



No. 2—VOL. XI.

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STILL MORE SCANDALS

THE notorious circular relating to the wives of resident Indians, coming to Natal to join their husbands, is creating more trouble daily. The instances are those of the wives of Mr. Cassim Agjee and Mr. Ameappan, who arrived in Durban 30th ultimo. The circumstances of each case briefly as follows.

Agjee lost his wife at Malvern about 18 months and he was united at Congella in the presence of leading members of the Mahomedan section of Indian community, to whom Mr. Agjee and his affairs have been known intimately since his arrival in South Africa 23 years ago. Having two young children, with no one to look after them, he decided to return to India to re-marry, and announced his intention to his friends. He left for India, taking with him two minor children, last January, and left a letter of attorney with his friend, Mr. E. M. Paruk, at Durban, Chairman of the Red-Crescent Society. He died about 8 months ago, in the presence of his friends, and according to Mahomedan law, he bequeathed his friends here of the fact, and in Durban Mr. Paruk. Deciding to return to Natal with his wife, he went to the Surat District Magistrate, to whom and his family affairs were personally known, together with his wife and two friends who were present at the marriage. The Magistrate satisfied himself that the marriage of the two parties had actually been consummated, and issued a certificate to that effect, upon which were impressed the wife's thumb-prints. He proceeded to Natal, with his wife and children, by the s.s. *Umlass*, on the 30th ultimo. Upon his arrival he declared the facts to the Immigration Officer, who also gave the Magistrate's certificate. This was subsequently supplemented by affidavits by Mr. Paruk and other leading members of the community, attesting to the fact that they knew that Mr. Agjee had a wife and that, from the information that they received and what they knew of his family affairs, they were assured that the lady named by him as his wife, in fact, his wife.

These representations, however, were of no avail. The Immigration Officer declared that he would not issue a visiting pass, as the provisions of the circular, to which reference has already been made in these columns, had not been complied with and the evidence before him was not adequately taken its place. Asked whether he would issue her on a visiting pass, to enable her husband to produce further evidence, he declined to do so. Asked whether, in the event the weather was most inclement, she was to be allowed to board, and the vessel had to go to East London to discharge cargo and then return to Durban, he would issue a visiting pass until the vessel was due to leave India, the husband and friends offering to pay for her due production before him when she arrived in Durban. Mr. Agjee had, therefore,

no other alternative than to apply to the Supreme Court for an interdict to prevent his wife's deportation as a prohibited immigrant, and to enable him to produce further evidence.

The other case, that of Mr. Ameappan, is, in some respects, even harder. He was brought to Natal as a child many years ago by his parents, who arrived under indenture. About ten years ago he married in the Colony, and, with his father, he paid a visit to relatives in India between two and three years ago. He received, whilst there, news of his wife's infidelity, and, at the request of his father, re-married according to Hindu rites. He returned to South Africa and shortly afterwards went back to India, and whilst there a son was born to him. He then returned once more to South Africa, and, wishing to have his wife and child with him, he sought legal advice, and was informed that he should first procure a divorce in Natal from his first wife. He obtained a provisional order of divorce on the 27th August last, to become final on the 27th December. He went to India, and returned on the 30th ultimo, by the s.s. *Umlass* together with his wife and infant child. The wife and child were refused admission, although a Magistrate's certificate was produced, certifying to the marriage in India, and a certificate of divorce, as to the first wife, filed with the Chief Immigration Officer.

It appears that the attitude adopted by this official in effect, is that no other evidence, save that set forth in the circular, and whose provisions are in no way mandatory, will satisfy him. He does not expressly say so, indeed, but, when asked to suggest what other evidence should be produced for his satisfaction, he replies that he is at the end of his resources. The manner of the officer may differ with the person filling the office, but the matter remains the same, and it is shrewdly suspected in the community that he acts on the tacit, if not the actual, instructions of his official superiors at Pretoria.

The Hon. Gokhale Reception Committee, Durban, on the 3rd instant, sent a long telegram to the Minister of the Interior, setting forth the details as above, and reminding the Minister of the understanding with Mr. Gokhale that the administration of the immigration laws would be humane. The Committee requested an early reply so as to allay the rising feeling in the community whose religious susceptibilities were deeply injured.

In reply the Acting Secretary for the Interior said that the matter was receiving attention.

The Dayal Case

[BY TELEGRAPH] Volksrust, Thursday.
Messrs. Bhawari Dayal and Devi Dayal, with their wives, who landed at Durban recently on an interdict of the Supreme Court to enable them to apply for

Registration in the Transvaal, and given visiting passes, were refused by the Chief Immigration Officer renewal of these beyond the 7th instant although, on instructions from the Registrar of Asiatics, he had formally taken their applications the day before, which had not then reached the Registrar for consideration. He declared that the interdict had expired, though really it would not until the 17th instant owing to the intervention of the Court holidays. They were obliged to proceed on the 7th instant to the Transvaal in order to obey the order of the Natal Court and avoid forfeiture of the visiting pass deposits. They were detained at Volksrust yesterday pending instructions from the Registrar of Asiatics who ordered immediate prosecution as prohibited immigrants unless they at once proceeded to Natal where they were to be prosecuted for a contravention of the Immigration Law in spite of the Supreme Court's order which prevented prosecution. They declined to return and were brought before the Court here this morning. Mr. Polak, who appeared for the defence, applied for a remand to Johannesburg pending the Registrar's decision on the applications. The Magistrate remanded the case to Pretoria on the 16th instant, the accused being released on their own recognisance and are proceeding to Johannesburg to-night.

