

Indian Opinion

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NEWS OF THE STRUGGLE

MR. GANDHI, accompanied by Mr. Budree, left Durban for the Transvaal on Thursday by the Kaffir Mail. They were seen off by a large number of friends. Mr. Budree travelled in order to court arrest as a Passive Resister. At Maritzburg they were met by quite 50 Indians, who assured Mr. Gandhi that there would be a large number of Passive Resisters supplied by Maritzburg. They had already started collections, out of which over £7 was handed to Mr. Gandhi in aid of the struggle. Mr. Padamsing, who was on the platform, decided there and then to join the struggle and got on board. At Ladysmith, too, several Indians saw the party off, and said that they also were preparing to join the struggle. At Dannhauser a large party of Indians was waiting to meet Mr. Budree, who is well-known there. Messrs. Bhawani and Takoo joined the party as Passive Resisters. All four were arrested at Volksrust and, like the pioneer party, they gave only their first names, declining, for the time being, to give any further information about themselves.

The Immigration Officer would not arrest Mr. Gandhi.

Mr. Gandhi and his companions were very nearly arrested at Ladysmith. The party were third-class passengers and they were put in one of the third-class compartments by the conductor at Durban, but at Ladysmith another conductor came and asked Mr. Gandhi to shift from the compartment he was occupying. Mr. Gandhi asked the reason for this and the conductor said that that compartment was reserved for Europeans. Mr. Gandhi pointed out to the conductor that the compartment reserved for Europeans was so labelled, that the one he was occupying had no label at all, and, therefore he declined to change. He also pointed out to the conductor that he had travelled in a similar third-class compartment now for over two years; but the conductor said that he was in charge of the train and that his instructions must be obeyed. Mr. Gandhi then saw the Station Master, who, instead of granting any relief, in a somewhat rough manner said that he would not interfere and that the party were bound to move from compartment to compartment any number of times so long as some accommodation was found for them, and that he was to obey instructions. Disregarding the warning of the Station Master, Mr. Gandhi and his party awaited developments. A large number of Indians had by that time congregated on the platform and they were rather eager that Mr. Gandhi should be arrested so that the question of the Railway travelling difficulty might be to some extent solved. Unfortunately, however, owing to the well-meant, but false, kindness of a friend, Mr. Gandhi's identity was disclosed. No arrest, then, took place, and the conductor told Mr. Gandhi that he was only carrying out the instructions of the Ad-

ministration in doing what he did. Mr. Gandhi said that this was all the better reason why, in spite of his identity having been disclosed, he and his party should be placed in charge for declining to move, which they certainly still did. But it was of no avail.

The Names of the Pioneer Party

We are now in a position to give the names of this party which was sentenced at Volksrust on the 23rd ultimo. They are: Mrs. Gandhi, Behen Jayakunvar Pranjivandas Mehta, Mrs. Chhaganlal Gandhi, Mrs. Maganlal Gandhi, Messrs. Parsee Rustomjee, Chhaganlal Gandhi, Rugoo Govindoo, Rawjibhai M. Patel, Maganbhai H. Patel, Solomon Royeppen, Masters V. Govindrajulu, Sijpuja Budree, Chooqosamy Moonlight Mudaliar, Revashanker Sodha, Gokuldas Hansraj, and Ramdas Gandhi.

The ladies were allowed to join the struggle after great effort was made by them to take part in it. When Mrs. Gandhi understood the marriage difficulty, she was incensed and said to Mr. Gandhi: "Then I am not your wife, according to the laws of this country." Mr. Gandhi replied that that was so and added that their children were not their heirs. "Then," she said, "let us go to India." Mr. Gandhi replied that that would be cowardly and that it would not solve the difficulty. "Could I not, then, join the struggle and be imprisoned myself?" Mr. Gandhi told her she could but that it was not a small matter. Her health was not good, she had not known that type of hardship and it would be disgraceful if, after her joining the struggle, she weakened. But Mrs. Gandhi was not to be moved. The other ladies, so closely related and living on the Settlement, would not be gainsaid. They insisted that, apart from their own convictions, just as strong as Mrs. Gandhi's, they could not possibly remain out and allow Mrs. Gandhi to go to gaol. The proposal caused the gravest anxiety. The step was momentous. If the decision was based on the impulse of the moment, they and those who allowed them to join might have to rue the day that it was made and accepted. Then how could they ensure being arrested without making a fuss? They wanted to avoid all publicity till they were safely in gaol. Then there was the risk of the Government leaving them alone as being harmless maniacs and fanatics. If, at the last moment, they flinched, their prominence might seriously damage the cause they sought to advance. All these and several other considerations suggested that the best course would be to deliberately and openly decline to disclose their identity on courting arrest. And if the move failed even then, they were to proceed to Johannesburg and take up hawking without licences and compel arrest. Any hardship was light enough compared to that of having to bear the insult to them or their sisters of not being considered lawful wives of their husbands.

