Indian should stay, then some radical change is required in the department which is supposed to look after and protect the Indians' interests.

THE RULING POWER.

The Indian Immigration Trust Board, which is the ruling power of the indentured system consists of at present seven employers, the Protector and one Government nominee. Until the last few months it consisted entirely of employers. Before going any further it can easily be seen when a matter beneficial to the Indians but somewhat prejudicial to the pockets of the employers is brought forward, how difficult it must be for such a matter to go through. The employer majority is 7 to 2 and human nature is human nature after all. Again, the Indian medical officers under whose care the estate Indians are, are under the Trust Board. That is, they are practically, and in some cases actually, under the employers in their own circles; this to the meanest observer is wrong. Under the present conditions it appears impossible to me that an Indian medical officer can do his duty conscientiously and live in peace with his employers. The Board should not be constituted as it is at present and the medical officers

should be placed under Government and be responsible to Government and no one else. Even then in some cases their lives may be made a burden to them if they dare to report cases of cruelty and the like, but the conditions would be somewhat better for them. I think if the commission, which I believe is to inquire into the question of indentured labour, were to obtain the letters of resignation sent by one I.M.O. to the Board, setting forth his reasons for resigning, they would gain from them some idea as to the conditions under which the Indians work and the difficulties which beset the medical officer. It is interesting to know that the Board did not refute the charges made in the said letters. In these letters reference was made to several abuses which existed then on the various estates in Natal. It was pointed out, however, that here and there, there are employers who do look upon the Indians in the light of human beings and treat them as such.

NO WAGES OR RATIONS.

Among the abuses pointed out were:—The subtraction of wages from sick Indians; that is, taking, for example a first year man with the munificent wage of 10s. per month, with perhaps a wife and child or children, and further supposing, as does occur, that he is ill for 20 days on the estate, the 6d. a day having been deducted from his pay at the end of that time he has no wages due to him and he must work the last ten days of the month for no wages at all, and if his wife is not working then the whole of that family has to live for a month on the rations of one man. Employers may deny this, but it does occur and managers if they cared or dared to do so would corroborate the above. In some cases it is certain that non-working sick Indians get no rations at all. Another abuse mentioned was the working of women with babies in the fields, exposed to all weathers, thus tending to promote disease among the children. Again during the winter it was the custom on one estate to give no work to these women and, of course, no rations or wages; these women were a fruitful source of trouble in the district, for reasons which need not be mentioned; they had no money or food and had to get it some way or other. Another glaring abuse was mentioned, namely, the sending of sick Indians into hospital

TOO LATE FOR RECOVERY.

The death rate for one hospital was 160 (about) from July, 1906, to the end of June, 1907, and among those deaths 20 (odd) died the same day is admitted, 30 (odd) within 24 hours and 40 (odd) belonged to two shiploads of Indians who ought never to have left Calcutta. Let me mention here again that I know several employers against whom there has never been any word of complaint, and whose treatment of their Indians is all that it should be and more. The

callousness of some employers and managers is appalling; they look upon their servants as animals and treat them rather worse than such. One manager struck an Indian woman on her side with a heavy stick when she was stooping, and so injured one of her ribs that part of it died, and she suffered for months and could not work. A sirdar struck a woman on the wrist with his stick and broke one of the bones, incapacitating her from work for weeks. Both these cases were reported to the estate owners but apparently nothing was done to the delinquents. One Indian complained to the medical officer that he had been

KNOCKED DOWN BY HIS MASTER and his leg severely injured. He was so enfeebled by this that he eventually succumbed to ankylostomiasis. It is only fair to say that the master was summoned but was discharged by the magistrate. One man on a certain estate committed suicide—the story was that he had been so ill-treated that he had nothing left but to hang himself. An Indian lay ill on this estate for about a month with dysentery and no medical man saw him. He died and a postmortem was held. The story was that he had been so unmercifully thrashed a month or so before that he had never recovered and had finally succumbed to dysentery. An Indian was brought into hospital from the same estate in a dying condition, and before death, and knowing he would die he complained of having had no attention at all for some days before the medical officer saw him on the estate, which he did on the day he was sent to hospital—the condition in which medical officer found him is given in detail in the medical officer's letter of resignation. Inquiries were held on all the three cases mentioned, and nothing came of them. As stated, the Indians are unwilling witnesses, and naturally! When I state here that one manager on this estate never went into the field without a revolver, apparently to protect himself from the Indians, it is easy to imagine what sort of treatment the Indians received. This manager has since left. A woman once went into hospital, a woman who had a serious illness and a severe operation performed upon her—showing stripes from a whip covering her thighs and legs, given, she said by her master, because she could not work. One master, I am told, chained and handcuffed one of his Indians for some moral offence. The Indian managed to crawl away at night and threw himself into a pond and