British Indian Association's Protest

On the 7th instant Mr. Cachalia wrote as under to the Secretary to the Honourable, the Minister of the Interior:—

"My Association has seen Mr. Polak's representation to the Honourable the Minister in connection with the treatment by the Natal Immigration Department of certain two Indian youths born in the Transvaal and claiming the right of entering the Transvaal in virtue of the Asiatic Registration Act No. 36 of 1908. My Association also understands that, of late, it has been the practice of the Natal Immigration Department invariably to refuse to issue Visiting Passes to British Indians intending to land at Durban with a view to establishing their right of residence in the Transvaal ultimately to proceed thereto, and that, in several

British Indians have been obliged to move the Supreme Court for an interdict ordering the Immigration Officer to land such applicants. According to the information at the disposal of the Association, in no case has the granting of an interdict in such matters been refused by the Supreme Court, thus proving the reasonableness of the applicants' claim to land on the shores of the Union for the purpose of proving rights of residence in a part thereof. As the Honourable the Minister is aware, every Asiatic seeking to establish his right of residence in the Transvaal has to make his application to the Registrar of Asiatics from a place in South Africa. It will, therefore, be admitted that to deny the right of landing to an Asiatic claiming to be a Transvaal resident will be tantamount to a denial of justice. In the humble opinion of my Association, it ought not, therefore, to be necessary for an Asiatic to have to move the Supreme Court, and thus incur very considerable expense, before he can land at Durban or at any other Port of the Union. My Association, therefore, respectfully trusts that the Honourable the Minister will be pleased to issue instructions to the Immigration Officer to grant Visiting Passes to all Asiatic passengers who may claim to have Transvaal rights. It has been sometimes urged that, if Visiting Passes were to be granted on the mere statement of Asiatics that they claim to have residential rights in the Transvaal, it will throw an additional burden on the Immigration Department by Asiatics sending up fictitious applications merely for the purpose of landing at Durban, and that they might cause trouble to the Department by not removing themselves from the Union, in the event of their claims not being recognised by the Registrar of Asiatics or the Supreme Court. As against this objection, it is respectfully urged that the Immi-

gration Law provides sufficient abuse of Visiting Passes that might be feared. The Department, in that such Asiatics of the period allowed by their Passes are liable to severe deportation.

"My Association was pleased to hear from the Honourable Mr. Gokhale, who lately visited South Africa, that the Union Government had given assurance that the Immigration Law of 1908 would be administered in a just and liberal manner. My Association, therefore, has every hope that the herein complained of will be removed at an early date.

"The Times" on Mr. Gokhale's Visit

London, Jan. 8.—*The Times*, in a leading article, dealing with the situation regarding the Immigration Restriction Bill in South Africa, says that Mr. Gokhale's visit to the Union is likely to be of permanent value in the difficult problem of Indian immigration. This, the paper remarks, is due equally to the open and courteous spirit in which the Union Government received Mr. Gokhale and the breadth of his statesmanship with which Mr. Gokhale approached his task. The passage of the Immigration Restriction Bill, *The Times* adds, seems like the general question to the honour and credit of both sides.

Commenting on the above, the *Natal Mercury* says:—The reference by *The Times* published in its news columns to-day to the Immigration Restriction Bill, and the probability, which *The Times* intimates, of its solving the general Asiatic question in South Africa, raises one or two points which may not be apparent in London as they are in this country. The Immigration Restriction Bill has been a most productive of as much discussion between the Government and their own supporters as any subject has ever been placed before Parliament. The Bill is not to be dropped by the Ministry on account of the opposition shown against it by sections of the African Party, who conceive themselves to be affected by the provisions which the Bill contains. Practically the dissent centres in the proposed number of educated Indians—estimated by Mr. Gokhale in his speech on the introduction of the Bill at 12 per annum, and all to belong to the professional class—should be enabled to enter the Union for the purpose of performing religious and other special services among their countrymen. The Ministry have taken this decision only after protracted negotiations with the Imperial Government, and it was the price of compromise on both sides; but the Bill has met with resolute opposition on the part of the Free State, especially from the Free State, that the Government were compelled to let it lapse. The measure is in the list of Bills to be proceeded with in the next session, and now an interesting speculation relates to whether the Free State members will take up the Bill after the recent Cabinet crisis. The Government are making it one of their principal measures, as they are bound to do, after the assurance which they have allowed Mr. Gokhale to give to the Indians, and if the Free State meditate raising a question at Capetown, it is quite conceivable that the Immigration Restriction Bill would provide a handy instrument for that purpose. The Free State make it a special point of their own that they have succeeded in preventing the settlement of domicile by Indians in their territory has been principally achieved by the Free State Government in the past having admitted Asiatics on visiting passes, and not allowing them to trade property. On the probability therefore

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Judgment

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English Press

"Regarded from a personal point of view...
be no doubt (says the *Standard* of the 21st November)
that the Hon. Gopal Gokhale's visit to South Africa
has been a great success up to the present, but whether
the Indian statesman will succeed in altering a state of
affairs which, however contrary it may seem to the ideal
of equal opportunity for all, is yet thoroughly concurred
in by the vast majority of the white population of
the Union is doubtful. Equality as between Asiatics
and Europeans is not regarded as within the range of
practical politics in this country, and while Mr. Gok-
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it is to be feared that his mission can have but small
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The *Standard*, commenting on the general situation
in South Africa, thus refers to Mr. Gokhale's visit—

Mr. Gokhale's language, while in no sense provoca-
tive, is altogether too plain for its import to be mis-
taken. The severity of the exclusion laws now in force
within the Union will have to be relaxed, or England
will be hard put to it to retain that confidence in her
power and her justice on which the foundations of her
rule in India are based. The situation is not one
from which it would be either seemly or patriotic that
mere party advantage should be sought, nor is it one
for calling upon the Government to intervene with all
the force of a united nation at its back. That way
trouble lies. Men of all parties may, however, unite
in friendly and informal appeals to their fellow subjects
within the Union to sink, for a time at all events, the
relatively minor differences with which their councils
are now distracted, and to give adequate consideration
to questions of real gravity that will not brook much
further delay. For two years in succession the prom-
ised legislation by which it was hoped that all legitimate
sense of grievance on the part of the King's Indian
subjects would be removed, has been incontinently
shelved. The fact is upon record that General Botha
allowed the measure to be dropped in consequence of
opposition by members representing the Orange Free
State. Whether such opposition will be continued in
the session now approaching remains to be seen. It is
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exercise no sort of compulsion in the matter. It must,
if needs be, abase itself before the Indian subjects of
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The same paper's Johannesburg correspondent
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"The arrival in the Transvaal of Mr. Gopal Gokhale
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Crucial Judgment

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...was such as has not often been excelled.

Mr. Gokhale's own speeches were of the frank and dignified character that marked his public addresses at Capetown and at Kimberley, but, if anything, more grave, and the fact is now thoroughly well understood that either a satisfactory solution of existing difficulties must be found or widespread discontent will be engendered in India. Mr. Gokhale did not hesitate to say that it might jeopardise the British connection. At the banquet at the Masonic Hall he rightly stated that the European objection to the Indian in South Africa was threefold. First, there was the general apprehension of being swamped; secondly, there was the fear that the Indians would claim a political status in the country; and, thirdly, there was the jealousy arising out of trade competition. He admitted that on the first two points the European mind must be set at rest before any compromise was possible; but, these two points being conceded, the Indian in South Africa must be made to feel that he lived under the protection of equal laws. On the view that Indians were mere hewers of wood and drawers of water to Europeans, who were disposed to think that South Africa existed only for them, England would find it difficult to hold India.

