



No. 19—VOL. XI.

SATURDAY, MAY 17TH, 1913.

Registered at the G.P.O. as a Newspaper
PRICE THREEPENCE

THE SECOND READING CARRIED

THE following is a condensation of the report of the debate on the Second Reading of the Immigrants' Restriction Bill given by Reuter to the South African press:—

Mr. MEYLER (Weenen) proceeded to deal in detail with the Indian population of Natal, which now, he said, totalled 133,000, of whom 59,000 were born in Natal. Of that 59,000, there was about an equal distribution of the sexes. The last census showed that the Indian population of Natal increased 32 per cent., and that by far the greatest population of that increase was amongst Natal-born Indians. India was a mere geographical expression, and it would be quite impossible to take them from Natal, which was their own country, and send them to India, which was practically a foreign country to them. Educated and semi-educated Indians were entering into competition with Europeans, and, owing to the stress of circumstances, employers found it imperative to employ a certain number of Indians. The Railway Department also employed semi-educated Indians. These 59,000 Natal-born Indians could fitly be described as "ware Africanders." They were not "foreign adventurers." This was not entirely a Natal matter, but was a Union matter, and he regretted that the Minister had only provided for Provincial domicile in the future. There was a danger that, if they attempted to put a ring fence round Natal, they would squeeze out the white population of that Province, who were to-day out-numbered by the coloured inhabitants by 11 to 1. He felt it to be his duty to protest strongly against the system of keeping the Indian population of Natal entirely within the bounds of Natal. He did not suggest that the time was now ripe for moving them into any other Province. He respected the ideals of the Free State; but the Free State was in partnership with them to-day, and there were various burdens to be borne. He respected, as he said, the Free State ideals. In Natal they had successfully protested some years ago against the influx of Cape Malays whom it was proposed to employ in a factory near Ladysmith. It might be found in the future, however, that in many parts of the Transvaal, unsuitable for white settlement, it might be economically possible to put Indians who would make the soil now absolutely unused productive, because the Indians had been proved excellent small cultivators in unhealthy localities. It was extremely dangerous for the Minister to suggest any legislation to bring Natal-born Indians on the same platform as those born in India. This Bill, however, would bring them all together, and stereotype Provincial domicile. The National Convention had left the question of domicile severely alone, and interference with the immigration laws was a matter which the House could not possibly tackle at present.

This Bill had been stated to be a Bill for the settlement of the Indian question, but it did not help on matters in the least, so far as Natal was concerned, any more than it did in the Transvaal, where they were threatened with a renewal of

The Passive Resistance Movement.

None of the Natal Indians wished to see this Bill passed. If they were to have an Act, let it be one dealing with South Africa as a whole. Mr. Meyler quoted the correspondence with the Imperial Government to show it would suit Imperial purposes better if they did not attempt to stereotype the Provincial boundaries. He (Mr. Meyler) favoured the suggestion already made that this Bill should be withdrawn in its present form, and something done to deal with the Transvaal Law, against which the Indians had so much objection. Let them have different ways of dealing with the man born among us, and who had every right to live here. It should not be forgotten that there was a large number of Indians who were born in South Africa, and were citizens of the Empire. He (Mr. Meyler) hoped that the Minister would see his way to withdraw the Bill and face the position in the Transvaal. He would get every assistance from the members on that side of the House in grappling with the problem. He trusted the Minister would give an assurance that, if the Bill passed, it was quite satisfactory to Indians.

Mr. MERRIMAN (Victoria West) said that they should all combine to pass the Bill, which he recognised was urgently needed by the Imperial Government. He could not but see that Great Britain was exposed to a very great danger indeed from the Indian question with this country, and conversation with the distinguished gentleman who was here the other day confirmed him in the opinion. The sooner they settled the matter the better, because they were all anxious to do their duty to the British commonwealth, and as far as possible to see that their engagements were fulfilled. Mr. Merriman advised the Minister, by way of quickening the passage of the Bill, to take a carefully-chosen Committee and put the measure through it.

Mr. BAXTER (Capetown, Gardens) suggested the division of the Bill into two parts, one dealing with the introduction of immigrants, and the other with the treatment of Asiatics already here. The Imperial Government, he said, had not asked for any Bill, but what they wanted was that no legislative differentiation should be made against Asiatics. (Hear, hear.) It was up to the Minister to prove the necessity for such drastic legislation. He gave figures showing that in 1912 the net loss in Asiatics from the Union was 1,430, and the net average gain of new Asiatics was only from 100 to 130; and, in view of those facts,

it was ridiculous to ask them to resign the liberty of the subject in connection with the matter. (Opposition cheers.)

