



No. 20—Vol. XI.

SATURDAY, MAY 24TH, 1913.

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

AN IMMIGRATION SCANDAL AGAIN

IN the 13th inst., before Mr. Justice Hathorn, in Chambers, Mr. H. S. L. Polak moved for an interdict restraining the Chief Immigration Officer from deporting, until further order, one Santok Behn, detained on board the s.s. *Pentahota*, who claimed to be the wife of Khetsee Haree, of Durban, and to be entitled to land in Natal. The order was granted, subject to the deposit of security to the amount of £35.—*Natal Mercury*.

We have made further inquiry into the facts baldly set forth in the above paragraph, and they reveal the perpetration of another glaring injustice. Briefly, they are as follows:—

Mr. Khetsee Haree, well-known in Durban and the neighbourhood as a produce merchant, and the holder of a Domicile Certificate, went to India in 1907, to get married. He was accompanied on the journey by Messrs. V. Devshi, the Chairman of the Kathiawar Arya Mandal, and Natha Naran, both well-known Durban residents.

Early in 1908, the marriage was celebrated, in Bombay, according to Hindu rites, before a large gathering of relatives and friends invited from all parts of Kathiawar and Gujarat. Mr. Khetsee Haree is the son of a prominent banker of Juria, in the State of Jamnagar, and comes of a good family. Of equal repute is the family of the wife, Santok Behn, whose father, Mr. Jasarath Devji, and brother, are in various responsible capacities, in the employ of Messrs. Lyon, Lord & Co. Ltd., of Bombay, whose Managing Director is the Hon. Sir Charles H. Armstrong, Chairman of the Bombay Chamber of Commerce and Member of the Imperial Legislative Council of India. As is customary in India, notifications of the marriage were sent to all friends and relatives who were unable to be present thereat.

Mr. Khetsee Haree and his wife remained in India until last April, when they left for Durban, arriving at the port by the s.s. *Pentahota*, on Saturday, the 10th inst. Mr. Khetsee Haree was allowed to land, but his wife, Santok Behn, was detained on board. He went to Mr. Polak, who was acquainted with his brother in Surat, and who wrote to the Immigration Officer, stating the facts, and attaching affidavits from Mr. Khetsee Haree, Mr. H. M. Kotak, a relative of the wife, who had received notification of the marriage, Mr. Khimjee Dayaljee, who knew both parties before the marriage, and who had been notified of it, and Mr. M. M. Divan, who had known the husband for years, and had stayed with the family in Bombay and was therefore well acquainted with the family circumstances. Declarations were also made that there was no other marriage. Mr. Polak also reminded the Immigration Officer of a certificate that had been handed to him by Mr. Khetsee Haree, from Sir Charles Armstrong, certifying that Mr. Khetsee Haree and Santok Behn, whose thumb-

prints were impressed thereon, were man and wife and were proceeding to Natal. In reply, the Immigration Officer said that he did not regard the evidence so far produced as conclusive, and that he could not therefore land the lady.

On the 13th instant, Mr. Polak filed further affidavits from Messrs. V. Devshi and Natha Naran, who were present at the marriage. The same afternoon, he had an interview with the Immigration Officer, who handed him a letter stating that the evidence was still inconclusive, and that the practice was either to produce a formal marriage certificate or a certificate from a superior Magistrate in India stating that he had held an inquiry on oath and was satisfied of the relationship of the parties. He did not mention that such magistrates' certificates had on previous occasions been rejected by him, as in the Dayal case, presumably because they were not supported by a police inquiry. In any event, he was aware that the evidence now demanded meant a delay of at least three months, in order to correspond with the proper quarters in India. Mr. Polak, in the circumstances, asked him whether he was to take it that no matter how respectable Indian witnesses were, he would not accept their statements, to which he replied that he would not discuss the question of respectability. Mr. Polak then asked him if he would land the lady on a visiting pass, to enable further evidence of the marriage to be obtained, Mr. Polak giving his personal guarantee to produce her if and when required. He received a point-blank refusal, and was informed by Mr. Colborne-Smith that the only way to prevent his deporting her was by legal process. In order, however, to avoid the burden of heavy legal expenses, Mr. Polak at once telegraphed to the Minister, asking his intervention, and undertaking to submit sufficient evidence. The Minister, however, felt unable, in the absence of all the papers, to intervene, and on the 14th inst., Mr. Polak applied to Mr. Justice Hathorn for an interdict restraining the Chief Immigration Officer, until further order, from deporting Santok Behn. The Order was so made, to give time to send to India for further evidence and to avoid the necessity of having to approach the Court again for an extension of time.