It must be allowed that the attitude of all sections of the community, irrespective of party, is at one with regard to the question of further admissions; but a powerful section of the Press and quite a number of leading public men are anxious that the treatment of Indians already here shall afford no legitimate cause of discontent on the part of our Indian fellow-subjects, or remain a source of embarrassment to the Imperial authority. The *modus vivendi* arranged last year between the heads of the Indian community and the Government still holds good; but it is fully realised that legislation is imperative. Whether the Government will make a third attempt to legislate in the ensuing session, and what the results will be if they do, is a question upon the issue of which a great deal probably depends."

News in Brief

Messrs. S. R. Naidoo and N. B. Naik, the secretaries of the Indian Committee formed at Maritzburg, draw our attention to the fact that the Administrator has now recalled his sanction of the obnoxious bye-law regarding tailors and other artisans on which we commented in our last issue. We congratulate the Committee on its success.

Mr. Mahomed Mamojee Dadoo (of Messrs. Chotabhai and Dadoo, Krugersdorp) wishes to thank all those friends, European and Indian, who have sent messages of condolence in the recent sad bereavement by the death of Mr. Chotabhai and his son.

The Report of the General Manager of Railways for the year ended 31st December, 1911, says that the number of Indians employed by the Administration (mostly in Natal) at the end of December last was 3,951, a decrease of 52 compared with the previous year. The Report goes on to state that it has been found difficult to replace this labour with white or Native labour, and as time passes, owing to the stoppage of indentured labour from India, it will be more and more difficult even to get Indian labour.

Dr. Porter, Medical Officer of Health, Johannesburg, in his report to the Town Council, says, about the recent smallpox outbreak;—"In all 35 cases came to

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...who were unwilling in their
...outbreak."

Speaking to the XII. Club, Walter Mr. W. J. McWilliams said:—"A law that could be enacted on the lines of justice capable of seriously retarding morally and materially, of the colony country. Therefore I think it is South Africa will never be a whole that the best we can have is a Government consisting of three classes, divided into but all industrious in the management of their country and be proud of their Throne. Any Government that makes progress of the country to which the Government is unjust, and which is the result of being involved in which Mr. Gokhale's civil strife. Prof. The passage of something of this kind, and, some time ago, he proclaimed to the benefit of all civilised men policy that could the welfare of South Africa, the above, the *Shruti Bodh*."

A meeting of the Immigration Committee, which was held at the residence of Chotabhai and Dadoo on Wednesday, formed a permanent Committee, and unanimously elected: Chairman, Mr. B. D. Deval; Vice-Chairman, Mr. Yakub Moosa; Suleman Hossen; Joint Secretaries, Mr. B. D. Deval and Moosa Jamal; Treasurer, Cassim; Joint Treasurers, Messrs. Amod Ebrahim.

We have received a reprint of the *Shruti Bodh*, which was recently noticed. It embodies a large number of improvements on the original edition, inasmuch as all typographical errors have been carefully avoided, new type used, and the reading of the original Vedic text facilitated by every page of translation. The language of which is rendered intelligible. The meaning of the words used in the translation is explained. The whole book is free from errors in the Sanskrit text, and the printing of which is a credit to the undertakings of this press.

Further Exposure
The Congress and
From the Editor's
The Press on Mr.
Indian Immigrants
The Bhyat
English Press
News in Brief

... attempt to ... to terror- ... shown to be ...
 Document ...
 ... to land, ...
 ... than this is his indiffer- ...
 ... Chief Immigration Officer ...
 ... the rights, the liberties, the comfort and the conven- ...
 ... of Indian immigrants, and especially of those who ...
 ... here with Transvaal claims. Had these parties ...
 ... without the wherewithal to move the Courts, or ...
 ... they been with silent ables and willing to act ...
 ... their behalf, they would have undoubtedly been ...
 ... of their right to land in South Africa and there ...
 ... registration as the law provides ...
 ... they would have been deported to ...
 ... sense and with enormous ...
 ... convenience. The whole procedure, if ...
 ... to say so, favours of

and Cruelty and Obstruction.

... case, for the Natal officer to decide ...
 ... advanced by Transvaal Indians, ...
 ... various hat vessels arriving from India ...
 ... remain in Durban more than three ...
 ... days, and, I submit, respectfully, ...
 ... officer here to communicate by ...
 ... the Registrar of Asiatics in all special ...
 ... applications upon visiting passes, ...
 ... likelihood of delay or of the depart- ...
 ... ure the claims are properly invest- ...
 ... gated by the local authorities. In the present ...
 ... case evidence was available, both in ...
 ... Durban, it was obviously impossible ...
 ... of the 15th days, for the applicants ...
 ... to present their rights before the depart- ...
 ... ment, and I submit, further, that it is ...
 ... an extraordinary circumstance, to be ...
 ... that the Registrar of Asiatics ...
 ... in the Transvaal, and have ...
 ... there and in Natal, and, instructed by their ...
 ... here, I proceeded to ship, and learned, late ...
 ... the evening, that the cases would be reserved ...
 ... next day for the consideration of Mr. Cousins, ...
 ... Chief Immigration Officer, ...
 ... on Monday, however, Mr. Cousins was engaged ...
 ... nearly the whole day. Meanwhile, I lodged ...
 ... in an affidavit from a responsible and highly ...
 ... member of the Transvaal Indian community ...
 ... to the identity of the immigrants and testify- ...
 ... his own knowledge that they were in the Trans- ...
 ... vaal since 1902, on which fact they based their ...
 ... to enter the Transvaal under Act 36 of 1908. ...
 ... Mr. Cousins did not return to his office until ...
 ... Monday, and had not come to a decision in ...
 ... after when the office closed for the day. ...
 ... On Tuesday, the 24th instant, I attended at Mr. ...
 ... Cousins' office, and was informed by him that he had ...
 ... already considered the claims of the parties to ...
 ... the Registrar of Asiatics, that he did ...
 ... not intend to consider these claims without instructions ...
 ... from the Registrar of Asiatics, that he had not sought ...
 ... instructions from the latter officer, and that he had no ...
 ... intention of doing so, leaving it to the applicants, at ...
 ... that late hour, to communicate with the Registrar. ...
 ... 8. I at once, on their behalf, telegraphed to the ...
 ... Registrar of Asiatics, setting forth the facts of the case ...
 ... and asking for an instruction to the officer here to land ...
 ... the applicants and their families on visiting passes, to ...
 ... enable them to satisfy the Transvaal authorities of their ...
 ... right to enter that Province. The reply that I received ...
 ... late in the evening showed that the Registrar had not ...
 ... properly appreciated the basis of their claims. ...
 ... 9. Late in the afternoon of the 24th, not then having ...
 ... received a reply from Mr. Cousins, I telephoned to Mr. ...
 ... Cousins, as to his office, and especially