DROWNED HIMSELF,

preferring death to his awful life in Natal. I am told his master was fined £20. (This case is on the records.—Ed., "N.A.") The medical officer once visited an estate and found there an old man suffering from dysentery, and who had had no treatment, he said, for several days. The employers begged the medical officer to allow them to treat the man at

home, urging the awful expense at hospital (1s. per diem!) The medical officer allowed them to do so on the understanding that he should be sent to hospital in a day or two if no better. The next intimation the medical officer had was that he was dead, a week or so later. The medical treatment on the estates is absolutely wrong—the West Indian method is the only one suitable. Some employers fondly imagine they can treat every known disease. On one estate the death rate of children was very high indeed—often enough the only intimation that the Indian medical officer had as to children being ill was the request from the manager for death certificates. As to medical officer's reporting such cases, the above manager, after repeated requests not to do as he was doing, was reported to the Protector, with the result that the manager met the medical officer, abused him, and threatened to send for him for every case of ordinary sickness on his estate. The case of the injured leg was reported to the Protector, and the managing director of the company went up to the hospital and

ROUNDLY ABUSED THE MEDICAL OFFICER

for having dared to report the case to the Protector. Some employers prefer women; they are inexpensive, can be treated with more impunity than the men, and do quite two-thirds as much work. Another pleasing spectacle is to wait by the weighing machines and watch the women struggling home with their heavy loads, and if they are a few pounds under weight down comes the sjambok on unprotected head and quivering shoulders, while a torrent of abuse is poured out upon them. Some overseers imagine they can do nothing with Indians unless they shout at them. I cannot find words to express my opinion of the present condition of things. I know this, that for the average Natalian, or Home-born either, to have charge of Indians who are practically completely at his mercy is to kill what decent instincts he had and turn him into a cruel and remorseless slave driver, for it is slavery and nothing else. It may be argued that many Indians re-indenture; so they do, but as a rule chiefly in decently conducted estates. Another crying evil is the working of young children in tea factories. Some philanthropist should pay a surprise visit to some factories and inquire as to the age of the children working there. The hours of labour—nine hours a day—are not adhered to. A case was tried the other day, in which it was proved that the Indians were worked more than 11 hours a day. Most estates do the same. On one estate I believe the women used to leave their barracks about 5 a.m., walk three miles through sand, start work before sunrise, and get home again after dark, too tired to cook their own or husband's food—too tired to do

anything but sleep. At one time certain estates actually deducted from their wages the train fare to hospital.

And now as to the condition of the Indians when they land in this country. Owing possibly to the non provision by Government of sufficient inspectors Indians do enter this country with malaria, leprosy, phthisis, tuberculosis, venereal disease, and last, but not least, ankylostomiasis. At one time two shiploads of Indians entered this Colony of whom, I believe, a number died in a few months, chiefly from ankylostomiasis and its complications. Let this disease once get amongst the natives, and where is the labour supply for either here or the Transvaal coming from? I understand that a great number of the Indians now entering this country have the disease. Further, I have heard of two white cases—little children. It is a loathsome and

APPALLING DISEASE

and God forbid that it should get among the whites. I understand that the matter is being brought before Government. I wonder if the general public know how many of their Indian cooks and servants are suffering from venereal diseases. The best remedy for all the foregoing is to stop the indentured system altogether. That not being possible, and I really fail to see at present who is to take the indentured Indian's place, then a more rigorous examination should be instituted in Calcutta and Durban. No cases of disease should be allowed to land, or, if they do land, should not be discharged from depôt until absolutely cured. I remember one case where an I.M.O., riding home from an estate visit, found a little body of Indians surrounding the prone form of a young Indian girl. On inquiry it was found that she had that morning left the depôt, had travelled some 50 miles by train, and then had struggled along the road for about seven miles and a terribly hilly road at that, and had finally collapsed. She was found to be suffering from the most severe anæmia, and she died later in hospital—her end hastened by her appalling exertions. Imagine the agony of that poor girl as she struggled along the road, absolutely unfit for anything but bed. The truth is the depôt gets overcrowded, and the authorities probably did not know how far she would have to walk.

The indentured Indians should be taken over by Government.

THE INDIAN MEDICAL OFFICERS should be placed under Government, and I think it would be better if they were paid a much higher salary: their present salaries are absurd, and that they should do nothing else but estate and hospital work, which would make them absolutely independent. It is naturally hard for an M.O. to report say a personal friend or patient of his own. More hospitals should be built, and the central hospitals enlarged. Trained coloured nurses should be provided, and a white or

coloured matron to each central hospital. To pay for this, the hospital fees could be increased slightly, and if necessary, the instalments.

As a certain amount of proof for the assertions given concerning the Indians and their treatment, take the answer to Mr. Haggard's questions in the House. Three employers had their Indians taken away from them in the last year, and three were threatened. Also see the reasons given by the Protector for the non-admission of medical officers' reports in the last year book. If more is required concerning ill-treatment of the Indians the cases brought forward by the Protector, or at his instigation, against the employers during the last year or so will help considerably.