On the 16th inst., Mr. Polak wrote to the Immigration Officer, informing him that he was sending to India for the evidence, to which a reply was returned on the 17th inst., stating that the Attorney General had been instructed to move at the earliest possible date for the discharge of the interdict.

The Shri Hindi Jigyasa Sabha, the Kathiawar Arya Mandal and the Secretary, Hindu Temple, Verulam, have received from Capetown the usual letters sent to the other bodies in reply to their telegrams.

Correspondence with the Government

We are now able to reproduce further correspondence which has passed between the Secretary for the Interior and the British Indian Association in regard to the position of Indians under the new Immigrants Restriction Bill and as affected by the Searle judgment. On the 9th instant the Secretary for the Interior wrote as follows to Mr. Cachalia:—

"I have to acknowledge the receipt of your letter of the 30th ultimo in which you communicate, for the information of the Minister of the Interior, a copy of a Resolution passed at a meeting of the British Indians held at Vrededorp on the 27th idem, together with a copy of the speech delivered by you on that occasion.

"It is a matter of great regret to Mr. Fischer that, in referring to the draft Immigration Bill, your Association and other representative bodies in the Indian community have seen fit to threaten to revive the passive resistance movement."

In reply to the above, the Chairman of the British Indian Association, on the 19th instant, wrote as under:

"I have the honour to acknowledge the receipt of your letter of the 9th instant, in reply to mine of the 30th ultimo.

"I observe that the Honourable the Minister resents any reference to Passive Resistance. I am sorry, but the reference as a statement of facts was inevitable. There was no desire to use any threats. Revival of Passive Resistance is no threat, but a certainty, should the Government unfortunately find it impossible or be reluctant to carry out the sacred promise made by the predecessor in office of the Honourable the Minister. The promise was made in the name of the Government, and in its name it was repeated last year. Every one of the points raised by my Association arises out of the provisional settlement.

"Moreover, I am constrained to point out that the policy hitherto pursued by the Government in administering the existing legislation affecting the community represented by my Association is wholly at variance with the desire expressed in your letter not to "treat that community in any but an entirely fair manner." My countrymen consider not only not fair but harsh and unjust the treatment meted out to wives who wish to join their husbands in South Africa or minor children who wish to join their parents, or to those, as in Natal, who wish to re-enter on the strength of previous residence, or to those, as in the Cape, who try to re-enter after the expiry of the period mentioned in their permits of absence, or to those who want temporary permits to enter the Transvaal. It may be added that, if the community in the Transvaal has not been altogether extinguished under the combined effect of the Gold Law and the Townships Act, it has to thank the Supreme Court and not the Government, who so ungenerously attempted to read a meaning into the Acts which they did not bear. Even the marriage trouble is due entirely to the deliberately hostile policy of the Government. They could have avoided the ruling of the Court by simply allowing the only wife of the applicant in South Africa to join her husband.

"It will thus be seen that any pressure that could be put upon the Government by the European community could not result in greater cruelty being practised upon my community, short of its utter annihilation. And if Passive Resistance, that is, self-inflicted suffering by my community, should prompt measures to destroy its existence in South Africa, I doubt not that it will prefer such destruction to a destruction of its honour, its religious sentiment and its self-respect."

Indian Marriages

On the 9th inst. the Secretary for the Interior wrote:—
"I am directed by the Minister of the Interior to

acknowledge the receipt of your letter of the ultimo on the subject of the validity in South Africa of marriages celebrated according to the rites of Indian faiths and to inform you in reply that it would be entirely opposed to the principles of European civilization to pass legislation which would have the effect of disturbing in any way the position in regard to the solemnization of valid marriages, as it now exists in South Africa under the Roman-Dutch law, by recognizing as valid any marriages solemnized under a law which permits of the union of one man with more than one woman.

"As you seem to question the statement made by me in my previous communication, that position, as indicated in Mr. Justice Searle's judgment, has been well understood in South Africa for many years past, I ask you to invite your attention to the fact that a case bearing on this question was settled in the Cape Courts so long ago as 1860, and, as a result, an Act was passed in the year which provides additional facilities for contracting valid marriages by empowering the Governor to appoint special marriage officers for the purpose of solemnizing marriages of persons professing the Jewish faith and of persons professing the Mahomedan faith."