chise; and to enter the Government service and public life. Mr. Gokhale concluded by saying that the duty of Indians in India was to support and encourage their countrymen in South Africa, as important issues affecting their whole status as an empire were involved in the struggle.—Reuter.

Resolution Adopted

London, Dec. 28.—Reuter's correspondent at Bankers states that Mr. Gokhale's resolution with reference to the condition of Indians in South Africa was adopted, and also a resolution demanding the more extensive employment of Indians in public services in India. The resolution proposed the closing of all the Indian services to natives of those Colonies where Indians are ineligible for the public service.

The Congress at its close passed a resolution of appreciation of Mr. Gokhale's services to the Indians in South Africa, which, it was stated, eclipsed all his previous services to his countrymen.—Reuter.

The following cablegram has been received by Mr. Gandhi from the President of the Congress:—"Congress re-iterates last year's resolution, expresses warm appreciation of your efforts and assures you and your fellow-workers country's whole-hearted support."

From the Editor's Chair

MR. GOKHALE AT THE NATIONAL CONGRESS

THE HON'BLE MR. GOKHALE did not allow the grass to grow under his feet before he commenced work in India after his return from the arduous work in his sub-continent. He succeeded in the Congress of ... immediately, and asked him to inform me his probable whereabouts on Christmas Day, so that the order of the Court, if obtained, might be served on him. He replied that his whereabouts would be certain. I strongly protested against this reply, the ground that the course of justice and the liberty of the applicants should not be made to depend upon his private engagements. To this he replied that he could give me no further information.

12. On the morning of Christmas Day, Mr. J. S. Tatham, K.C., of Maritzburg, applied to Mr. Justice Broome, at his residence, for an interdict against Mr. Cousins and all other parties, as above stated, and an order was granted, providing for the lodging of security to the amount of £100 with the Immigration Officer before the landing of the applicants and their families. Beyond this proviso, the order was unconditional.

13. Mr. Tatham telephoned me of the fact of the granting of the order which I at once communicated at his request to the officer in attendance at the Immigration Office, with a request to convey the information to Mr. Cousins, together with a message from Mr. Tatham that he could not, owing to the closing of the telegraph offices, telegraph the order of the Court until between 5 to 6 p.m. that day. I do not know whether this message was delivered to Mr. Cousins, who, I am informed, was at his office on Christmas morning. In any event, I received no reply from him.

14. Later, Mr. Tatham again telephoned me, giving me the text of the order, and asking me to send it on his behalf to Mr. Cousins. I did this, enclosing in my letter a cheque for £100 from Mr. Parsee Rustomjee, one of the most influential and highly-respected Indian merchants here. Mr. Cousins was not to be found until nearly 6 p.m., and then he discourteously communicated to my messenger who had been looking for him. And after-noon (I was myself partially disabled by that

racial bar so far as *immigration* is concerned. All the other disabilities in that State will remain until our irreproachable conduct and the natural working of time have softened the present prejudice of the Europeans of the Free State, who appear to be Free Staters first and South Africans alter.

When we receive the full text of Mr. Gokhale's speech, there is no doubt that we shall find his case formulated along these lines.

MOTORISTS VS. HAWKERS

THE TOWN Council of Ladysmith fixed the licence for motor-cars at £1 10s. and that of a hawker at £6. Other Municipalities tax motor-cars from £2 10s. to £5. We have no doubt that some if not all of the Councillors own motor-cars, and that may explain why the licence is fixed at such a low figure. We also know that the majority of the Councillors are shop-keepers or merchants, and therefore they have taken the opportunity of inflicting upon hawkers the highest possible tax allowed by the Ordinance, namely £5. A motor-car regularly used on the roads for a year would do more damage to the surface of the road than the licence tax would pay for. A poor hawker walking from place to place with his pack would not cost the town a penny for road-repairs. Thus are the poor taxed for the benefit of the rich.

The Ordinance of 1911 fixes a maximum of £7 10s. for motor-cars, but no Municipality fixes the maximum. In the case of a hawker they all tax the poor man to the full amount, because the majority of hawkers are non-European.

The Press on Mr. Gokhale's Visit

The daily paper *Maungase* of the 15th contains the following leading article:—
The attention of the Court, which required the lodging of security of £100 with him, prior to the landing of the parties, that the order made no mention of personal restraint, that the security was there and then offered to him, that the parties were thereupon entitled to land in freedom for the prosecution of their claims and that I should advise them of the illegality of his proposed action and ask them to refuse to sign the document.

20. Mr. Cousins thereupon told me that I could tell them what I pleased, that unless they signed the document he refused to land them, unless the Judge who made the order expressly ordered him to land them unconditionally.

21. I accordingly informed the parties of Mr. Cousins' demand and advised them not to sign the document. This they agreed to do. I then told them to tender him the amount of the security ordered to be lodged with Mr. Cousins by the Court. This they did, but he refused to accept it, unless they signed the document. The Captain of the vessel thereupon attempted to collect the money, which had been left by the applicants on an adjacent table at the disposal of Mr. Cousins, in order to hand it to the latter. Mr. Cousins thereupon informed him that he touched the money at his own risk.

22. I thereupon inquired and discovered from the Captain that he had not been informed by Mr. Cousins of the fact that an interdict had been taken against him in regard to the parties or of the terms of the order of the Court, and I at once proceeded to acquaint him with the facts, and warned him that Mr. Cousins and he were liable to an action for contempt of the order of the Court if the parties were removed from the jurisdiction of the Court or were not landed in terms of the order of the Court, and I drew his attention to the security and of Mr. Cousins' refusal

the public that some of the Ministers. Hundreds and thousands request interviews of them they have 10 times or more complaints. But we trust the population will take no notice and continue to battle against one of the greatest enemies of our country.