In conclusion I hope this letter will help a little towards ameliorating the lot of the wretched indentured Indians and with regard to the cases of ill-treatment given above, "those whom the cap fits let them wear it."

"ONE WHO KNOWS."

"The Flag of Injustice"

The following letter from young Hassan Dawad is worthy of perusal by every well-wisher of the Empire:—

I never felt so happy as I did on the 9th of September to receive the news of my father's incarceration, by the Transvaal Barbarous Government. Indeed, I am very proud to-day to have such a father. Sorry I am not there to join you all. Our hero, Mr. Ritch, is very busy. We expect to have a mass meeting shortly. Lord Amphill and others are doing their utmost to open the eyes of this sleeping Government. The time has arrived when this Parliament ought to intervene. We have suffered in patience and now we cannot endure it any longer. We have only one course open to us and that is we must face these people. We must put our faith in the Creator and fight to the end. We are bound to win the fight—the fight of Truth. There is nothing under the sun that can extinguish the Torch of Truth. I am very much perplexed. I cannot make out what has become of the promises under the Proclamation of 1857—Our Magna Charta. What about the words of Lord Salisbury? What has become of the British traditions? Still there is nothing that puzzles me more than the beautiful lines of Cowper when the great poet says: "Slaves cannot breathe in England; if their lungs receive our air, that moment they are free. They touch our country and their shackles fall." Of course we are not slaves—but we are treated worse than slaves by this Government. I myself have abandoned all hope in this British Government. The Indians are not slaves as these people think, for our ancestors were civilised when these people were wandering in the forests of Europe. British rule has gone

beyond its limit. It has lost its brightness that had once dazzled the world. Now it has hoisted the "Flag of Injustice" which means, in the words of the great statesman, Lord Salisbury, her ruin. I most emphatically declare that if this existing policy is continued longer, then it must end in the destruction of this mighty Empire. I cannot write any longer; it makes my blood boil.

P.S. Excuse me for writing this letter in the extreme, but I cannot control my feelings. If you happen to see my father, Mr. Rustonjee, Mr. Anglia, etc., please give them my love and tell them I am praying that the Almighty may give them courage to suffer for their country.

Mr. Gandhi Re-arrested

With Fifteen Others

On Tuesday evening Mr. M. K. Gandhi left Durban by the Johannesburg mail train, accompanied by the following gentlemen:—

Messrs. Mawji K. Kothari, Ratanji Mulji Sodha, Kaghawji Rugnath Mehta, Ravikrishna Talwantsing, Damodar Dulabh, Pakeeree Naidoo, Lala Nath, Vasan Lala, Mulji Ratanji, Morar Makan, Hira Mulji, Lachman Vartachalan, and Karsan Jogi.

All the above, with the exception of Mr. Ravikrishna Talwantsing who claims the right of entry under the Immigration Act, are pre-war residents.

On the arrival at Volksrust they were detained, pending instructions from Pretoria.

The *Stars* Pretoria correspondent writes:

Wednesday.—Upon Mr. Gandhi returning to the Transvaal from Durban he was this morning arrested at Volksrust. I understand from a reliable source that no charge has been definitely framed, but it is stated a most serious charge will be preferred against him.

HISTORY REPEATS ITSELF. Even from the point of view of their own interests, it is well for a ruling caste to make concessions in time. Men who at one time would have been satisfied with an instalment of justice, after the contest has begun will demand full measure. This has been shewn over and over again in history. With reference to the Transvaal Mr. Cook writes: "It was a case in which a little reform would have staved off all fear of revolution, and war. What Burke said of reforms in our country was eminently true also of the Transvaal (India): 'All things which came should issue as a gift of her bounty and beneficence rather than as claims recovered against struggling litigants' so that the gifts 'should appear the salutary provisions of your wisdom and foresight, not as things wrung from you with your blood by the cruel grip of a rigid necessity.'—*Indian People.*

Not Allowed to Land

Transvaal Indians Detained at Durban

On the 1st instant the *S.S. Gouverneur* arrived at Durban bringing several Indians in transit for the Transvaal. The Congress officials met the boat, but they were not allowed to speak with the passengers. They were informed by the Immigration Officer that the passengers would not be allowed to land because they refused to comply with certain requirements of the new Asiatic Act of the Transvaal. The passengers were therefore removed to the detention hulk. The Indians sought to obtain legal advice but were refused.

Mr. Gandhi, who had come to Durban, for the purpose of meeting the party, intervened, and instructed Mr. Romer Robinson to apply to the Chief Magistrate, on behalf of nine members of the party, for an order interdicting the Principal Immigration Restriction Officer from deporting, or causing to be deported, from the Colony certain Indians now detained at the detention hulk at the Point, Durban, and also for an order directing the said officer to grant permission to Mr. Romer Robinson, as legal adviser to the said Indians, to interview them on board the said detention hulk or elsewhere.

The application was brought before the Chief Magistrate, Mr. Percy Binns, K.C., on the 5th instant.