Mr. Cachalia replied, on the 19th instant, as under:—

"I have the honour to acknowledge the receipt of your letter of the 9th instant, in reply to mine of the 14th ultimo regarding the validity of Indian marriages.

"My Committee had, it was thought, made it clear that, in its request, it had not raised the question of polygamy, which could be treated on its merits. What the Searle judgment does is to disregard marriages contracted in India or in South Africa in accordance with the rites prescribed by Indian faiths. I beg to inform the Honourable the Minister that the religious ceremonies in India do not mention polygamy, nor do all Indian faiths necessarily recognise polygamy. All my Association asks for is that monogamous marriages celebrated in India or in South Africa according to the ceremonies prescribed by the great Indian faiths may be lawfully recognised as they were before the Searle judgment. Where my countrymen bring or have more than one wife, the indulgence promised in the Government communication may be exercised till the time is ripe for legal recognition of such marriages.

"I do respectfully hope that the position taken up by my Association has now been made clear."

Indian Women's and the Government

The following interesting correspondence has been exchanged between the Government and the Indian Women's Association. The Secretary for the Interior wrote to Miss Schlesia:—

"I have the honour to acknowledge the receipt of your telegram of the 4th instant, in which you refer to the judgment recently delivered by Mr. Justice Searle in relation to the question of marriages which have been solemnized by rites or customs which recognise polygamy, and to inform you that the matter is receiving the consideration of the Minister of the Interior."

The following reply has been sent:—

"I beg to thank you for your letter of the 7th instant, in reply to my telegram of the 4th idem.

"My Committee fears that the Government reading of the Searle judgment is different from that of the Indian community—you say that, in my telegram, I refer to the judgment recently delivered by Mr. Justice Searle, in relation to the question of marriages which have been solemnized by rites or customs which recognise polygamy.

"I would respectfully point out that my Association has never understood that the Searle judgment dealt with the question of polygamous marriages. Justice Searle's pronouncement, in the humble opinion of my Committee, is unequivocal: 'the whole question in the case was whether a wife, married by Mahomedan custom, was a wife within the meaning of the Im-

migration Act' And what applies to marriages by Mahomedan custom would apply also to marriages by Hindu custom or to marriages by Zoroastrian custom or to marriages consecrated according to the customs of any religion save the Christian, which were not registered before a Marriage Officer. The question of polygamy has, therefore, I respectfully submit, been quite gratuitously introduced.

"My Committee trusts that the Government will recognise the great urgency of the question raised by it and that the laws of the Union regarding marriages will be amended during the present session so as to restore the former practice of recognising in law Indian marriages."

From the Editor's Chair

THE BILL

THE Immigration Bill promises to become the law of the land, if one may judge from the considerable progress made by it in Committee since Monday last. Mr. Fischer, in spite of his unsatisfactory letter to Mr. Cachalia which we reproduce this week, has seen the error of his ways and actually himself moved amendments which, in his telegraphic and other communications, he evinced no desire to do. The amendments include the restoration of the existing rights of inter-provincial migration under the Cape and the Natal laws, also of the rights of domiciled Indians whose right to return after three years' absence was threatened. The exact effect of the amendments it is impossible to ascertain unless we have the full text thereof before us.

Mr. Alexander, who has been working so disinterestedly and zealously for all causes which are neglected or unpopular owing to the colour prejudice, moved a reasonable amendment which would probably have met our demand on the marriage law, and was met with a fishy and misleading reply from the Minister, although Mr. Chaplin supported Mr. Alexander in a well-informed speech. The Minister threw dust in the eyes of the Members by stating that we had declined to accept a marriage officer as we wanted polygamy recognised in South Africa. It has been made perfectly clear that the Searle judgment invalidates every non-Christian Indian marriage if it is not registered. No appointment of a marriage officer can meet this difficulty unless Indians are to be expected to register existing marriages and thus impliedly admit their illegality prior to registration—a position which no Indian would humiliate himself by accepting. Nor would such appointment meet the difficulty of wives who may come from India. The Transvaal Marriage Law provides for legal recognition of European marriages, no matter how celebrated in Europe in the following terms:—

"All marriages entered into outside this state by persons of whom one or both were not at the time of entering into such marriage resident within this state shall be recognised and considered to be equally valid in this state as in the country where such marriages shall have been solemnized, and should the legality of such marriages be questioned by any heirs or other interested parties, the same may be proved in any court of law by producing the marriage registers or certificates, if it should be customary to keep such registers in such country, or to grant certificates thereof, or by producing duly authenticated copies thereof, or by witnesses, or any other means of proof admissible by law in all other ordinary cases."