Mr. SCHREINER (Tembuland) strongly condemned the Bill, and urged that in the meantime it should be withdrawn. From all communications that he had received he could see that it was going to cause more discontent in India than any previous measure.

Mr. WASSERLS (Bechuanaland) said the Cape Province would strongly resent an invasion of Natal Indians. He thought the Indians should be satisfied with the terms of the Bill. In spite of the veiled threats of passive resistance from the Indian community, he hoped the Government would not be deterred from their duty in putting this Bill through.

Sir DAVID HUNTER (Durban, Central) said certain Indian grievances had not been adjusted, and he would have liked to have heard some reference to them from the Government. It was never intended that

The £3 Tax

should be imposed on Indian women and children. He was glad to see it generally recognised that justice must be done to the Indian already in the country. With the general sentiment that they must be masters in their own houses, he had no quarrel; but they should not hear too much of it. There was the wider outlook, and they should do all they could to allay the feeling in India. He confessed he shared the feelings of anxiety as to the Government being given autocratic powers for excluding people from this country—powers that might be exercised to the total exclusion of white immigrants. This Bill did not appear to please anyone. He had received sheaves of telegrams and letters from Indians, who were not at all satisfied.

Dr. HEWAT (Woodstock) urged that the Supreme Court should be the final resort for such individuals and not the proposed Court of Appeal. Taking the Bill as a whole he thought that it was a step in the right direction.

Mr. NICHOLSON (Waterberg) objected to the suggestion that Asiatics born in Natal should be allowed to spread all over South Africa. The people of this country were as strongly opposed to this suggestion as the people of the Cape had been in 1849 to the proposal to make the Cape a criminal settlement. He strongly objected to Mr. Chaplin's suggestion that this Bill should first of all have been submitted to Mr. Gokhale.

Mr. ROCKEY (Langlaagte) doubted whether this Bill would meet with the wishes of the Imperial Government. As regarded the measure he thought it would have the effect of causing the "passive resistance" movement to become general throughout the Union. He asked whether such a Bill would have been introduced into the British Parliament. These Asiatics were British subjects who belonged to a great dependency of 300,000,000 people, controlled, not by force, but by just government. It was by that means that they should hold South Africa. Was it nothing that they should seek to embarrass the Government of England by harsh and autocratic deeds of oppression in South Africa? (Hear, hear.) He then came to the other side of the question. He wondered,

If the 150,000 Indians had Votes,

whether the Government would bring in such a one-sided Bill. The cause of the trouble was unquestionably Act 2 of 1907 of the Transvaal, which should be repealed. If this country could not absorb the 150,000 it was a poor lookout for South Africa. Every clause of prohibition was, in his mind, an insult to the fairmindedness of this House, to the Jewish race, and to the British Indians.

Mr. FICHARDT (Ladybrand) strongly objected to the Bill which was an immigration restriction Bill in the first place, and in the second place, was designed to meet the sentiments of some benevolent people living in the neighbourhood of Downing Street. This Bill

was going to frighten away the people they wanted here, and was going to allow in as many Asiatics as wished to come. He warned the Free State members that the provisions of this Bill would not preserve the Free State. Mr. Gokhale had left them in no doubt as to what the Indians wanted. They wanted civil and political rights—so Mr. Gokhale told them—and that was what they were going to agitate for. One of the first they would agitate for was the right to go into the Free State, and break down the protective barrier there erected against their entrance. It would be difficult to resist their entry into the Free State when they were overrunning all the rest of the Union. This Mr. Fichardt held, was the cunning Bill which was intended to deceive the Asiatics as far as possible, but which would, in effect, deceive the white man. He believed the Bill opened wide the door for all Asiatics who liked to come here, and would have the effect of frightening away desirable emigrants.

Mr. NATHAN (Von Brandis) opposed the Bill mainly on account of the unfettered powers given to Ministers.