Mr. Robinson put in the following affidavit in support of the application: That certain Indians arrived at this port last week per *S.S. Gouverneur*, en route to the Transvaal. That on the said vessel's arrival at the wharf the said Indians were removed by the Principal Immigration Restriction Officer from said vessel to the detention hulk at the Point, and they have been on board since. That I verily believe said Indians are duly qualified to enter the Transvaal. That hitherto the practice has been to issue visiting passes to such Indians to enable them to pass through this Colony. That in the present case such visiting passes have been refused, and the reason for such refusal is stated by the said Principal Immigration Officer to be as follows in a letter written by him to me: "The refusal to issue visiting passes to them is based on an official intimation conveyed to me that they have expressed their unwillingness to comply with the requirements of the neighbouring Colony to which they are destined." That I am instructed to take legal proceedings to test the validity of the Principal Immigration Restriction Officer's ruling, and to obtain relief from the Court on behalf of such Indians. That the said Principal Immigration Restriction Officer personally informed me that the said Indians would be sent back by the vessel they had arrived by. That said vessel leaves to-day. That the said Principal Immigration Restriction Officer has also refused to

allow me on board said detention hulk to interview said Indians as their legal adviser in connection with said legal proceedings. That said Indians will suffer serious damage if they are deported. That I, therefore, pray for an order (1) interdicting the said Principal Immigration Restriction Officer from deporting, or causing to be deported, from this Colony the said Indians, pending legal proceedings to be taken on their behalf; (2) granting permission to Mr. Romer Robinson, of Durban, solicitor, as legal adviser to such Indians, to have access to and interviews with the said Indians in connection with legal proceedings to be taken by them against the Principal Immigration Restriction Officer.

After hearing Mr. Robinson, the Chief Magistrate granted the following order:—

"That the Principal Immigration Restriction Officer be and he is hereby interdicted, until further order, from deporting the applicants:—viz: Ismail Amod Mamee, and Mrs. Mamee, his wife; Adam Essop; Moosa Hassan; Essopjee Hassam Choonara; Hassan Amod; Essop Ebrahim; Suleman Ismail and Asmal Ebrahim,—from this Colony. This order is granted subject to the applicants giving security to the satisfaction of the Clerk of Court for the cost of the maintenance of the applicants by the Government during the period of their detention by the Government pending the testing of their rights in the Courts of Law of this Colony, and for a period not exceeding six weeks from date."

The required security was at once supplied by the Congress, who will undertake the responsibility of feeding the passengers during their detention.

Supreme Court Decision

In the Supreme Court this (Thursday) morning, says the *Times of Natal*, before a Full Bench, Mr. Hime appeared for the applicants in *J. A. Mamee and others v. the Indian Immigration Restriction Officer*. Mr. Bird appeared for the respondent.

It appeared that the applicants were immigrants who had been refused permission to land, and who were at present on the detention ship at Durban. It was stated that they wished to obtain access to their legal adviser, and that one, a woman, was on the point of confinement, and should be sent ashore for proper treatment.

Mr. Bird argued that the Indians had no right to land, and that it would be inexpedient, in view of the present agitation in the Transvaal, to allow them ashore. The object of these people was to get into the Transvaal, and it was desired by that Government that immigrants should be stopped at the port. He argued the political aspect of the case. The detention ship was a yacht, or a house boat, or some pleasure craft, which had been bought by the Government for the special purpose, and the woman had more comfortable quarters

there that she had on the immigration ship. He had evidence that the woman had most commodious quarters on the lighter.

Mr. Justice Broome: I thought it was a yacht.

Mr. Bird: Well—

The Chief Justice: There seems to me to be a lot of difference. I would not call a lighter a yacht. Have you ever been in a lighter, Mr. Bird?

Mr. Bird: No, my Lord. This craft was built by a Durban gentleman for pleasure purpose, and was purchased by the Government.

Mr. Bird further argued that he had medical evidence that the woman's confinement would not take place for a month or more. The officer would have allowed her to land had that been necessary.

The Chief Justice said: This matter must be decided by us altogether apart from political considerations. We are here to administer law. It is an elementary principle of our law that a person shall have access to his legal adviser, subject to proper regulations and precautions, and I am surprised that any difficulty whatever should be put in the way of these persons conferring with Mr. Romer Robinson. It has been suggested that he could have been communicated with by letter, but that is a very unsatisfactory way of doing it. They have the right, as British subjects and as men, or they may be advised as to whether they have any rights or not. There can be no objection, and the order must go as regards that part of the application. They have an undoubted right to see their legal adviser, subject to certain conditions. As to the second part of the application, I am not satisfied that the confinement of the woman is imminent, or that it may take place prematurely. I am told that the ship is a comfortable one, that the woman has plenty of accommodation, and that she has already seen a medical man. It is said that there is no woman on the ship, and I think the Government will be well advised to have someone on board who can render such assistance as may be necessary. I am not satisfied that there is any necessity for the woman to be landed at present. If that necessity arises, I hope that, without any order of this Court, every arrangement will be made for proper treatment of the woman. By our order we should do nothing to disturb the *status quo*. We are not in a position, nor are we asked to consider whether or not these people have any right to land, either as visitors or as permanent residents. The application will be granted as regards access to the legal advisers, but not as regards the landing of the woman.