Presumably such marriages may, therefore, well be even polygamous; they may be performed according to any rites. Why should not the same recognition be vouchsafed to Indian marriages?

Moreover, Mr. Fischer has evidently not studied Mr. Justice Gardiner's recent judgment. According to that judgment, an Indian wife, unless her marriage is registered, is not exempt from liability to give evidence against her husband. Here, at least, there was not even a suspicion of the question of polygamy arising. But the fact is that Mr. Fischer does not scruple as to how he misleads the House when he has to deal with an awkward situation.

So it may be that the Immigration Bill now in Committee may come out of it satisfying all our demands but the one about marriage. Mr. Fischer proposes to deal with the marriage difficulty administratively. In the words of the *Natal Mercury* parliamentary correspondent, "the objection to the administrative solution is, of course, that it reduces the title of the domiciled Indian to import a wife from a right to a favour—one, moreover, which is dependent on the discretion or caprice of an official." We warn Mr. Fischer that even if this question is the only one left unsolved, revival of Passive Resistance is a certainty.

The Bill in Committee

The Immigrants Restriction Bill was taken in Committee on Monday last and has been making steady progress, showing that it is likely to be placed on the Statute Book of the Union. We give below a summary of the discussion in so far as it affects the Indian question:—

On clause 1, establishing an immigration department,

Mr. MEYLER (Weenen) moved to omit the words "or into any Province wherein their residence is under this Act or any other law unlawful" from the second section. He moved this amendment to make it clear that the functions of the Immigration Department extended only to Union affairs, and not to the separate Provinces. He urged that Provincial boundaries should not be set up in a law affecting to deal with the whole of the Union.

Mr. NATHAN (Von Brandis) moved a further amendment to omit certain words to make it clear that the Bill should deal solely with the question of immigration, and not with that of "prevention of" immigration.

The MINISTER of the INTERIOR said that he could not accept the amendments. He feared that the effect of Mr. Meyler's amendment might be to lead to injustice—as for instance, if the 130,000 Indians in Natal were allowed to spread to the Cape and upset labour conditions there, while also inflicting injustice on employers in Natal. With regard to Mr. Nathan's amendment, he thought they might agree to substitute "regulation of" immigration.

Mr. MEYLER thought the Minister had misunderstood him. He asked the Minister to meet him so far as the Indians born in South Africa were concerned.

Mr. CHAPLIN (Germiston) thought that theoretically the previous speaker had made a good case, but practically he did not see how the House could support him. (Hear, hear.) The conditions were such that they must have Provincial legislation. They had, moreover, not had a request from the Indian community that the present restrictions should be broken down.

Mr. HENDERSON (Durban, Berea) spoke in support of Mr. Meyler's motion, quoting the Hon. Mr. Burton's words, to the effect that there should not be a constant demand for the leaving of the Provinces out of Union legislation, and that the Government should be trusted. He (Mr. Henderson) thought it unfair that the Free State and the Transvaal should be left out of laws, and not Natal.

Mr. SAMPSON (Commissioner Street) amid laughter suggested that Natal should be created a "coolie area" under Mr. Sauer's Natives' Land Bill.

Mr. BOYDELI (Durban, Greyville) reminded the member for Commissioner Street (Mr. Sampson) that when the Transvaal came into the Union, they not only

accepted the assets of Natal, but also Natal's liabilities, and he (the speaker) considered that the Asiatics were one of the liabilities. He supported the amendment of the member for Weenen (Mr. Meyler).

Mr. CRESWELL (Jeppe) said that the last speaker (Mr. Boydell) and the member for Weenen (Mr. Meyler) seemed to think that because the Union had taken the liability of Natal's past misdeeds, these had to be borne as they (the Natal members) liked, and not as others liked. Mr. Creswell advocated the tackling of the Indian question as a separate problem, and considering the advisability of settling the Indians in some country where their presence would not lead to complications.

In the course of his remarks Mr. MEYLER asked the Minister to give an assurance that this Bill would be taken as a settlement of the Indian problem in Natal.