Mr. OLIVER (Kimberley) called attention to the clause giving the right to exclude certain people on their return after an absence of three years, and said that the provision might be applied to their own children after finishing their schooling at Home. Mr. Oliver considered that there was not the slightest chance of the Bill satisfying the British Government. It was the desire of the British Government that

Justice Should Be Done

to its Indian subjects, and that they should be satisfied. He (the speaker) contended that they were not likely to be satisfied, as the conditions were made worse. The Government should withdraw the Bill, and the only part of it to be carried through should be the repeal of Act No. 2 of 1907 in connection with the Transvaal. Mr. Oliver read a telegram received by the member for Capetown Castle (Mr. Alexander). It forwarded a resolution, passed at a meeting of British Indians of Kimberley and Beaconsfield, protesting against the Bill. Proceeding, Mr. Oliver said that the Government actually had declared to the Indians that it wasn't prepared to acknowledge marriages performed according to the Indian law. What right had a civilised Government to decide that the rites of some other religion should not be accepted in connection with a marriage law?

Mr. NESER (Potchefstroom) said that when a similar Bill was introduced he protested strongly against it. This Bill was a slight improvement, but still there were many provisions in it which were very difficult to accept, and he hoped that amendments would be introduced by the Minister in Committee.

Mr. HENDERSON (Durban, Berca) said that this Bill showed no improvement on its predecessors. One of the principal objections to the Bill were the clauses which had tended to introduce a very strong Provincial element. It was understood that when the Bill was framed all the Free State objections to it were met. It was not a proper way to introduce legislation, if certain Provinces were to be exempted from the operation of certain laws. The Union was now an accomplished fact, and we had to bear one another's burdens, whether we liked it or not. (Cheers.) If we were going to have a ring fence put round the different Provinces we were going to be in a very parlous state indeed. The Minister of the Interior should try to get the hon. members behind him to take a proper and more enlightened view of the matter. (Opposition cheers.) The number of Indians in Natal was 170,000, and these people were increasing much more quickly than the white population. If these Indians were confined to Natal what was the position going to be? They could not place all the responsibility on Natal. They were only making the position more acute.

Mr. THERON (Hoopstad) deprecated the attitude of

Mr. Richardt, who wished to "step in where angels feared to tread." Those parts where Asiatic competition did not exist at present should not be opened for such competition, and, seeing that the Bill did not allow any such competition, he hoped it would enjoy general support.

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From the Editor's Chair

THE SECOND READING

In spite of the unanimous opposition of the Unionist Party, the Immigration Bill has been read a second time without a division. The result would be considered astounding if we did not know the ways of the Botha Ministry. The Right Honourable Mr. Fischer has bought his second reading by promising to consider favourably the suggestions made by the Opposition for improving the Bill and by telling the House that he had secured the general approval of the Imperial Government for his measure. We may expect lively debates and drastic amendments during the Committee stage. But this may not serve our purpose in the least degree. Nothing but a total acceptance of our demands can satisfy us, and this not because we do not compromise but because there can be no question of compromise on points of existence or honour. Passive Resisters are under a vow not to accept anything in satisfaction of their demands if it disturbs existing rights. By their very constitution they are precluded from bargaining away the rights of others in order to save themselves the sufferings of imprisonment.

From Mr. Fischer's language, it is clear that he wants to egg on the Europeans of South Africa to rise against us, and us to offer passive resistance. Though the majority of the speakers during the debate spoke against his bill and advised him to placate passive resisters, he gratuitously mentioned that the threat of passive resistance might make the Government to come to "plain terms." We wish they would. We certainly do not want ambiguity. And in pleading for general terms in an Immigration Bill, we do not countenance a subterfuge, as it has been called, but we ask for a continuance of the excellent part of the British constitution which requires that, however persistent a bad practice may be, it shall not be incorporated into the law. In Lord Amp'hill's words, theory should be sound though one may fail to carry it out in practice. In theory, there is no such thing as a straight line that can be drawn, but because we draw a line that is only fairly but not quite straight, we are not supposed to have resorted to a subterfuge by having still the true though theoretical definition in view. To keep our theory right is to obey the law of our higher nature; to depart from it in practice is to concede to the weakness of human nature. If, therefore, the Government wish to depart from the theory of the British Constitution to which they owe their very existence, they are welcome to do so; only then they will not have used "plain terms" but they will have avowed their enmity to the origin of their existence. And passive resisters who still cling to the beautiful vision of that constitution are prepared to fight for making it a reality or die in the attempt.