On the question of costs, his Lordship said: The Immigration Restriction Officer was only carrying out the instructions of the Government. I see no reason to impose this liability, or, I may say, reflection upon him, but I think the applicants are entitled to

costs, and that the Government should pay those costs. Costs will be given against the Government.

The Bench concurred.

Notes on the struggle

Registration

The Registration Office has been open at Von Brandis Square since Thursday, the 1st instant. During this period, a very few ignorant men, unable to understand or willing to listen to the pickets, are supposed to have made application for registration under the new act. These incidents are unpleasant, but they are not altogether unexpected. It is hoped that, if the suspicion of the community is correct, the example set by these unfortunate men will act as a warning to their fellow countrymen.

The Pickets

The names of the pickets stationed on Von Brandis Square and guarding the Licensing Offices in Market Square are as follows:—

C. K. T. Naidoo (chief picket), N. A. Cama (Inspector), Imam Abdul Kadir Bawazeer, R. K. Naidoo, N. M. Naidoo, M. E. Kunke, S. Ariaputhran Moodaly, G. P. Vyas, H. M. Gandhi, Mahomed Khan, Naunmian, C. V. Moodaly, R. M. R. Moodaly, S. R. Pillay, C. K. Moodaly, R. S. Naidoo, S. V. Padayachy, S. V. G. Padayachy, K. K. Samy Naigar, R. S. Padayachy, V. R. Naidoo, S. R. Naidoo, N. T. Moodaly, A. V. Chetty, T. C. Moodaly, A. S. Moodaly, N. T. Chetty, A. A. Moodaly, R. R. Naidoo, N. S. Pillay, V. A. Padayachy, R. D. G. Chetty, M. R. Naidoo, V. R. Padayachy, Mulji Patel, S. Velayadom, Usop Issop, Omarji Sale, Vallabhram, and Jeevanjee Taveria.

The Diet Question

The Rev. Mr. Doke, that good and true-hearted Christian gentleman, has again flung himself into the breach in regard to the diet question. The following letter from his pen appeared in the *Leader* on Saturday last:—

Sir,—I have before me evidence that in some of our gaols the Indian prisoners are being treated with needless severity. They are willing to suffer what the law justly enforces, as the penalty of passive resistance, and their friends cannot object to it; but, I protest with all my heart against their being subjected to cruelty which was never contemplated in the sentences passed on them.

The diet scale differs in different Transvaal prisons. Why this should be so no one has been able to explain. In one, for instance, ghee, or clarified butter, is mixed with the crushed mealies—a necessary and healthy combination—but in another prison the mixture administered is crushed mealies and animal fat. Number of Indian prisoners—that is, the Hindus—are abstainers, on religious grounds, from all animal food, and they would rather die than touch it. The other

portion, the Mahomedans, are not allowed by their religion to take animal food unless it is "Kosher"—that is, ritually killed. For all these people animal fat is an abomination. Yet in Pretoria this abomination is systematically cooked with their food instead of the ghee which is supplied at our Fort. And the shameful part of it is that the Government refuses to make any alteration, and to bring Pretoria into line with the Fort. I will not believe our Government has embarked on a policy of starving the Indians into submission; that would be alike savage and cowardly; but no one can marvel if the Indians themselves believe it.

Imperialism?

Under the above heading the *Leader* of the 6th instant writes:—

The cable news points to tension, if not acute crisis, in one of the storm-centres of Europe, and there is evidence on every side that the Eastern peoples are seriously astir, politically. At such a time, especially, one would imagine that leaders of political thought in the Colonies would allow nothing but the sternest necessities of the nation to lead them to antagonise fellow-subjects of the Eastern races. Can anybody conscientiously say that this is the spirit in which this country is acting in regard to the British Indians? To us all the present bitterness, the humiliations we are heaping on a sensitive race, seem unnecessary, and—we will not say unimperial even, but—subversive no interest of this Colony. We are all at one that there shall be no irruption of Indians. The Indian Leaders do not ask for it. They ask that their race shall not be specially legislated against, and they have offered either to leave the admission of their educated men to the discretion of the Government or to be content with the admission of not more than six men in any one year—not cumulatively—under the stiffest test the Government can set. They had this right, formerly, under the Immigration Law, and the demand that they surrender this right is, as Lord Ampthill is right in contending, and as *The Times* and the *Star* are wrong in denying, a new point brought forward not by them, but by General Smuts. This principle of the limitation of number is working well between Canada and Japan; it is applied in Australia and New Zealand in the sense of limiting the number of Asiatics per ship; it is applied by Russia to her Jewish population in regard to admission to the Army. We suppose that no sane person will deny that a community is better for the presence of educated people, or that educated Asiatics must be fairer trade competitors, because of their added wants, than illiterate men. Instead of accepting a reasonable and workable compromise, the Government is resorting to methods—treating political prisoners as felons and riding over re-

ligious susceptibilities roughshod—to read of which ought to make every right-minded man and woman share the feeling of indignation expressed by Canon Berry this morning.