Mr. ORR (Maritzburg, North), while sympathising with the desire of Natal to get rid of the surplus Indian population, did not favour their being dumped on other Provinces of the Union. He (Mr. ORR) agreed that it was open to consideration whether the Indian curse in Natal could not be got rid of by removing the Indians to some place where they could develop on their own lines.

Mr. MEYLER took exception to Mr. Orr's description of the Indians in Natal as a curse. It was an insult to the 59,000 people born in Natal. If people talked in that way, no wonder there was unrest in India.

Mr. ORR, replying, said that if Mr. Meyler considered the Indians in Natal a blessing he was entitled to his opinion. Mr. Meyler knew very well, observed Mr. Orr, that the introduction of the coolie as a permanent resident in Natal was a curse to that country. Mr. Orr added that Mr. Meyler was appealing to the gallery.

Mr. Meyler's amendment was negatived.

The MINISTER moved a proviso to Clause 2, to the effect that if the Board decide that an appellant be a prohibited immigrant, the Immigration Officer should not take steps to deal with him if an appeal be prosecuted and a question of law reserved.

On the MINISTER'S motion, Clause 3 was enlarged so as to enable the Immigration Board, of its own motion, at the request of an appellant or an immigration officer, to reserve for the decision of a superior Court any question of law arising out of any appeal heard before such Board, such question of law to include the question of domicile.

Mr. NATHAN desired Clause 4 to read so that the immigrant himself should choose the European language in which he was to be tested.

The amendment was negatived.

The MINISTER moved the following complicated new sub-Section, to take the place of sub-Section 2 in Clause 4: "Nothing in sub-Section 1 (a) contained shall be construed: (a) as enabling a person to be deemed a prohibited immigrant in the Cape of Good Hope or Natal if, being at the commencement of this Act, lawfully entitled to reside in any Province, he shows, or has shown, that he is able to comply with the requirements described in Section 3 (a) of Act No. 30 of 1906 of the Cape of Good Hope, or of Section 5 (a) of Act No. 30 of 1903 of Natal, or (b) as abrogating or affecting any right compassed by Act No. 36 of 1908 of the Transvaal upon the lawful holder of a certificate of registration issued under this Act."

Mr. BAXTER (Capetown, Gardens) feared that the effect of this would be to open the Cape Province to Natal Indians.

Mr. HENDERSON (Durban, Berea) criticising the previous speaker's remarks, regretted this recrudescence of the Provincial spirit. If the Cape were to be protected against Indians coming from Natal they in Natal would have to ask protection against European merchants coming from the Cape into Natal and taking away business there, as was actually the case.

Mr. JAGGAR (Capetown, Central) wished Mr. Henderson had borne his own advice in reference to the Provincial spirit in mind when the Financial Relations

Bill was before the House, especially the £100,000 (Laughter.)

The Minister's amendment was agreed to.

Upon sub-section "G" of Clause (5) some discussion ensued as to the admission of Indian women.

Mr. ALEXANDER (Capetown, Castle) had an amendment protecting people married in the Mahomedan Faith.

Mr. FAWCUS (Umlazi) strongly contended that the greatest care should be exercised as to the admission of Indian women, and declared that many of the women arriving with indentured coolies in the past were the riff-raff of Calcutta or Madras.

Mr. ORR (Maritzburg North) described the previous speaker's remarks as insults to the Indian population.

The MINISTER said that the "lawful" marriages referred to in the Bill were those which followed the ideas of Western civilisation. He expressed his readiness, however, in the case of Mahomedans, not to be too strict in the administration of the Act.

Sir DAVID HUNTER (Durban Central) deprecated Mr. Fawcus's strictures upon the Indians, who, as a class, while they had their little weaknesses, had also their virtues. Sir David said special emphasis was laid by the Indian community upon this part of the Bill, which they regarded with distrust. He (the hon. member) thought that a man's legal wife should be admitted, no matter under what faith she was married.

Mr. FAWCUS (Umlazi), replying to Mr. Orr, said that it was quite patent that the latter was appealing to the gallery. (The hon. member was here called to order.) Proceeding, Mr. Fawcus said that he knew very well what he was talking about. He wished to remind both Sir David Hunter and Mr. Orr that there were two classes of Indians in South Africa, and the Indians he (Mr. Fawcus) had referred to were indentured Indians.