A CONTRAST

THE Right Honourable Mr. Fischer hesitates, vacillates and finds out every conceivable excuse for not meeting the Indian community in its demand for an amendment of the marriage laws of the Union, so as to validate the practice that existed before the Searle judgment, of recognising as legal Indian marriages celebrated in accordance with Indian custom. Several Members of the Union Assembly have spoken in support of our contention. But Mr. Fischer continues

to give evasive and non-committal replies to telegraphic and other representations that are pouring in upon him from all Indian Associations. This indifference is due, we conceive, to the matter being merely Indian. Mr. Fischer has told Indians pretty clearly what he thinks of them. According to him, we are a hundred times inferior to our Malay friends. That accounts for his sneers at passive resistance. But passive resisters, conscious of their own strength and their just position, may smile at Mr. Fischer's jibes.

Let us now turn to an incident that has happened in the Assembly over a European matter. Sir David Hunter was permitted to bring in a private Bill, not for removing a national and religious insult, but for obviating some inconvenience that might be felt by brides and bridegrooms coming from overseas or from a neighbouring province. The Natal Marriage Law does not recognise the publication of banns outside Natal by persons intending to marry. Thus a bride, leaving England after the publication of banns and intending to join her future husband in Natal, has, under the present law, to wait, before being able to live with her future husband, for the publication afresh of banns in Natal. This is decidedly absurd, but the absurdity has been allowed to prevail for a number of years. Sir David sought relief by introducing a private Bill, and his Bill has already been read a second time. This is as it should be. But the question for us is, if the mere convenience of a European may be so much studied, how is it that even questions affecting Indian honour or Indian religions may be disregarded? The terrible contrast is bound to sink deep in the Indian heart. The remedy lies in our own hands. We shall have to respect ourselves before we can expect others to respect us.

WHAT IS AN ASIATIC?

THE judgment of the final Court of Appeal in South Africa now renders it most difficult to answer the question we have prefaced hereto. Mr. Moses Gander, who was described as an Asiatic by Justice Ward, has been now declared to be a European. We congratulate Mr. Moses Gander on his victory, for such the result of the appeal must be considered from Mr. Gander's point of view. If Mr. Gander had any pride of birth, he would, of course, have declined to dissociate himself from his fellow Asiatics. Let it be recalled that Mr. Gander was born in Asia minor, has Asiatic associations, and is as much an Asiatic as any Indian, Afghan or Chinaman is. Our Chief Justice, however, has come to the conclusion that a person born in Asia, if he has a white skin, is a European; for such is the popular meaning of the term "European" in South Africa. Hitherto we have been given to understand that Judges cannot take popular meanings into consideration, if the legislature has given definitions to such terms which are inconsistent with their popular meanings. Nor are Judges generally known to import into construction of statutes intentions of the legislature, except in so far as they are to be gathered from the four corners of statutes before them. Indeed, they may not gather the intention from even the recorded speeches of responsible Members. It does often happen that Parliamentary draftsmen fail to carry out the intention of the legislature. But it is not the function of Judges to remedy the defect. The work is essentially the legislature's. Judges interpret, do not make, laws. But we have in South Africa an Appellate Court which undoubtedly makes laws. And this Syrian judgment is only one of the several instances that can be quoted to support our view. No doubt, the Law 3 of 1885 is bad; no doubt, it betrays most careless and incompetent draftsmanship; no doubt, its legal interpretation would have placed the Government in an awkward predicament; and finally, there is not the slightest doubt that the Government would have been obliged, to amend the precious law so as to exempt from its operation its non-Hindu, non-Mahomedan and non-Parsee friends from Asia minor. And

"there's the rub." The Judges have come to the assistance of the Government. We have it from Mr. Winston Churchill that when grave political issues are involved, Judges, who are, after all, human, are not to be expected to be impartial. The blame is not theirs. The blame, if blame it be, lies in the very constitution of human nature which is so full of likes and dislikes, so full of passions. Even Supreme Courts, therefore, have their limitations. In the present instance, if the Judges had risen superior to their surroundings, they would have given a legal decision which would probably have cleared much of the Asiatic muddle. However, there is this consolation, that they have erred, as we humbly believe they have, on the side of liberty. And we doubt not that when their own political prejudices do not come into play, they will strain the construction of many of our ill-drafted laws in favour of the liberty of the subject, even though he or she may be an Indian.

A CASE FOR INQUIRY.