A Cable to England

The British Indian Association last week cabled to the South Africa British Indian Committee in London:—

"Fifty-eight Indians prosecuted Komatiëpoort Immigration Act read with new Act account entering Colony without making application outside the Colony under latter. All possessed Peace Preservation permits, Milner registrations, or other authority enter. All long domiciled Transvaal, just returned visit India. Sentenced two months or twenty-five additional deportation order, notwithstanding right under unrepealed Asiatic Act apply registration eight days after entering. Seventeen minors, average age eleven. Children aforesaid detained. Community infuriated old residents their children treated prohibited immigrants. Large interests at stake. People ought not be deported. Community firm repeal old Act provision free entry cultured Indians under strictest administrative test. Immense suffering anticipated."

The Komatiëpoort Atrocities

The story told by Messrs. Essop Mia and Polak in regard to the terrible cruelties inflicted upon unoffending British Indians, men, women, and children, has aroused intense indignation in many quarters amongst the European section of the Transvaal community. Doubtless, you will find space elsewhere in your issue for which these notes are intended for the full report of what has happened, together with the comments made by the press (the *Mail* headed Mr. Polak's letter "The Black Hole of Komatië"), and those whose indignation has compelled them to voice their feelings in no measured terms. The Indian community is revolted at what has happened, and a feeling of bitterest exasperation exists, now compelling the Transvaal Indians to fight this matter out to the bitter end.

More Hawkers Prosecuted

At Randfontein, Johannesburg, and Boksburg, Indian hawkers without licences have been prosecuted during the last few days, and have been sentenced in the usual manner. As the *Star* reporter has remarked, they have, in the true spirit of passive resistance, preferred to go to gaol rather than pay the fines. It is not very likely that many such prosecutions will be made within the next few days, owing to the fortnight's grace that is allowed, as a matter of practice, by the Municipalities, for the taking out of new, or the renewal of existing, licences for the last quarter of the year.

Lord Ampthill's Letter

To 'The Times'

We reproduce below Lord Ampt-
hill's letter in full:—

Sir,—I trust that you will once
more be good enough to accord me a
place in your columns for the pur-
pose of making a few observations in
regard to the present position of
British Indians in the Transvaal.

In view of your attitude on pre-
vious occasions, I cannot doubt that
you regard with grave concern the
failure of the "compromise" between
the Transvaal Government and the
Indians in the colony, which was the
occasion of so much relief and grati-
fication at a period of awkward ten-
sion in February of this year. Nor
can I doubt that, in your future
pronouncements on this question of
vital importance to the Empire, you
will carefully examine the causes of
the failure before you attribute blame
to either party. Your Correspondent
at Johannesburg, in a message pub-
lished in your issue of the 24th ulto.,
took a view which seemed to me not
only unfair, but also very much at
variance with the facts; and I am
anxious, if possible, to correct the
erroneous impression which that
message must have created among
those of your readers who have not
had the opportunity of paying special
attention to the question.

Your Correspondent wrote:—

The issue now raised between the
Asiatics and the Government has been
the real issue throughout the whole
controversy—namely, the claim of Asia-
tics to enter and reside subject to no
discrimination in comparison with
Europeans. Their objection to finger-
prints was only the ostensible ground of
the controversy last year.

I can only say that a more bare-
faced attempt to pass off a prejudiced
and mistaken opinion as a statement
of fact has seldom been made.

The Indians have never disputed,
and have over and over again, ad-
mitted, not only the right, but also
the duty of the Colonial Government
to restrict Indian immigration. I
could prove this by a hundred
quotations if you could give me the
space; but it has been explained
over and over again. Their objection
to identification by finger-prints was
merely incidental compared to their
dislike of the whole principle under-
lying the Act, which they felt to be
degrading and insulting to their com-
munity; and, even so, it was an
objection rather to the particular
method which had been selected by
the Transvaal Government than to
the system as such. The method
adopted was, strangely enough, that
which is confined to criminals in
India, and not one of the other
methods of finger-print identification
which are used for pensioners and
other respectable classes and which
have been proved to be equally effec-
tive. The peculiar objects and neces-

sities of the criminal system are
obvious to all those who know any-
thing at all about the system.

Now, as regards the "compro-
mise," which has failed, I desire to
explain the position without any
lengthy detail, in order that it may
be comprehensible to all.