Of the rest of this party, Mr. Parsee Rustomjee is too well-known as a merchant, philanthropist and staunch passive resister to require description. Mr. Solomon Royeppen is one of the educated Indians admitted last year to the Transvaal and is the nephew of Mr. Joseph Royeppen. Mr. Chhaganlal Gandhi is the Joint-manager and Gujarati Editor of *INDIAN OPINION* at Phoenix, Mr. Govindoo is the machinist and a compositor, Messrs. Rawjibhai and Maganbhai are teachers and compositors. The rest are Phoenix school students. It is a rule of the school that all grown-up young men belonging to it are expected to join passive resistance whenever it is undertaken for the sake of India and the honour of her sons and daughters. The settlers had been long thinking of taking part in the struggle but it became possible only when the Settlement at Phoenix became free of all commercial enterprise and restricted its activities to merely printing *INDIAN OPINION* and to agriculture, both without any commercial taint about them.

Lastly the party felt that it was a privilege for men, women and grown-up boys to take part in a struggle which had for its object the removal of a monstrous annual burden on ex-indentured men, their wives and their children.

A Correction

We regret that we committed a serious error in deciphering the message received about the Volksrust sentences. All the passive resisters were sentenced to three months' hard labour, the maximum penalty provided by the Act. The following is the full report of the proceedings:—

All were charged under section 6 (1) of the Immigration Act. They pleaded guilty, and had no questions to ask. The deporting officer gave formal evidence, and the case was closed. The Public Prosecutor asked for the imposition of the highest penalty and the Court imposed the above-mentioned sentences, pending deportation. The accused received their sentences calmly and even gladly. Most of the Indian merchants of Volksrust were interested spectators of the proceedings.

We understand that the prisoners were removed to the Maritzburg Gaol on Saturday last.

Doings at Johannesburg

Mr. Gandhi arrived at Johannesburg on Saturday morning, accompanied by Mr. Kallenbach. Telegrams were despatched announcing a mass meeting to be held on the Sunday. This meeting was duly held in the Hamidia Hall and attended by delegates from the surrounding district. Mr. Cachalia presided. Telegrams of sympathy were received from all the principal towns which could not send delegates.

Mr. Gandhi addressed the meeting at length. Messrs. Kallenbach and Ritch were also called upon to address the meeting, and Mr. Joseph Royeppen was another speaker.

The following Resolution was proposed by Imam A. K. Bawazeer (Chairman of the Hamidia Islamic Society), seconded by Mr. Thambi Naidoo (Chairman of the Tamil Benefit Society), and carried unanimously:—

"This mass meeting of British Indians held under the auspices of the British Indian Association fully endorses the action taken by Mr. Cachalia in his letter to the Government; congratulates the Passive Resisters from Natal who are already in His Majesty's Gaol; and resolves upon the immediate taking up of Passive Resistance and its continuance until the request contained in Mr. Cachalia's letter is granted.

"This meeting further respectfully urges the Union Government to grant the request and end the sufferings of the community.

"This meeting also asks the Imperial and Indian Governments to help the community, and trusts that the leaders of thought in India and England will come to the rescue, in the endeavour of the community to conserve its national honour."