Indian Immigration to S. Africa

(Continued from page 445)

Enclosure 2 in No.

MINISTERS TO GOVERNOR
(Minute 547.)

In acknowledgment of the receipt of the Governor-General's Minute, No. 15/27, instant, on the subject of the new clause proposed to insert in the Immigration Bill, I have the honour to state that the intervention of His Majesty's Government has placed up in question is quite correct, and they will be glad if His Excellency will take whatever steps are fit to assure Mr. Harcourt on the point.

No. 18.

THE GOVERNOR-GENERAL TO THE SECRETARY OF STATE
(Received July 13th 1908)
Governor-General's Office, Cape Town

Sir,—I have the honour to transmit herewith reference to my despatch of the 10th of a minute from Ministers, dated June 1908, on the subject of the Immigration Bill.

I have, &c.,

Enclosure No. 18.

During such period. As had anticipated, the at once stated that this was not intended by him and I then asked Mr. Tatham to make that statement to Mr. Cousins. When I returned to the Immigration Office, Mr. Cousins informed me that Mr. Tatham communicated with him and that he was issuing a writ of habeas corpus to the parties.

26. Mr. Cousins was

Under No Disapprobation

as to the illegality of his action, for had he been aware of its lawfulness, it would have been unnecessary for him to obtain the signatures of the applicants to the above-mentioned documents. All that would have been needed was to remove the parties in custody to the Detention Camp. Apart from this, however, I informed the Captain, in my presence and in the presence of the steamship company's agent that he had no authority to compel the applicants to go to the Camp. The Judge expressly ordered this. It would seem, therefore, that he was endeavouring to take advantage of their ignorance to require them to do what, in my opinion, the Court ought to have ordered them to do but what he was fully aware it had certainly not done.

27. On the 27th instant, I inquired of Mr. Cousins whether, as agent for the Registrar of Asiatics, he would accept their applications for registration under Act 36 of 1908, for transmission to and examination by the Transvaal office. He declined to do so without instructions from the Registrar, and my clients have been obliged to forward in order applications to the Registrar, owing to the shortness of time before the expiry of the interdict, and their willingness to apply to the Courts for an extension of time.

28. I do not wish to emphasise, more than I have already done, Mr. Cousins' personal discourtesy to me,

advised to be before the Association... Bill will provide... question, as opinion... one very probable con... is that the Govern... the assistance of the Op... it through.

in the Editor's Chair

AN "ACT OF GRACE"

We printed Mr. Polak's letter to the Chief Officer of Natal regarding two young Indians claiming rights of entry... This letter speaks for itself, and in a high-handed manner... Mr. Polak addressed a letter to the Natal Mercury also about the same time, dealing not only with the case of the two Indians, but with that of Mr. Gajjar, with which our lawyers are familiar. Our contemporary has written a scathing editorial on these cases, which in this issue, as also that part of Mr. Polak's letter which refers to Mr. Gajjar's case. The painful part of Mr. Polak's letter is that Mr. Gajjar has been permitted to enter the Cape as an "act of grace." No case—there have been such cases enough—under the Indian Act has, perhaps, shown in a manner the cruelty of the section that requires an Indian to take out a permit of identification from a Constable of his town. Under the Act, a Cape Indian may be prevented from entering the Province if he happened not to know, like the Indian at Somerset East, the exact terms of the regulations. Justice in Mr. Gajjar's case that has been demanded from the Government by the persistent Magistrate, Polak, but the Cape Indians ought not to be taken from the Government that, pending the section will not be rigorously enforced.

The action of the Officer in question is considered... public will perhaps feel thankful to know his... handed over the charge to Mr. Harry Smith, only as Natal is concerned, an old experienced him to... the requisite legal knowledge of the... to deal with. But Mr. Harry Smith's... Department under the Union Government... watched by the Indian community with... anxiety. What we have had to perform... criticising Mr. Cousins'... Minister of the Immigration Act of Natal, we... felt that we might not have done justice... ignoring the fact that he is now a Union... that probably he has been acting against... and under orders from the Department... However, we have not been able to... charitable construction upon his action... Gajjar's case, for instance, was concerned... the orders from the Department of the... humane Immigration Officers would... for the humanity in dealing with... women and we trust that Mr. Harry... as he has often done before, kindly... with the Indian community.

English Press Opinion

The Morning Post's Capetown correspondent wrote to his paper on the 30th October last:

"Though it is one of the problems of this country, and though it is overshadowed by the immensely greater and more complex problem of the native, the problem of Indian immigration is among the most difficult with which South Africa has to deal. Its difficulty, however, is not so much a local as an Imperial difficulty. If the Indian was not a member of a vast population inhabiting one of the largest portions of the British Empire, the South African would have no trouble in settling his claims to be admitted to the Union. But the Indian is able to adapt to his own case the saying of the Roman, and when he stands at the door of the Union with his *Cris Britannicus* sun he makes a claim which cannot possibly be treated with contempt by anyone who believes that British citizenship carries with it rights which would be denied to claimants on any other ground. It is this Imperial aspect of the Indian question which has been so prominently brought to the front by the visit to this country of Mr. Gopal Gokhale. Everywhere he has been received with special marks of respect."

After mentioning at length the European objections to the Indian, the correspondent proceeds: "If you argue, with men who feel in this way, on the ground that the Indian is a citizen of the British Empire and that he has therefore a right of admission to South Africa, as being a part of the Empire, they will be at no loss for a reply. Citizenship, they will answer, involves duties no less than rights. It involves in particular the duty of living decently in conformity with the standard of the white man. Experience in South Africa, you will be told, shows that the Indian is not prepared to do this. He is disposed to live in his store, actually sleeping, in some cases, in close contact with the articles of food which he proposes to sell for consumption next day. Such habits revolt the white man. You may reply that inspection should stop such evils. But, again, experience shows that it cannot stop them, and, it will be argued, the best way is to keep the Indian out. Prevention is better than cure. The proverbs of the old country find strange meanings when they are applied to the conditions of new lands. To all this what has Mr. Gokhale to say? He would, no doubt, if he were indiscreet, remind us that a great part of the revenues of India have gone to pay the cost of the British administration, and that large portions of the salaries of Civil Servants in that country are in many cases sent to Great Britain in cash. This, he might say, is part of the tribute which India pays for the privilege of British citizenship for her sons. Are they not to have any benefit from that privilege in other parts of the Empire? And we, again, might reply that the Indian in South Africa spends little in the country, and sends most of what he earns back to his own land in the form of hard cash. But Mr. Gokhale—to his credit, be it said—is too wise to use such arguments. He has borne himself with an admirable discretion which won the respect of men who were disposed to fear that his coming might exacerbate feelings already sufficiently bitter. An attitude so tolerant and wise, publicly advocated throughout South Africa by a man of Mr. Gokhale's distinction, should go far to convince those who are responsible in this country for the solution of the Indian problem that concessions which will not be misconceived, and that the settlement which it is hoped will be arrived at will be honourable, if observed on both sides. For the rest Mr. Gokhale has succeeded in proving to the people of this country that the Indian problem cannot be regarded purely from the local point of view. His sketch of the awakening of national consciousness in the East has come as a revelation to those who have hitherto turned deaf ears to the far-off murmur and stir of that awakening. And nothing could help more towards a solution that will