The "compromise" was an agree-
ment to the effect that the Asiatic
Registration Law would be repealed
if the Indians submitted voluntarily
to re-registration. The Indians at
once fulfilled their part of this com-
pact, but the Registration Law has
not yet been repealed; and it ap-
pears that General Smuts, the Colo-
nial Secretary, is seeking to impose a
new condition, which formed no part
of the compromise, upon the fulfil-
ment of his own part of the agree-
ment. Whether or not it is fair for
one party to impose additional terms
on a bargain in which the other party
have already performed their under-
taking is a matter of which any rea-
sonable man can judge. It is true
that General Smuts denies that he
promised repeal, but it is equally
certain that the Indians would not
have made the agreement except on
that understanding, and the least that
can be said is that they had ample
reasons to feel sure that repeal had
been promised. The additional price
which is now asked for repeal is that
the Indians in the Transvaal are to
agree to the total exclusion of natives
of India in the future. In other
words, they are asked to be parties to
an indignity offered to their country-
men and to consent to their own
gradual extinction. I must explain
that the total exclusion of Indians,
irrespective of their education, means,
and occupation, would mean that the
Indian community in the Transvaal
would be deprived of the priests they
require for their spiritual needs, of
medical men of their own race, of the
lawyers whose services are indispens-
able to them, and of the servants,
without whom they could not carry
on their business.

Such, briefly, is the present situa-
tion concerning which I have been at
pains to obtain accurate information.
I leave it to those who may happen
to read this letter (if you should do
me the honour of publishing it) to
judge whether the Indian community
in the Transvaal can fairly be blamed
for the present deplorable revival of
a situation which cannot fail to injure
the prestige of British rule in India.

Canada has shown us what can be
done where there is statesmanship
and sufficient political development
to appreciate the vital importance
of Imperial unity. Nothing is more
likely to conduce to a belief in this
country that the Transvaal is not fit
for self-government than a persistence
of the neglect to recognize Imperial
duty and necessity for which politicians
in that colony seem to be culpable.

The colonists can no longer com-
plain that we do not see their point
of view; discussions in the Imperial

Parliament have amply proved that
reasonable and responsible men of all
parties agree that Asiatic immigration
to the Colonies must be restricted,
and that the rights of property of the
white man must be protected. But
rights of property, whether they be
those of individuals or communities,
do not absolve the owners from the
obligations of good faith, respect of
prescriptive rights, fair treatment of
tenants or neighbours, and regard for
the general peace and security of the
larger entity which contains and
protects their domains.

What we ask of the Transvaal, then,
is that she should not forget that, as
a member of the Empire, she enjoys
advantages which involve correspon-
ding duties.

I am Sir, your obedient servant,
AMPTHILL

Milton Ernest Hall,
Bedford, September 7.

Natal and Asiatics

National Convention Problems

A correspondent in the *Transvaal
Leader* says:—

Nothing could be more unfortun-
ate, more certain to lead to disappoint-
ment, than for each State to enter
the negotiations at the National Con-
vention only prepared to view matters
from its own standpoint. Hence it
behooves us to enquire into and consid-
er the views of our neighbours, partic-
ularly upon those points which prom-
ise the greatest divergence of opinion,
the greatest conflict of interests.
Take, for instance, the Asiatic prob-
lem, embracing the employment of
Asiatics in industries. The Transvaal
has decided against Asiatics. Soon
we shall have seen the last of the
Chinese. Some of our industrialists
complain of competition from coast
industries in which Asiatics are em-
ployed, and would like to see such
industries penalised, if, in their turn,
they do not get rid of the Asiatic ele-
ment. What has Natal to say?
Natal industrialists aver that there are
now many thousands of Natal-born
Indians. That these have been edu-
cated, and are many of them thereby
rendered unfit for plantation field work.
That they are now as much South
African British subjects as the natives
themselves. That they cannot be
prevented from taking employment for
which they may be suited. That
without their local manufacturers, who
have to pay skilled whites far higher
wages than are paid in Europe, could
not average down their total wage-bills
to within economic limits, especially
as the classes of white learners, ap-
prentices and labourers employed in
Britain to average down the manufac-
turer's wage-bill are not obtainable in
Natal. Consequently, if the Natal-
born Indian is not to be employed on
work for which the native by inferior
intelligence, by distaste for constant
employment, by lack of manual dest-

ness, is unsuitable; it would mean the closing down of such industries; with the result that the many whites now employed therein would lose their employment, and the money now spent locally in wages, etc., would, as formerly, be sent out of the country to purchase the products no longer made in the country, to the loss of circulation of so much cash, and to the loss of revenue derived from the imports now purchased by the workers who would leave the country. The loss of so much money would also be a drain upon the available capital in the country. To deprive the Natal-born Indian of a free market for his labour, moreover, it is argued, would be a species of tyranny for which there is no precedent within the Empire. If such a thing were conceivable as penalising Natal industries in which Natal-born Indians are employed, then Cape industries in which Malays are employed would have to be penalised. Bear in mind that, while Natal has a mixed and coloured (including Asiatic) population of 107,604, the Cape has 405,276, or four times as many as Natal. Further, that a large proportion of the Natal 107,604, is of the indentured class, and therefore confined to field work; whereas the mixed and coloured 405,276 of the Cape are all free to work in industries if they please. Hence any attack upon Natal industries in this connection would also have to include an attack upon Cape industries, and would be combated by both.