The Late Mr. Haji Hoosen Dawad Mahomed

[SPECIAL MEMOIR BY MR. GANDHI]

The rose has withered in its bloom. Young Hoosen has died in the prime of life, leaving a nation in mourning. He was but twenty-two but he carried on his shoulders a head that would sit well on a wise man of forty-two. Truly do the gods take away those they love best. Had Mr. Hoosen Dawad lived to see the winter of life, I feel sure that he would have left a mark on the history of the Indian community in South Africa. Not that he has not, by the purity of his life, influenced it even now. But what he was able to do was merely the shadow of what was to come. He was a young man of truth for which alone he lived. He was impatient of cant, hypocrisy and humbug even in those who were his elders. He stood up for truth against all odds. From his early age, he wanted his word to be as good as a bond. He was innocence personified. No evil company could influence him. He influenced his companions, no matter how depraved they might be. Once Mr. Dawad Mahomed wrote to him, asking him to beware of snares that lured young men in London and of bad companions. He was indignant and wrote almost in these words "Father, you do not know your boy. Snares cannot affect Hoosen. Bad companions mislead those who do not know where they are. Your son knows where he is. He lives for truth and will die for it." To this sterling character, he added a burning enthusiasm for his country, India, which then existed only in his imagination. He had never seen it. But it was enough that it was the land of his forefathers. He had read about it and he had learnt to love it with a passion that could not be stifled. "O, Mr. Rustomjee," young Hoosen said to him when he went forward on the 16th ultimo as a passive resister, "if I rise from this sick bed, you will find me in gaol. What a glorious death it would be, to die in gaol for the sake of Truth and Justice!" He clung to life desperately. But his desire was unalloyed with selfishness. He wanted to live in order to serve his country and humanity.

When quite young, he began to hate trade, though Mr. Dawad, his father, was and is a merchant prince. He scorned possession of wealth. He wanted to study. He was placed with me at Phoenix by Mr. Dawad Mahomed and the whole settlement began to value the golden worth of the boy. He became a loved member of my family. But Phoenix was not enough for him. He liked the life but he wanted scope for his literary and poetical tastes. He wanted to fight his country's battles. He felt a call. He thought (I think erroneously) that it was necessary for him to go to London and become a Barrister, if he was to do any good. He was the idol of his father. He went to London amid the good wishes of all. In London he soon made himself loved wherever he went. He applied himself to study. And I know that he used to go to Hampstead Heath, sit on the damp grass, read his favourite poets and lose himself in dreams. He used even to compose poems which, those who can judge tell me, were promising.

But it was ordained that Hoosen was not to live. The dread disease that destroyed his body began its operations upon it in London. He tried many cures. He was under the treatment of specialists. He rallied for a time but was never cured. He returned to Durban and felt better. Dr. Adams, who loved Hoosen, treated him with rare attention. He was better, but only better. He was longing to go to England and study. He went to India and saw it with the eye of reverence. He said, in one of his many letters to me, that he wanted not to see the stone work of India; he wanted to see its heart. He went with his father and a distinguished company to the Holy Shrine in Arabi. The pilgrimage made a lasting impression on him.

In one of his letters he broke into raptures over the powers of the Prophet who could summon millions, years after year, to pay their homage to the Creator in this special manner. Thence the party proceeded to Constantinople whilst the war with Italy was going on. Young Hoosen was really his father's guide and friend. The whole company leant on him during this visit. The highest in Turkey were seen by them. There, too, in that strange land, Hoosen became the favourite of those who came in contact with him. He parted company with his father there. His second Mecca was London. He must go there to finish his studies. But the fiend never let go the grip of him. He was suddenly taken ill. Mr. Dawad Mahomed received a cable, saying that Hoosen was returning. It told its own tale. The father knew that the son was returning to die in his lap, and so he died, conscious to the last moment, in the lap of a father whose love was rare, (I had almost said, supernatural). Mr. Dawad Mahomed became Hoosen's exclusive nurse. For five long months and more, this loving father never left the side of Hoosen's bed. It was a privilege to me to make a pilgrimage to Mr. Dawad's house to see the young patient whenever I was in Durban and it was a treat to see how Mr. Dawad nursed the son and how the latter relied entirely upon his nursing and no other. Dr. MacKenzie, assisted by Dr. Adams, treated him. But Hoosen never left the bed that he occupied on his return from Turkey.