satisfy local feeling than his quiet remark that the people of South Africa, when they imported Indian labour under indentures, brought the problem on themselves; and that, now that indentured labour from India has been prohibited, the free Indian who has hitherto followed his indentured brother, will no longer come to South Africa. India, says Mr. Gokhale, is herself crying out for labour. That is a new light on our problem, which, if Mr. Gokhale should prove to be right, is in a fair way towards solving itself."

Mr. Gokhale at Mombasa

The Hon. Mr. Gokhale and party arrived at Mombasa on the 30th November and were welcomed on their arrival at Kilindini by a Committee of the Indian community, headed by its President, Mr. Tayabali M. Jeevanjee, Messrs. Abdul Rasool Alidina Visram, C. M. Dalal, Keshavlal V. Drivedi, Jaffer Dewji and others. In the afternoon in Mr. Jeevanjee's lovely garden (says the *Indian Voice*) an immense gathering of Indians welcomed the distinguished visitor, the Swahile band enlivened the afternoon with cadences of music and all along the avenue leading up to the garden each side was lined by boys from the Mohammedan school, each carrying a flag. When the distinguished guest arrived, the children sang a hymn of rejoicing. Entering the Jeevanjee Hall, and before reading the address of the Indian Community to the distinguished visitor, Mr. Dalal made a short introductory speech. He said it was a great pleasure, as well as an honour and a privilege, to see so large an assembly of Indians (the largest in the history of Mombasa) meet a guest so honoured as Mr. Gokhale, to whose presence amongst them they had so long looked forward and which would interest them for a long time to come. He for the Indian community thanked Mr. Gokhale for having responded to their invitation to visit the old historic city of Mombasa and meet the many Indians who had left India to make this country their home. He hoped that God would long spare him to India and the Indians, so that he would be enabled to continue the good work which had been the aim and axis of his life for the past twenty years and that he would continue to give them that sage advice and guidance which had been so unselfishly rendered and so appreciably received by all, rich and poor, Indians alike.

The address, which was read in English by Mr. Dalal, is as follows:—

To The Honourable Gopal Krishna Gokhale, C.I.E.,
Sir,—We the undersigned, on behalf of the Indian Community of Mombasa in particular and of the East Africa and Uganda Protectorates, offer you a most hearty welcome to British East Africa.

We recall with pride the main incidents of your public life. Your connection with the Deccan Education Society, your work as Secretary of the Sarvajnik Sabha of Poona and Editor of the Journal of the Society, your distinguished career as an unofficial Member of the Bombay Legislative Council, and your appearance and evidence before the Welby Commission—all incidents which show how warm has been your devotion to and how earnest has been your endeavour to assist in the cause of India's regeneration.

Your work in the Imperial Legislative Council as the virtual leader of the non-official Members of that body, your activities in connection with the Annual Budgets, your attitude in the matter of such Acts as the Universities Validation Act, the Seditious Meetings Act and the memorable epoch-making speeches delivered by you as such member and on these several occasions have incontrovertibly proved your right to be regarded as the first Indian of to-day.

We are aware that it was mainly through your instrumentality at the Annual Meeting of the Indian National Congress has come to be regarded and acknowledged in every quarter to be the leading political meeting of the year, and how much the status of that Congress has been raised from the day you delivered your memorable presidential address at Benares.

But, sir, your best quality we believe is your unselfish patriotism, and all the incidents to which we have made reference are examples of the exercise of that quality; but that quality is best shown in what may in future ages be deemed to be your greatest achievement—the Servants of India Society.

Recalling your achievements, we feel greatly honoured in that we have been afforded this opportunity of meeting you, Sir, and this feeling is intensified when we consider the purpose of the

voyage and tour which you are now nearing their completion.

The disabilities which Indians are reproduced here in only a few words cannot refrain from expressing the hope that the results will be productive of substantially good results to India and that it will be emphasized in fitting manner in your own words, "Indians will decline to be treated as subjects of an Empire."

In conclusion we repeat our welcome, tender you our affection and respect and we pray that God will long spare you to continue your good work on behalf of India and to be to the coming generation a model of selfless patriotism.

Mr. Keshavlal V. Drivedi read the address in Gujarati. The address was then presented in some casket of ivory, a material so particularly appropriate for Africa, and which was handsomely decorated with exquisite silver of (needless to say) Indian workmanship. There was one notable matter to which Mr. Gokhale gave expression. He said he was surprised after all, that Indian representation had not been continued in the Legislative Council of B. E. Africa. He hoped it would soon be reinstated. He said that the privilege of representation would soon be restored. Every civilized people should have a voice in their own affairs. Mr. Dalal addressed the meeting, and Mr. Keshavlal spoke in Gujarati. Then refreshments were served in the gardens. Thus closed a memorable day for B. E. Africa.

A Point of Honour

The Acting Secretary for the Interior wrote on the 3rd instant, to the Chairman of the British Indian Association as follows:—

"With reference to your letter of the 11th instant on the subject of the visits of Passive Resisters to the Prisons, I have to inform you that it was found from the records of the Department of Justice that Asiatics who were released from Prison in connection with the Passive Resistance movement did not receive free pardons, but merely had their sentences expired and their sentences remitted.

"The Guel Regulation which prohibits a convict from visiting prisons contemplates the issue of special permits in special cases and under the circumstances, it does not appear to be any reason why any Asiatic convict who has served a term of imprisonment should not be granted a special permit stating his reasons therefor, at any time wish to visit a convict or prisoner."