ELSEWHERE we report a case of cruel persecution of an Indian who was liable to pay the poll-tax of £3. The man gave a perfectly valid excuse for not paying the balance of the tax. He said that he had understood, after Mr. Gokhale's visit, that the tax was repealed. We well remember the remarkable scene that occurred during Mr. Gokhale's visit to Mount Edgecombe, at the Hon'ble Mr. Marshall Campbell's bungalow. Mr. Gokhale met there literally thousands of Indians to whom the hope was certainly held out by all the speakers, including Mr. Campbell, that probably the £3 tax would go at an early date. Then, on the strength of Mr. Gokhale's speeches after his interview with the ministers, we fear, this journal, too, induced the poor Indians to believe that the tax was likely to be repealed during the current session. But the Ministers had willed otherwise, their assurance to Mr. Gokhale notwithstanding. What is, however, inhuman in the judgment of the Magistrate is that he received the balance of the tax and then sentenced the man to fourteen days' hard labour. It is a clear case for inquiry. We would fain believe that our informant is wrong. In justice to the Magistrate, as also to the Indians, a fair-minded member of the Assembly will, we hope, question the Minister of Justice and elicit the true facts of the case. Such a member may also certainly ask when the hideous impost will be removed and whether, in the meantime, the collection will be made with some measure of leniency.

The Second Reading (contd)

Sir BISSET BERRY (Queenstown) dwelt on

The Imperial Aspect

of the Indian question. It had been said, however, by several members on his side of the House that a Bill of that kind was not needed, and here he agreed. What they really wanted was the repeal of the Transvaal law of 1907. (Opposition cheers.) If that were done, they would get rid of a vast deal of trouble that had been created in this connection. If the racial bar that that Act set up was removed as well, he thought that very much of the trouble that had been created in this country would be got rid of. The Minister should give freedom of movement to those few Indians of a higher status who were to be admitted from time to time; but there was nothing attempted in their favour in this respect in the Bill. Then there was the question of the removal of that iniquitous and burdensome tax on the Indians in Natal—that tax of £3 a head on every man, woman, and child in that Province. During the first year of the Union they repealed the poll-tax; but this particular tax had never been repealed. He would like a clear explanation from the Minister as to whether he did promise to Mr. Gokhale that that unfair tax was to be removed, as he understood that Mr. Gokhale believed

that he had a promise from the Government that it would be removed. He (Sir Bisset Berry) joined with those who said that a Bill of that kind was foreign to all their ideas of fair play and right, and that it was a measure that could never be accepted by that House and the Empire, if it were not shown that it was going to avoid and settle all agitation in this matter of the Indian question. Their fellow-subjects the Indians were up in arms from one end of the Union to the other, and there were threats that the passive resistance movement would spread. They knew that when the passive resistance began

There Would Be Trouble.

Seeing the stringency in some respects, and the utter inadequacy in other respects, of the measure before them, he thought that the Bill should be withdrawn, and that the Minister should make an attempt next session to bring in a Bill dealing with the exigencies of the subject, which should not be burdened and loaded with unnecessary matter. (Opposition cheers.)

Mr. MEYER (Harrismith) heartily supported the Bill.

Mr. CLAYTON (Zululand) said that, as an employer of Indian labour, he still held that the Indian labourer—not the artisan nor commercial man—had been of great benefit to Natal and South Africa. He did not share the feelings of the member for Weenen (Mr. Meyler), who declared himself glad that the immigration of Indian labourers had ceased. Generally, the sugar planters had been credited with the influx. In 1908, when the Commission sat, the Director of Immigrants gave figures showing that out of 25,000 Indians employed, 7,006 were employed on the sugar estates. Other figures were: Tea planters, 1,722; general farmers, 6,149; coal mines, 3,239; Natal Government Railways, 2,371; domestic servants, 1,949; corporations, 1,062; brickyards, 740; wattle plantations, 606; landing and shipping agents, 422; miscellaneous, 313.

Mr. CRESWELL (Jeppe) said that the whole responsibility of the difficulty which South Africa was in to-day lay at the door of the Natal sugar planters, and that the cost of any measure to set others right should be borne by the same people. He thought that everyone was agreed that South Africa had made up its mind that it was not going to remain the dumping ground for the superfluous population of Asia. If South Africa were left to itself it would be perfectly simple to deal with the matter in a short Bill of one or two chapters; but they were not free agents. If there was some formula by which they could arrive at their end without injuring susceptibilities, there could be no great harm in accepting such formula. But he wanted to ask the Government not to try to be too diplomatic, because by being that they might do more harm than if they were fairly blunt. The obvious solution of the difficulty was to encourage the emigration of Indians from South Africa. He was not suggesting that they should coerce them into going out of the country; but as owing to the attraction of one Natal industry they were encouraged to come in, so an attraction should be offered them to go out.