The funeral procession was enormous. Thousands followed the hearse. Hindus from all provinces of India vied with the Mahomedans in paying their respects to the memory of this good youth. Colonial-born Indians mustered in strong force to pay their respects to the memory of one who, like themselves, was born in South Africa. Special trams emptied themselves at Congella, during practically the whole of the Tuesday on which the funeral took place. All Indian shops in Durban were closed for two hours and so was the Indian Market, by consent of the Corporation. No Indian has ever received the spontaneous tribute to his memory that this young man of brilliant promise received. His death made us all forget, for the moment, that we were Hindus, Mahomedans, Parsees or Christians. He, even in his death, makes us realise that we are sons of India after all—we are kith and kin, owing the same mother. I have loved to linger on Mr. Hoosen's character. I knew him as few did. And it has not been my good fortune to meet many young men—yes, even old men—with a spotless character that Hoosen possessed. To me Hoosen is not dead. He lives in his character. May this humble tribute be accepted by Indian youths throughout South Africa in the spirit in which it has been offered, and may we all copy the example set to us by Mr. Hajee Hoosen Dawad Mahomed.

Mr. Dawad Mahomed received hundreds of telegrams from all parts of South Africa. The names of senders are too numerous to mention. They were both European and Indian. Mr. Dawad Mahomed wishes, through these columns, to thank all the friends who have sent him messages in his bereavement.

At the Congress of the Associated Chambers of Commerce, recently held at Kimberley, Ladysmith tabled a motion suggesting the advisability of facilities for trading by Asiatics being curtailed, and the number of existing licences gradually reduced, and that there be eventual appropriation of the businesses under compensation to be paid by Government. Mr. Spilhaus characterised this as class legislation, and the motion was eventually withdrawn.

Lord Ampthill (says a Reuter message from London), in a long letter to the Press on behalf of the South Africa British Indian Committee, recapitulates the Indian grievances in connection with the Immigration Act, and concludes by emphasising the effect on India.

From the Editor's Chair

THE SENTENCES

We observe that the pioneer party of passive resisters has received the highest sentence provided by law. The *Bombay Chronicle* is said by Reuter to have severely commented upon these sentences. But we may not complain of them. Passive resisters must lie on beds they prepare for themselves. They cannot—must not—complain if they find them to be hard. We think that the Government, whilst they retain their present frame of mind and desire to repress passive resisters, cannot very well ask for lighter sentences. Nor can the Courts be expected to take any but a serious view of what, in their opinion, is, no doubt, a flagrant and deliberate breach of the laws of the Union. Here is a party of men, women, and youths giving no assistance to the Government, refusing to disclose their identity, inviting arrest and imprisonment. There can be only two ways of dealing with them; the one is to understand and appreciate their motive, investigate their grievance, and grant relief so that they may return to their ordinary occupations in life; the other is to reject their demands, treat them as wilful law-breakers, and, as such, a danger to society and, therefore, deserving to be severely punished. There is no middle course open. The Government have adopted the second course. And it is for passive resisters to show, by their sufferings and earnestness, that they are in the right. Then will the Government be compelled to take the same view of passive resisters that they take of themselves. Thus lighter sentences are no relief to passive resisters. For them the severer the penalty, the quicker will the relief come.

THE MARRIAGE QUESTION

THE struggle, this time, involves so many matters of highest importance to the community that it is well to devote particular attention to each. We dwell, last week, on the £3 tax question. This week we propose to examine the marriage question which, in so far as it has drawn out women into the struggle, is of even greater importance than that of the annual exaction from ex-indentured men, women and children.