Mr. SCHREINER (Tembuland) made a speech vigorously advocating the principle of one husband one wife.

Mr. CHAPLIN (Germiston) referred to the Searle judgment, and suggested that the paragraph stand over to allow the Minister to re-draft it to meet the case of Mahomedan marriages.

The MINISTER pointed out that "these people" had been offered a marriage officer for the purpose of registering marriages. That offer was still open to the Malay and Indian communities. Of course, this marriage officer would only be liable to recognise one husband one wife, but as the Mahomedan law allowed polygamous marriages, the Mahomedans had refused to accept this officer. The Minister further said that this point as to the marriage laws had given him much thought, and he found it impossible to alter the terms of the Bill.

The amendment was negatived.

Mr. ALEXANDER (Capetown, Castle) secured the passage of another amendment allowing an appeal to the Immigration Board in a matter of determining who were a man's wife or children under the paragraph which had just been discussed.

On the motion of the MINISTER it was agreed to delete the proviso at the end of Clause 5. This proviso placed an embargo on certain persons who desired to return to South Africa after a continual absence of three years.

On Clause 11, "Power to board ships and regulate the intercourse of ships with the shore,"

Mr. ALEXANDER (Capetown, Castle) moved an amendment to delete certain words under which the immigration officer was given power to prohibit any communication with the shore.

Mr. HENDERSON (Durban) supported the amendment, and held that, if ships were prohibited from having any communication with the shore it might seriously interfere with the working of ships.

Mr. NATHAN (Don Brandis) moved an addition to the clause providing that the immigration officer should within 24 hours record in writing his reasons for refusing an immigrant to land. He did so in order to

have better control over the actions of the immigration officer.

Mr. NESER (Potchefstroom) supported Mr. Alexander's amendment and pointed out that, even if the immigration officer were not allowed to prohibit communication with the shore, he still had the power to regulate communication.

The MINISTER said it seemed as if some hon. members thought the immigration officers were trying to do all kinds of unlawful things.

Mr. ALEXANDER'S amendment was eventually negatived.

The MINISTER pointed out in regard to Mr. Nathan's amendment that the matter contemplated by him was dealt with elsewhere.

The amendment was negatived.

On Clause 13, Mr. ALEXANDER (Capetown, Castle) moved an amendment providing that the master of a ship should not be responsible for prohibited immigrants removed from on board ship by an immigration officer.

The MINISTER accepted the amendment which was agreed to.

Mr. MEYLER (Weenen) moved that Clause 4 be so amended that the master or owner of a ship should first be notified who were prohibited immigrants on board before becoming liable to be fined should any such prohibited person escape or land without authority.

The Minister accepted the amendment which was agreed to.—Reuter.

Obituary

We regret to announce the death of Mr. Subban Godfrey, who passed away peacefully, early last Saturday. He was known and respected throughout Natal. He hailed from Hazarimbagh, in India, and found his way to Mauritius, where he joined the Powder Mills Government Orphanage and received his education. He then took to teaching under the Government, and also taught the Hindustani and Bengalee languages. Occasionally he gave lessons in those languages at the Royal College.

In 1881 he resigned his position, owing to ill health and was granted a pension by the Government of Mauritius, which he received till his death. In the same year, he came to Natal. Soon after his arrival he opened a small school in Durban for Indian children, and being a protestant (of the Church of England), he also began preaching the Gospel and in his labours he was joined by that well-known Medico-Missionary Dr. L. P. Booth. Together they worked zealously and conscientiously till, with their united efforts, there began the Indian Mission from which has grown up the present St. Aidan's Indian Mission. He was also instrumental in assisting in the establishment of a number of the missionary schools along the coast. He was the headmaster of the leading Indian school in Durban for close on 20 years, during which time thousands of the Indian children of all castes and creeds passed through his hands, some of whom are now practising the learned professions. It was touching to occasionally see bearded men raise both their hands to their foreheads and, with great respect, wish him "Salaam, Schoolmaster." He was an ardent educationist in his own quiet way.

He gave all his own children the best modern education his means could afford and three of his four sons are qualified in the learned professions in Europe, whilst the fourth is now going through a course of medical studies at Edinburgh.

His amiable character, at all times, won for him the hearts of all with whom he came in contact.

He leaves a wife, six daughters and three sons to mourn their loss, and we tender them our sincere sympathy in their sorrow.