On the 4th instant Mr. Cachalia replied as follows:

"I have the honour to acknowledge receipt of your letter of the 3rd instant with reference to the Passive Resisters being unable to pay visits to the Transvaal Gaols. My Association certainly understood that, when the passive resisters were released, they were granted a free pardon. I now see the distinction between a free pardon and a remission of sentence. The Government is drawing between the release of a convict before their time and their free pardon. In the spirit of the Settlement contemplates that the passive resisters should be restored, so far as their rights are concerned, to the position they occupied before their imprisonment. My Association is now discovering, however, that, even in the Transvaal, passive resistance convictions are being treated against Asiatics who may be brought up before the Courts. Only recently, a British Indian was brought before the Courts in a case of perjury. His testimony was sought to be impeached by the Government. A conviction against him. It was pointed out by Justice Bristowe, who presided, that this was a passive resistance conviction, and, the learned Judge remarked that a conviction of this nature could not be counted against a witness in order to impeach his testimony and that the Government's reflection upon his character. But, this does not prove a conviction against the witness."

adverted to before show that the position of passive resisters should be put on a satisfactory basis. My Association naturally considers this to be a point of honour, and it is hoped that the Government will be pleased to give due regard to the sentiments of the community represented by my Association, and advise His Excellency the Governor to issue a general free pardon to passive resisters."

The Gajjar Case

The following is the extract from Mr. Polak's letter to the *Natal Mercury* referred to in our editorial columns:—

The second instance that I would bring to your notice would be laughable were its possible consequences not so highly tragic. A certain Indian trader of Somerset East received a cable from his wife in India, stating that she was leaving, with their two young children, for South Africa, and he thereupon decided to meet them at Durban and proceed overland with them to his home in Somerset East, thus avoiding a great deal of trouble in transshipment and otherwise. He therefore asked the local Magistrate for a permit to go to Natal, but the Magistrate, seemingly unaware of the stringent provisions of the Cape and Natal immigration laws, appears to have

Laughed at the Idea

of a man of this Indian trader's respectability being molested, since Union. However, the Chief Constable, on instructions, issued to him a document certifying to his identity and respectability and stating the purpose of his visit. Armed with this, Mr. Gajjar proceeded to Durban by way of Van Reenen, but was not challenged at the border. On the arrival of the steamer he sent the Chief Constable's certificate and an affidavit relating to his wife and children's identity to Mr. Cousins, who was already in possession of certificates of their identity issued by the European district Magistrate in India. Mr. Cousins then required his personal appearance before him, and commenced to cross-examine him. It appeared that Mr. Gajjar was not possessed of a visiting pass, though the immigration officer at the border might have stopped him, but failed to do so. He was therefore a prohibited immigrant so far as Natal was concerned—to his immense astonishment, for he had never been in Natal before, and knew nothing of the requirements of the local law. It further appeared that, being as ignorant of the Cape laws as the Cape Magistrate, he had failed, before leaving Cape Colony, to provide himself with a permit to leave that Province and return, and he was therefore

Technically a Prohibited Immigrant

there too. Mr. Gajjar thus found himself faced with sudden ruin for the fault of not knowing more law than his Resident Magistrate. However, Mr. Cousins generously issued to him a visiting pass instead of sending him to India, but refused to land his wife and children, because if they all proceeded to Cape Colony they might all be stopped as prohibited immigrants, and he forbade Mr. Gajjar to leave Natal until the Minister's instructions were received. The Magistrate, the Chief Constable, the Capetown immigration officer, and the Minister of the Interior, were all advised of the circumstances of the case, and the two former telegraphed confirming Mr. Gajjar's statements and identifying him. But he had to remain here until an official report from the Magistrate was received before the Minister will authorise his return to his home and business. He is now allowed to return to his home as

"An Act of Grace."

Anything more disgraceful than this amazing piece of red-tape and impertinent attempt of a Natal officer to administer Cape law is hardly imaginable. Such, however, is the "humane" administration of the Immigration Law that Mr. Gokhale was given to understand

might be expected when he interviewed the Ministers at Pretoria. Are these expectations never to be realised, and is every conceivable occasion to be seized to harass unfortunately-placed members of the Indian community?

The *Natal Mercury* gave the following forcible leading note on the letter:—

We were under the impression that we had been relieved of the presence of Mr. Cousins, the Immigration Restriction Officer, who came from Capetown to act for the regular officer of the port while the latter was on long leave. It is quite evident, from the details given in another column by Mr. Polak of the treatment of some Indian immigrants, that the same gentleman, who has made himself notorious during the past six months by his administration of the law, is back again, and is pursuing his old practices. We have said before, and we say again, that we do not intend Natal to rest under the stigma of being a place where the law is administered in the fashion Mr. Cousins evidently conceives to be correct. It is not only Indians, but Europeans as well, who have had to put up with the autocratic caprices of this particular official. He is apparently labouring under the impression that he is placed in office in order to give the public the greatest amount of inconvenience he can arrange, and the maximum degree of hardship he can impose. He has evidently entirely failed to understand that he is a servant of the public, and not a despotic monarch who does not even trouble to be civil to those who have to address him. An immigration officer should be a man of tact, discretion, and sound judgment. Mr. Cousins seems to be about the last man for the job—yet for some inscrutable reason, after he has been removed, he is sent back again to Durban to renew the friction and revive the trouble we had when he was here before. It is a very disagreeable business for us to have to write in this manner of public servants, but we shall not hesitate to do so, and to continue to do so, while there are officials who fail to recognise that they are paid by the public to assist the public, and not to bully and harass the people, as if we were a pack of slaves or downtrodden helots.

A Severe Sentence

Early last month, at Estcourt, an indentured Indian in the employ of Mr. J. Poole, of Weenen, was charged with cruelly ill-treating a bay mare, the accused having ridden the animal when it was in an unfit state. The Magistrate (Mr. T. J. Nunn) took a serious view of the case and fined the Indian £5 or, in default, to be imprisoned, with hard labour, for 30 days. The accused went to gaol but was subsequently released, his employer paying his fine.