The marriage difficulty dates from the Searle judgment. It is, therefore, necessary to understand the position that existed before that now historic judgment. Little did Justice Searle know what effect his judgment was likely to produce among the Indians of this sub-continent. Before the judgment, Indian wives were recognised as lawful married wives of their husbands. The Masters of the Supreme Courts of the different Provinces recognised the claims of such wives and their issue in intestate estates. Never did an Indian have cause to suspect that the legality of marriage might be questioned by the Courts of South Africa on the ground of the want of its Christian character or the want of registration in South Africa. But the Union Government, in pursuance of their policy of greater repression of the Asiatic than before and not being satisfied with its attack on the male members of the community, wanted to extend their hostile operations to our women folk. Some zealous law officer discovered that it was possible to prevent the entry of wives of domiciled Indians by declaring their marriage to be illegal in terms of the South African law. They, therefore, challenged the entry of such a woman at the Cape, and Justice Searle was called upon to decide the issue now raised for the first time by the Government. The learned Judge pronounced marriages performed according to the rites of a religion that allows polygamy to be illegal, and, as the person, claiming before him to be the wife of a domiciled Indian, was a Mahomedan, her marriage could not be recognised by the Courts of the Union. This ruling

was followed by the Master of the Natal Provincial Division of the Supreme Court. The Master rejected the claim of the only wife of a deceased Indian for exemption from succession duty by reason of her marriage not being in accordance with the laws of the Union. The doctrine was carried to its furthest limit by Justice Gardiner when he declined to recognise the marriage of an Indian wife when she claimed exemption from liability to give evidence against her husband in a trial against him upon a charge of murder. Thus, suddenly, non-Christian Indians found that, in South Africa, their wives occupied merely the position of concubines and their children were considered illegitimate. The reader must remember that, not only does this discovery of their awful position hurt the susceptibilities of a proud race, but it also effectually prevents the entry of almost every Indian wife and every Indian child. If the Government had dared to follow out the consequences of the Searle judgment which they deliberately invited, not an Indian wife or her children could have entered the country. That would have been an injustice which even the humanity of the Europeans of South Africa would not have tolerated. Therefore, after having us at their mercy, the Government were graciously pleased to declare that the judgment would not interfere with the practice of the administration to admit the wife of a domiciled Asiatic so long as she was the only wife of his in South Africa. This so-called forbearance, it must be remembered, would not have saved the wives and children thus admitted on sufferance from the other consequences already adverted to of the Searle judgment. Indians were not to be satisfied with exchanging the legal status of their wives for a position of total uncertainty in law, notwithstanding their admission. They were not prepared to put up with the implied slur on their women folk. The Government, therefore, reluctantly, in a most niggardly spirit, and in instalments, accepted, first Mr. Alexander's and then Senator Schreiner's amendments to the Immigration Bill that was under consideration by the Union Parliament. But the amendments, being hastily drawn, gave (if they did at all) partial relief only. For they legalised Indian monogamous marriages celebrated *outside* South Africa, no matter under what religious rites they were solemnised. These amendments, therefore, left undefined the status of women married or to be married in South Africa. Indians now contend that Indian marriages celebrated in South Africa should be placed upon the same footing as those celebrated in India. And this, as has even pointed out to the Government, can be done with but a slight alteration in the Immigration Act or by an amendment of the marriage laws of the Union.

We have used the expression "if they did at all" with reference to the relief granted by the amendments. This qualification has become necessary owing to the attitude of the Government in the case of Kulsumbibi now pending before the Supreme Court. The Immigration Officer at Durban, no doubt upon instructions from the Government, has raised the question whether a marriage celebrated under the rites of a religion which permits polygamy can be called monogamous, although the woman so married may be the only wife of her husband. This issue the Government need not have raised. But they evidently intend to show that the amendments made were not made in good faith. They were made ostensibly to meet the Indian demand for legislation of Indian marriages. Mr. Alexander's amendments fell short of that. Mr. Schreiner's was, therefore, accepted. The Government knew that the most popular religions of India, viz., Hinduism and Islam, did not prohibit polygamy. It, therefore, they accepted the amendment with the mental reservation that the adjective "monogamous" would by law still exclude the women married according to the rites of these two great religions, they certainly misled Parliament and the Indian community. We think that the Supreme Court will reject the

Government interpretation, but, should its decision be otherwise, it certainly will be necessary to alter the Immigration Act in order to clothe all Indian marriages with legality. Even at this eleventh hour the Government could withdraw the case and not challenge a decision.