Mr. QUINN (Troyville) thought that the Bill, as at present drafted, was an insult to their sense of fair play.

Mr. RUNCIMAN (South Peninsula) said that the effect of this measure would be to accentuate the differences which exist to-day in the four Provinces.

Mr. STRUBEN (Newlands) urged that the Bill should be withdrawn, and certain parts of the Transvaal measure amended.

Mr. WILTSHIRE (Klip River) said that the people of Natal did not wish to unload any part of their burden on to the shoulders of any other part of the Union. (Ministerial cheers, and derisive cries of "Oh! No!") Those unfortunate men were brought here years ago, and

Had Rights as British Subjects

As he (the speaker) regarded it, the whole matter arose from the point of view of self-interest, and so it was to-day. At the time these Indians were imported the

planters could not carry on successfully without Indian labour. The traders of Natal were always crying out against those men having licences. It was time that Indian licences were being restricted, but the holders of such licences must have their rights protected.

Mr. FAWCUS (Umlazi) said that he was opposed to this Bill on the same grounds as he was to last year's Bill. It was considerably too drastic as affecting the interests of European immigration. If they wished to keep the number of Indians down in this country one would have thought the most natural way to do it would have been to keep Indian women out. He entirely agreed with Mr. Creswell when the latter said that the danger they had to fear was the natural increase of the Indian.

Mr. DUNCAN (Fordsburg) detailed the objections of the Opposition to the Bill. It was his intention to move an amendment to the second reading so as to give the Government an opportunity of informing the House of what they intended to do. If the Minister gave a satisfactory assurance on the points that had been raised, they, on that side, would have no objection to voting for the second reading. He (Mr. Duncan) asked for guarantees that Clause 4a would not apply to Europeans; that the bar against an appeal from the decision of the Immigration Boards would be removed; that provision would be made for the test of immigrants in Europe, and that there would be less drastic provisions against the Indians already in the country. The Government to be instructed to introduce legislation to deal with conditions which had arisen in the Transvaal under the Asiatic Restriction Act in force there.

The Minister's Reply

The Hon. Mr. FISCHER (the Minister of the Interior) replying to the debate, said that the great objection to the Bill was the great power conferred on the Minister. But all admitted that, for the welfare of South Africa, it was absolutely necessary to deal with any chance there might be of a great influx into the country. There was not the least intention to keep out a single European who could be of any use to the country. He considered the dangers so great, however, that rather than leave the matter where it was, he would beg members to say for once, "trust the Minister with its execution." (Opposition laughter.) Then as regarded an appeal to the courts, continued the right hon. gentleman, in no part of the world was an alien entitled to go to the court of a country he did not belong to and claim the protection of that court. But the Bill went further than most other countries. It created an Appeal Board, and that was denied in most countries. They might, however, meet objectors in the matter of the courts of appeal by moving that appellants find security. But there, he said again, "Give us another alternative and I am prepared with gratitude to accept it." The Hon. Mr. Fischer, continuing, said that they (South Africa) were being urged, and correctly urged, to settle this question, because year by year it was getting more difficult. He hoped that he would not be misunderstood by hon. members opposite when he said that, as a responsible Government they did not like to appeal to the Imperial Government for aid in our affairs. In consultation with the Imperial Government, he had been assured that, if this Bill went through, it would be a satisfactory settlement as far as they (the Imperial Government) were concerned. Every man of common sense would admit that it was highly desirable that they should have the Imperial Government with them on this important question. It was, therefore, highly satisfactory to know that the Imperial Government considered this a satisfactory settlement of the question. The Minister went on to deal with the remarks of Mr. Meyler, and was understood to remark that the people would a hundred times sooner have the Cape Malay than the Natal Indian. (Hear, hear.) He would, however, do his best to meet the criticism of the member for Fordsburg (Mr. Duncan). The other points and objections

to the clauses, the Minister said, could be dealt with in Committee. They had had a Bill on twice before, and they had better thrash it out. Certain amendments that had been made, the Hon. Mr. Fischer added, would have his serious consideration, with a view to meeting them as much as possible. The Minister proceeded to say that he was sorry that the "passive resistance movement" had been mentioned, because that very fact might compel them to come to plain language in the Bill, notwithstanding its difficulties. They must not allow themselves to be defied.