The Natal Government is introducing legislation with a view to putting an end to the further importation of indentured Indians, and in doing so it is endeavouring to meet South African public opinion, at the cost of alienating the good will of some of its own people, though probably the majority of people, even in Natal, thoroughly approve of stopping further Indian immigration. As the Indian Government will not consent to free Indians being shipped back against their will to India, it is useless to think of emptying the country of Indians in the way the Transvaal has relieved itself of the Chinese. The stoppage of further immigration, therefore, appears to be the utmost that can be expected in all the circumstances. The only other way whereby Asiatic competition may be removed is that of compensation and voluntary departure; but is this likely of acceptance by our taxpayers, by the British taxpayer (if he be appealed to), or by the Asiatics themselves? From all this it would appear that, even under Closer Union, we must be prepared, however reluctantly, to see certain industries confined to those parts of South Africa in which the local conditions offer advantages not possessed by other parts.

INDIA MAIL.—For Colombo and Calcutta, per S.S. *Umbloti*, until 9-20 A.M., Wednesday, October 14.

A Strange Perversion of Justice

Mr. Javerbhai Randeree's Case

Mr. Javerbhai Randeree, who was arrested by Superintendent Vernon, as he set foot outside the gaol-gates, on Wednesday morning, the 30th ulto., for failing to produce a registration certificate under the old Act upon demand, has been remanded from day to day until, last Tuesday afternoon, when the case came on for hearing. Mr. Javerbhai had been admitted to bail of £25, but, as a passive resister against the Asiatic Act, he had unselfishly refused to avail himself of this right. When he was brought before Mr. Jordan on Tuesday, Mr. Polak appearing on his behalf, Mr. Cramer, the Prosecutor, announced that it was the intention to prosecute him as a prohibited immigrant, as he had failed to obey an order to leave the Colony after his temporary permit had expired. It was argued that he was not a resident of the Colony, but only on a visit. Mr. Polak pointed out, in reply, that Mr. Javerbhai was released from gaol on the 30th ulto., nine days after the new Act, No. 36 of 1908, came into force. He was at that time resident in the Colony, and the express provisions of the new Act made it compulsory upon him to apply for registration under it at the time and place appointed by law, under heavy penalties. Mr. Polak contended that his client could not be regarded as a prohibited immigrant, so long as he had this right, which was also a necessity. The question of this eligibility for registration did not arise at that point. That was a question to be primarily decided by the Registrar of Asiatics and, in the event of that official giving an unfavourable decision, an Asiatic applicant had the right to appeal to a Magistrate appointed under the Law, and from that Magistrate to the Supreme Court. He could only be dealt with as a prohibited immigrant under the new Act, if he, having been refused a registration certificate, did not avail himself within the statutory time of his rights of appeal, or his appeal had been rejected. Mr. Jordan thought that the point raised was a very nice one. He thought that there was a great deal in Mr. Polak's argument, and said that he would reserve judgment on the exception raised till Friday. Mr. Polak took the opportunity of protesting against the arrest of Mr. Javerbhai immediately on his release from gaol, without leaving him a minute's breathing-space as a free man, and also against his having been kept under detention for 7 days without knowing what the charge against him was. He was arrested on one charge, and was now to be tried on another. Mr. Polak characterised this procedure as monstrous and a shameful thing, and he entered an emphatic protest against it.

Latest Telegrams from the Transvaal

Volkstrust, Thursday.

Mr. Gandhi and 15 others who were detained here yesterday were brought before the Magistrate and remanded to next Wednesday. No charge is framed yet. The bail was fixed at £50 each, but no one availed himself of the privilege.

Messrs Bhikha Kalian, Jhinabhai Vallabhbhai, and Mahomed Hoosen, who were recently sentenced here under the new Act, will be deported to-morrow.

The Gaol is overcrowded. The Authorities, expecting that over one hundred Indians have entrained, are erecting marquees and tents to accommodate the overflow.

The men who are to be deported to-morrow are the victims of a miscarriage of justice as they were sentenced under the new Act before proper Notice had appeared in the *Gazette*, but the spirit of passive resistance to the Act forbids them to appeal.

THE SWAMI'S RECEPTION. A large gathering met at the Congress Hall, Durban, on Thursday evening, to do honour to Swami Shankeranand. About 1000 people were present, and amongst the audience were several European members of the Theosophical Society. An address of welcome was presented to the Swami by Mr. R. R. Moodley, Chairman of the Reception Committee. As the report reaches us at a very late hour, we are reluctantly compelled to hold over the full report of the proceedings until next week.

THE SWAMI AT PHOENIX. Last Monday Swami Shankeranand spent the night at Phoenix and gave a short religious address in English and Hindi which was greatly appreciated by his hearers.

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