A memorial service was held at St. Aidan's Indian Church, Durban, on Monday afternoon, conducted by

Rev. A. A. Baillie, who preached an appropriate sermon. The Church and its precincts were crowded, and at the graveside were present leading representatives of the Indian community and a number of European friends of the deceased.

The Press on the Bill

The following leading article by the Editor of the *Pretoria News* (Mr. Vers Stent) is one of the most logical that have appeared since the introduction of the Immigration Bill. Mr. Stent has the courage to speak plainly, and for that quality, as well as for his hearty detestation of all forms of sham and humbug, his articles are always worth reading. We have seen it stated that Mr. Stent is the only editor in the Transvaal who can be quite sure that his leading articles are regularly read by the general public. We give the article, which appeared on the 12th instant, in full—

The Immigration Bill at present before Parliament provides for the perpetuation of the laws of the Free State prohibiting the entry into that Province of any Asiatic.

This is, of course, another of General Botha's week-kneed concessions to the reactionaries. It is plainly a case where the interests of the Empire clash with the interests of the Free State and the question instantly arises whether we shall be bad South Africans if we suggest that it is better that the Free State should suffer—if suffering it be—in common with the other three Provinces of the Union the presence of such Asiatics as are already legally domiciled in South Africa than that the whole of the Indian Empire should be kept in a condition of ferment and unrest over what they very rightly consider to be a gross injustice to Asiatic British subjects.

It will be urged that the people of the Orange Free State do not realise the importance of our Indian Empire, and that they must be treated gently on account of their ignorance and their prejudices. Our answer to that is that the importance of the British and the Indian Empires was one of the things that a good many of us came to South Africa to teach the Free State some thirteen years ago.

If General Botha had the courage or anything like the courage of the Imperial convictions which he professes, he would not hesitate to vote the Free State down in the Union Parliament and, if it gave any unconstitutional trouble, to deal with that trouble in an unconstitutional, but time-honoured and effective manner.

The Indian question is of a much greater importance than those who have never been East of Suez can possibly realise. There already exists in India a revolutionary movement of the most dangerous description.

Young India seeking modern education and that mechanical progress which is characteristic of Western civilisation finds itself rebuffed and learns to its astonishment and indignation that to be a British subject is not to be a British citizen, learns that in numbers of Colonies where the British flag is flying an Asiatic is a Pariah and an outcast denied the meanest rights of citizenship, forbidden to hold land, not permitted to use the sidewalks of the city. Then young India remembers the post-mutiny proclamations of Queen Victoria, and wonders how the solemn assurances, promises and undertakings of their first Empress can be so lightly disregarded by those who follow her.

Young India turns to America.

It notices the attitude of the Californians to single out Asiatics for singular treatment, and it sees the great guns of the Japanese Fleet swing outwards toward the foe and the *saive* diplomatic little Japanese Ambassadors, oriental in their unfailing courtesy, occidental in their unflinching determination, steadily

"persuading" the United States authorities to in their turn "persuade" California to alter her mind.

Then young India begins to see in Japan and the awakening of China the true salvation of the East.

When young India turns to Japan and not to England our mighty Empire of the Orient begins to fade away.

The question put brutally is this. Are we to face the certain fact that the separatist movement in India will be enormously encouraged, and the smouldering fire of revolution fanned, amongst three hundred and fifteen millions of British subjects, or would it be better to annoy and even to foster revolutionary sentiments amongst the one hundred and forty-two thousand white inhabitants of the Free State?

If it were not for the customary cowardice of the Liberal Government, they would insist that no special privileges, not possessed by the other three Provinces of the Union, should be retained for the Free State.

Even with a South African Government of any strength, this might be insisted upon, for, after all, we are supposed to be a Union and not a Federation. To allow the Free State its own laws on an important and Imperial matter of this sort is to uphold the Federal principle at the expense of the policy of Union, but that, of course, does not matter to the Government of the South African Party. That party, as General Schalk Burger admitted has only two laws. Loyalty to the party, and to a majority within the party. We might add that it has also only one principle, from its leader down to its rankers, as far as politics are concerned, and that is to remain in power at any cost.

Better the whole Indian Empire in arms against the flag which General Botha professes to revere than the sixteen Free State votes thrown against the present Government of South Africa.

There may be—though there should not—two opinions in regard to what constitutes the proper attitude of the good South African in this matter there can be no two opinions as to the attitude of the good Imperialist.