There then remained the question of the admission of plural wives as distinguished from their legal status after admission. The practice has been always to admit such wives of domiciled Indians. In the Transvaal such unions are even noted on the registration certificates. The first shock of disturbance in this practice was felt in 1911, by a decision of Justice Wessels, which, too, was invited by the Government. As a result of the decision, the British Indian Association carried on correspondence with the Government and an assurance was given by them that all cases of hardship would be considered by them. This correspondence seemed to settle the question, for the Indian demand as to plural wives is not for legal recognition but for admission into the Union of the existing plural wives of domiciled Indians. But the disposition of the Government seems to be now to recede from the assurance contained in their communication. We shall reproduce this correspondence in our next issue so that the reader may judge for himself whether the correspondence can bear any other interpretation than that put upon it by the community.

To sum up, then, the demands of the community are simple and three-fold:—

- (1) Legalisation of monogamous marriages already celebrated and to be celebrated in South Africa;
- (2) The term "monogamous" to include marriages celebrated according to the rites of religions that may not prohibit polygamy, so long as the woman whose union is to be recognised is the only wife of her husband;
- (3) the admission of existing plural wives of domiciled Indians without granting such wives a legal status apart from full residential rights.

The House of Lords Debate

(Continued)

THE MARQUESS OF CREWE CONTINUED:—

When you come to the difficulty affecting Natal and the Cape the matter is, no doubt, a more difficult one, and is less likely, I fear, to be got over by compromise and arrangement than the difficulty in relation to the Orange Free State. The number actually affected is also a small one, but it might potentially be considerable. In the year 1912, twenty-nine Indians went into Natal and seventeen went into the Cape. Those were all educated immigrants, because the old laws of the Cape and Natal, which have not been repealed, maintained the education test for admission to those Colonies and forbade the admission of those who are only in South Africa by temporary or conditional residence, so that labourers actually under indenture have never been able to pass from Natal into the Cape Colony. It is true that persons born in South Africa were admitted into the Cape Colony, but there never has been any real migration of such persons from one province into another, and it is safe to assume that if there had been under the older conditions, some regulations would have been passed by the Cape parallel to those which obtained in the Orange Colony as it then was, or possibly to those which obtained in the Transvaal. But that, again, we are obliged to regard as a blot on the Bill. Although I do not think that the practical grievance can be regarded as a grave one, yet there is a differentiation the existence of which cannot be disputed.

Then the noble Lord complained of the £3 tax in Natal, against which it is charged that it does not give the right of domicile in South Africa. But the noble Lord will remember, I am sure, that it was understood that it never did, at any rate as regards the vast majori-

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1st October, 1913.

In Loving Memory

— OF —



Mr. Hajee Hoosen Dawad

SON OF MR. DAWAD MAHOMED

Who died at Congella, on the 22nd September, 1913, at the age of 22 years.

મરહુમ મી. હાજી હુસેન દાવુદની પ્રેમ ભરેલી યાદમાં.

જન્મ તા. ૨૨ મી જુન, ૧૮૯૧, સેવીલ સ્ટ્રીટ, જામન. મરણ તા. ૨૨ મી સપ્ટેમ્બર, ૧૯૧૩, કોંગેલા.

ty of those subject to that tax. There was a Natal law, I think of 1895, which involved the acquisition of an annual pass for leave to remain in the Colony for all those whose indentures had expired and who were subject to the £3 tax. That is an unrepealed law, and it was understood to affect the very large majority of those who are now subject to the £3 tax. Then the noble Lord spoke of the right of appeal. In one respect I think noble Lords will agree that there has been an improvement in the practical position of the Indians in the appointment of Immigration Boards. It was a frequent matter of complaint that Indian residents were subject to the control and the possible caprice of an immigration officer who might not act on any defined principle and from whom appeal was difficult. The Immigration Boards, presided over, wherever possible, by a magistrate—and I take it that in the vast majority of cases there would be a magistrate to preside over them—surely offer an improvement upon that personal control; and although there is no appeal from those Boards on a question of fact, yet there is upon questions of law, and questions of law include, perhaps, the most important consideration of all—namely, that of domicile. So that an appeal can, at any rate, be said to lie upon a great proportion of questions which to an Indian resident are of the greatest possible importance.