Sir THOMAS SMARTT (Fort Beaufort) said that members were, naturally, very much exercised by the statement of the Minister that the Bill embodied a great Imperial principle, so far as the inhabitants of India were concerned. Vital points had been raised in the discussion. Although they on that side might be prepared to take the second reading, they would not be prepared to accept the measure in its present form, because it introduced principles of such an objectionable character. He hoped that the Government, before going into Committee with the Bill, would favourably consider any reasonable criticisms levelled against the very objectionable clauses.

The Bill was read a second time.

The Committee stage was set down for Monday next.

Boksburg Location

Several natives and coloured persons resident in the Old Location, Boksburg, were brought before Mr. S. Elman, A.A.M., on the 25th ultimo, says the *Transvaal Leader*, as the result of a police raid. One batch of 18, including 10 women and eight men, were charged with residing "in the Old Asiatic Bazaar, they not being Asiatics."

Sergt. M. Connellan deposed that on April 22 the accused were found in various huts in the Old Bazaar. They said they were paying rent to Asiatics. The Bazaar was set apart by the Municipality for the use of Asiatics.

Cross-examined by Mr. Knight for the defence, witness said he could not swear that the old location was a Bazaar set apart for Asiatics.

The Public Prosecutor, Mr. J. Henkel, admitted that the Old Bazaar was set aside under Law 3 of 1885.

Mr. Knight asked for the discharge of the accused on the grounds that the old location had never been transferred to the Municipality, nor had it been set aside for Asiatics under Ordinance 17, of 1905.

Accused were discharged accordingly.

A similar charge against four Cape boys was withdrawn.

Four natives were convicted of residing on premises not set apart as a location for natives, and not being premises of their employers. One was fined £2, and the other three were fined £1 each.

Syrians Not Asiatics

The following is a summary of the judgment of the Appellate Court in the Syrian appeal:—

Lord De Villiers, in allowing the appeal with costs in the Appellate Division and the Court below and ordering the respondent to register the land in the appellant's name, remarked that in construing vague expressions in statutes the Court should endeavour to ascertain their popular sense, and the Court could not ignore the universal meaning attached to the word "European" throughout South Africa, although departing from its primary sense. In the present case there was no doubt that the object of the framers of the 1885 Law was to apply the law to coloured people and even yellow Asiatics, and not to any white man, as the applicant was admitted to be. If the law were to apply to him and other members of his race it would

be competent for the Government to indicate to them the locations in which they were to reside, a course which it was admitted the Government never attempted to pursue even in the time of the Republic. Looking to the whole tenor of the law relating to locations the Chief Justice was quite satisfied that the Legislature in passing the 1885 Act would have been horrified at the idea of confining white men, even if they came from Asia Minor, in locations like those set aside for coolies, Arabs and other Asiatics.

Sir James Rose Innes, in the course of a concurring judgment, said if the term "inboorling" was not confined to coloured races, even a Jew from Palestine would be relegated to a location, be compelled to carry a permit, and be subject to the stringent restrictions of Act 2 of 1907 and similar legislation.

Mr. Justice Solomon also concurred.

£3 Tax Persecution

We learn from a Verulam correspondent that an Indian named Munien was brought up on a warrant before the Magistrate, Mr. Matthews, on the 25th ulto. Munien was ordered some time ago to pay his £3 licence, which was in arrears, in monthly instalments. He paid the instalment duly, but there was still a balance of £2 10s owing when he ceased payment. A warrant was issued for his arrest as he had not complied with the order of the Court. When asked by the Magistrate why he had not paid up, he replied that he had been given to understand that the law requiring payment of the licence had been repealed. This rumour appears to have been freely circulated in the District ever since the Hon. Mr. Gokhale's visit. The Magistrate asked him when he would pay and he said that he would do so at once. The money was accordingly paid. Thereupon, the Magistrate ordered Munien to be imprisoned for 14 days with hard labour for contempt of Court and to be sent to Ndwedwe gaol to complete the sentence. An appeal has been noted. We understand that this is not the first case of the kind that has occurred at Verulam. It would seem to be the practice of the Magistrate to secure payments of the arrears and then to sentence the unfortunate defaulters to imprisonment for contempt of Court.