The Immigration Bill

A mass meeting of Colonial-born Indians was held at the West End Bioscope Hall, Fox Street, Johannesburg, on the 16th instant, to protest against the provisions of the Immigration Bill, in so far as they adversely affected the Indians in the Union, Mr. J. Royeppen Bar-at-law presided.

The following resolution was passed unanimously:—
"This mass meeting of Colonial-born Indians takes advantage of the Committee stage of the Immigration Bill to raise its earnest and emphatic protest against the provisions of the Bill objected to by the Indian community, and supports the resolutions of the British Indian Association, and that of the Johannesburg mass meeting. This meeting begs leave to bring to the knowledge of the Government its deep sense of sorrow and disappointment at the Searle judgment, which reduces Indian wives to the status of concubines, and their children to the status of illegitimates, and prays that the Government may be pleased not to permit so great an insult to the Indian nation, and to Indian religions to continue."

We hope to give a fuller report of this important meeting next week.

Mr. B. Bhagwatidin writes to us, saying that the Shri Thakurdwara Hindu Temple Committee has written and wired to the Government regarding the Bill in practically the same terms as the other bodies.

A telegram from the Natal Brahmin Mandal, supporting the representations of the Johannesburg mass meeting, has been sent to the Government.

Mr. Randeree, chairman of the Anjuman Islam, Durban, has received the following reply from the Minister:— "I have the honour to acknowledge the receipt of your telegram of the 29th ultimo, intimating that your Society associates itself with the representations of the mass meeting of Indians held in Johannesburg in connection with the draft Immigration Bill, and to inform you that the matter is receiving the consideration of the Government."

News in Brief

A Draft Ordinance to amend the Licence and Stamp Act (Natal) appears in the *Gazette* of the 22nd instant. It repeals the exemption of dealers in Colonial produce only from taking out licence. This will affect a large number of small Indian traders who at present eke out a scanty livelihood by selling the produce of South Africa.

On Friday night last, Messrs. A. Chokalingam Moodaley and S. S. Moodaley left for Delagoa Bay *en route* for India, and were seen off at Park Station by a number of friends. Both are staunch Passive Resisters, Mr. Chokalingam having served three terms of imprisonment and Mr. S. S. Moodaley six.

The following are the Johannesburg contributions to date for the Bazaar:—Messrs. Amod Moosajee and Co., 1 dozen fancy silk ties; Mr. A. M. Cachalia, two side-board sets and dolls; Mr. Mahomed Haffaji, 1 piece muslin-de-soie; Mr. Moosa, two silk handkerchiefs; Mr. Nogama, 10 dozen mineral waters; Mr. P. Lalchand, 2 dozen doyleys; Messrs. J. Veroomal and Co., 1 dozen Japanese fans. The majority of the tailors of Johannesburg have promised contributions of their handiwork. Their names and details of their contributions will be published later. Mr. Goolam Mahomed Karodia, of Machato District, Rustenburg, has contributed one piece of flowered Muslin.

Sir Valentine Chirol, in a three-column article in *The Times*, points out the bearing of the recent rapid progress of Japan towards democracy on the Californian question, and says he is certain that the more that popular form of government grows in Japan the more will her rulers be compelled to insist on the full recognition of her position among the nations of the world, and if that claim be denied the more difficult will it be to restrain a passionate outburst of popular feeling.—Reuter.

Mr. Geo. F. Gale writes to the *Mercury* as follows:—
May I ask a little space in your valuable paper to draw attention to a great injustice (I am not certain if it ought not to be styled a fraud) which is being perpetrated upon natives travelling by the North Coast Line from Durban to Somkele. On account of broken down bridges, the train runs only as far as Enseleni, 36 miles from Somkele. This latter part of the journey is done by trolleys, pushed by natives, and only first and second class passengers are allowed to travel by this means. Natives are allowed, however, to book right through to Somkele, and then upon arrival at Enseleni are told that they have finished their journey by train, and must walk the 36 miles to Somkele. They may complain, and do so, and protest that they paid for tickets to Somkele, and were not told that they could not be taken all the way, but it ends up in their having to walk, bitterly complaining as they go of the way the white people knowingly cheat them. They know that if they were to try and get a cheap ride by not paying for a ticket, they would be punished, and rightly so. But they say, "There is no one who can punish the Government for eating us." This sort of thing is having a deplorable effect upon the native mind, and who can wonder at it?