Not being satisfied with the above meagre report from the *Times of Natal*, we communicated with Mr. Poole and asked for more details. The following are the facts as related by him:—The man was fined £5 and the fine was paid by his employer, who states that he will not deduct the amount from his wages, as he considers "it would be very unjust to do so as I think the injuries to the mare were caused entirely from his inexperience in the management of a horse on a somewhat long journey." The Indian had to bring the mare from near Howick to Weenen by easy stages, and it was on leaving Estcourt that he was arrested. Mr. Poole expected to find, on the arrival of the mare, that she was in a shocking condition but, he says "to my astonishment I found there was one sore, caused by the back part of the saddle, on the mare's back, say about the size of a half-crown. The skin was damaged but it was certainly not a bad sore or wound; and she was girth-galled in two places just behind the upper part of the front legs, but not very badly. Everybody who saw the mare after she arrived were amazed at the severity of the sentence. My own opinion is that a fine of a few shillings would

have been sufficient and the man ordered not to ride the mare."

Probably the reason for the severe sentence is to be found in the fact that the accused person was a non-European.

News in Brief

The Treasurer of the Durban Gokhale Reception Committee notifies that a meeting will be held at Mr. Farsee Rustomjee's premises, Field Street, on Wednesday next, the 15th inst. at 5.30 p.m. for the confirmation of accounts which will be open for inspection and for the transaction of other business.

H. H. the Nizam of Hyderabad has contributed a further sum of Rs. 2,500 towards the Transvaal Passive Resistance Fund.

Sir John Hewett, G.C.S.I., &c., late Lieutenant-Governor of the United Provinces, passed through South Africa, recently, on his way to England, upon his retirement from the Indian Civil Service. He took the opportunity of making some inquiries into the position of the Indian community in South Africa, and met a number of leading members of the community in Durban.

The annual distribution of prizes of the Stella Hill Indian School (Durban) took place recently when Mr. P. S. Aiyer, who acted as distributor, said that he had no hesitation in saying that the school had been greatly improved in all departments since the last prize-giving. Mr. A. Royeppe spoke of Mr. Ramena, the headmaster, as one of his old pupils and "one of the best."

At an executive meeting of the Esba-A-Tul Islam held on the 18th ultimo, the Secretaries reported for the month of November last that the affairs of the Society were going on smoothly and in order and that the school was progressing.

Reuter informs the press that, at Lucknow, the Aga Khan presided at the Council of the Moslem League to consider a new draft constitution defining the objects of the League as to promote among the Indians loyalty to the Crown, protection of the rights of Indian Mussulmans, and also, without detriment to the foregoing, to attain a system of self-government suitable to India. The scheme is regarded as marking a new era in Moslem politics in India.

An Indian was charged in the First Criminal Court, Durban, the other day with sleeping in a railway shed on the railway premises. He pleaded guilty, and said he had not been well, and that was why he went to sleep in the shed without waiting for permission. His Worship imposed a fine of 20s., or in default ten days' imprisonment. When one considers that such a man's monthly earnings would be anything from one to two sovereigns, a fine of ten shillings is a very severe sentence. But ten shillings seems to be the minimum for all trifling offences by Indians for we find that, on the same day, two Indians were fined this amount for catching fish which were too small.

In the Government of India Resolution on the annual report on Immigration (under indenture) from the port of Calcutta during the year 1911, the following statements occur:—

"The most important event of the year was the prohibition of emigration to Natal by a notification issued by the Government of India under section 5 of Act 17 of 1908, as amended by Act 14 of 1910. 1,656 emigrants left for Natal during the year before emigration to that Colony was stopped. Remittances to India by resident immigrants in Natal again showed a large excess over all the Colonies, the nearest approach to Natal's (Rs. 3,000,000) being the Seychelles. It is

probable, however, that the Natal figures include remittances by traders and other Indian immigrants who are not labourers."

The Northern Whig of 23rd November last says that General Botha, in closing his speech at the South Africa Party Congress, advocated as a motto that every one who came to South Africa to make it his home was as good a South African as one born in South Africa.

One wonders whether General Botha included the British Indian of South Africa in the term "every one"!

The Bengalee (Calcutta) of the 18th September, 1912, reproduces a letter written by Dr. Engelenburg, Editor of the *Volkstem*, to Professor Radha Kumud Mukerjee, M.A., regarding his "History of Indian Shipping and Maritime Activity." In the letter Dr. Engelenburg draws attention to a writer in the *South African Journal of Science* which suggests that "the pre-historic gold industry in Rhodesia shows the existence of methods similar to those followed in ancient gold mines of Northern Mysore, and thinks it probable that one thousand years B.C. Arab (Indian) traders worked the Rhodesian mines with Indian miners."

Commenting upon the above-mentioned letter, the *Bengalee* remarks:—"Apart from the interest which attaches to the discovery of these relations from the point of view of research and history, there is one reflection which the student of contemporary affairs would find it difficult to avoid. India had business and other relations with South Africa a thousand years before the birth of Christ, but to-day, in the twentieth century of the Christian Era, India's children are treated as undesirable aliens by Colonists whose connection with South Africa commenced only yesterday. What an irony of fate!"

A coloured woman graduate of the Philadelphia Woman's Medical College has been admitted to the practice of medicine in South Carolina, United States.

A few months ago, says Sir T. Cullinan, Mr. Bernard Coventry, Officiating Inspector-General of Agriculture in India, in the course of his presidential address to the Board of Agriculture, stated that India was the largest producer and consumer of sugar in the world. Nevertheless, "with increased facilities for cheap ocean traffic, her markets have been invaded by cheap white sugar from abroad, displacing indigenous white sugar owing to its cheapness. The effect has been to cause a decline in the area under cane and a decrease in the number of sugar mills and refineries."

"Here is the first economical fact I have been trying to teach these fifteen years, and I can't get it yet into the desperate, leathern-skinned, death-helmeted skull of this wretched England, till Jael-Atropos drive it down, through skull and all, into the ground—that you can't have bread without corn, nor milk without kine, and that being dragged about the country behind kettles won't grow corn on it, and speculating in stocks won't feed mutton on it, and manufacturing steel pens, and scrawling lies with them, won't clothe your backs and fill your bellies, though you scrawl England as black with ink as you have strewed her black with cinders. No one can teach you anything worth learning but through manual labour; the very bread of life can only be got out of the chaff by rubbing it in your hands."—JOHN RUSKIN.

Contents

	Page.
Still More Scandals	7
"The Times" on Mr. Gokhale's Visit	8
From the Editor's Chair	9
English Press Opinion	9
Mr. Gokhale at Mombasa	10
A Point of Honour	10
The Gajjar Case	11
A Severe Sentence	11
News in Brief	12