[NOTE: We refer to this matter in our leading columns.—Ed. I.O.]

Obituary

The death occurred in Ceylon on Friday, the 25th ultimo, of Mrs. D. Vinden, the wife of the Clerk and Interpreter of the Magistrate's Office, Ladysmith. The deceased was born in Madras and educated in Mauritius, in English, French and Tamil, and then was a teacher in the Free Church Normal School in Madras from 1885 to Sept. 1887 and then came to Natal. In the same year she was married at St. Cyprian's Church, Durban. She went with her husband to Ladysmith in 1888, and in 1889 she started a School on her own account until 1893, and then the School became a Grant-in-Aid one under the management of the then Archdeacon J. Barker. In 1890, owing to ill-health, she had to relinquish the appointment and went to Ceylon and India for a change and returned with her children about the end of that year. In December, 1911, she left for Mauritius and Ceylon with her husband and children, and Mr. Vinden returned a few months later. It was reported by cable on the 23rd ultimo, that she was seriously ill, and the next day a cable was received to the effect that she had passed away.

It may be recalled that Mrs. Vinden pluckily brought an action for damages against the Ladysmith Corporation for illegal arrest. The case is often quoted by the

lawyers. It was a complete victory for Mrs. Vinden. She was arrested for being without a pass which she was never required to carry. We extend our sympathy to Mr. Vinden and the bereaved family.

News in Brief

Mrs. Polak is collecting contributions for the Transvaal Indian Women's Bazaar. She requests that those willing to help, and who are not sending direct to the Transvaal, will kindly send their contributions to her at 3 Southern Place, Smith Street, Durban. Gifts of clothing or fancy work will be warmly welcomed.

Mr. A. H. Moosa, father of Mr. Ismail A. H. Moosa, the Treasurer of the Gokhale Reception Fund, is expected to arrive at Durban with his family shortly by the s.s. *Pandua*.

In the House of Assembly, on the 7th instant, Sir David Hunter (Durban, Central) presented a petition from the trustees of the various Mohammedan Mosques in Natal praying that a marriage officer of their faith might be appointed to celebrate the marriage of persons of Mohammedan faith in the Natal Province.

Lady Jugmohandas writes to Miss Schlesin, regarding the forthcoming Bazaar, that her committee has collected nearly Rs. 2,000 (£133 6s 8d.). The committee have bought out of this a choice collection of goods and the balance—nearly Rs. 1,000—they are sending by draft to be used by the Bazaar committee as they think fit. We hope that those South African Indian merchants who have not yet sent their quota to the Bazaar committee will now do so without delay.

Mr. Kharwa, who, it will be remembered, failed some time ago to obtain judgment from Justice Broome for refund of the deposit of £100, made by him in respect of an Indian lad, if not immorally, if not illegally, withheld from him by the Union Government, appealed to the Appellate Court from Justice Broome's decision. The appeal was heard last week and, after spirited argument on both sides, judgment was reserved.

Mr. S. G. Hoosen, Chairman of the Anjuman Hedayathul Islam, Overport, has sent to the Minister of the Interior the following wire:—"On behalf of my Anjuman, I strongly protest Searle judgment. Read Immigration Bill, support mass meeting, Johannesburg. Pray grant request."

A meeting of Indians was held on the 11th instant, under the auspices of the Cape British Indian Union, to protest against the Immigration Bill, when resolutions were passed suggesting (a) that the present Bill be withdrawn; (b) that the conditions in practice in Natal and the Cape be left as they are, provided that Indians domiciled in the Union shall have the right of entering after a visit to any other country whenever he wishes; (c) that the obnoxious Asiatic Act of 1907 of the Transvaal be repealed.

A resolution was also passed strongly deprecating the decision of Mr. Justice Searle in the Supreme Court with regard to Mohammedan marriages, and praying the Government to introduce immediately legislation making those marriages valid throughout the Union.

Reuter's correspondent at Ladysmith telegraphs that, on the 14th instant, at the Circuit Court, Mr. Justice Gardiner gave an important ruling with regard to Indian marriages, and held that a woman married according to Indian rites, but whose marriage was not registered in terms of the law, was competent to give evidence against her husband. In the course of his ruling, he emphasised the fact that the registration of the marriage was essential to its validity.

[NOTE: This only emphasises the fact that an Indian marriage is held to be illegal.—Ed. I.O.]