The noble Lord opposite seemed to think it possible that this Act might still be disallowed, while my noble friend on the Cross Benches considered that that was hardly a practicable course. The noble Lord opposite blames the Colonial office for having stated that His Majesty's Government were prepared to accept the Bill when it had not yet been through the Committee stage and was therefore liable to some alterations. It was, of course, clearly understood that the acceptance of the Bill was in the form in which His Majesty's Government had seen it. As a matter of fact the particular points of the enactment, both those which were unquestionably an improvement from the Indian point of view and those which might be held to be prejudicial to the Indians, were carefully considered by the Government of India and ourselves; and we concluded that the balance of improvement in the condition of Indians in South Africa was such as to make it advisable not to refuse this particular Bill. I think, therefore, that the blame which the noble Lord opposite has lavished rather freely on His Majesty's Government is not altogether deserved. He argued that there have been many occasions in the past when, in consideration, I suppose, of the desire of the South African Government, or the South African Governments before the Union, to obtain some concession from us, we might have made a bargain which should have improved the condition of the Indian community. I can understand that being a tempting course to take, but I question whether an operation of that kind is ever a wise one. I doubt if it is ever wise to force upon a community like the white voters and administrators of South Africa a policy in regard to another race which they hate and which they only accept because they are obliged; and that in the interests of the race itself; because the Government of South Africa and their officers have to administer whatever laws are framed under the policy which is adopted, and in the administration of laws it is possible to make the lot of such a minority as that of the Indians in South Africa far less pleasant than it would be under a system of law which may seem in itself to be more severe, but which is at any rate kindly and sympathetically administered by those who have charge of it.

I entirely expect the Government of India and Indian opinion generally to go on urging further relaxations in the law as it will stand after this Act has become part of the South African system. It is quite right that they should; that where it is found that any particular provision operates harshly upon the Indian community in any particular district attention should be drawn to it with a view to its being relaxed. The places where the shoe pinches most under an artificial system of

this kind can, as a matter of fact, only be found out by experience. It is therefore reasonable, I think, to look forward to further amendment and relaxation of this Act and not to regard it as necessarily a final charter or settlement of the position of Indians in South Africa; to express our sense of approbation of such changes as it makes as are to the advantage of the Indian community, but not to cease to draw attention to the points as they emerge from time to time in which we believe some amendments might be made. That, I am convinced, affords the best chance in all the circumstances of obtaining a satisfactory and permanent solution of this intensely difficult question.

(To be continued)

Pars. about the Struggle

There is an impression abroad, gathered from the correspondence between the Minister of the Interior and Mr. Gandhi, that, by the Cape rights deprivation clause of the new Act, only children born in South Africa of parents indentured after 1895 are affected. This view is, however, erroneous. The Act is clear, and it deprives all Indians, born in South Africa, no matter when, and no matter whether born of indentured or unindentured parents, of the right of entering the Cape by reason of South African birth alone.

Mr. Jaffar, of Somerset East, wires, saying he is glad to see the revival of passive resistance and wishes every success. He says he is sending a cheque for £5.

The Zoroastrian Anjuman has sent a wire to the Minister of the Interior, associating itself with Mr. Cachalia's letter.

Mr. Polak addressed a meeting of the Cape British Indians, under the auspices of the Awakened India Society, on the 22nd ultimo and gave an account of the feeling in London. He described the defects of the Act and explained to the meeting the scope of Mr. Cachalia's letter to the Government.

The *Rand Daily Mail* has it that, if the Passive Resisters cross over to the Free State, the people of that sacred province will give them a warm reception. The *Mail* forgets that Indians are not fighting for physical entry into the Free State. So long, therefore, as Passive Resisters can be arrested elsewhere, they will not trouble the Free Staters. But, if the time comes, a Passive Resister must be ready for a warm reception even though it may be from a Free Stater.

The *Mail* also gives the news that the Government are ready to cope with any number of Passive Resisters.

The *Natal Witness* says that the Indians say that there will be so many resisters this time that, if the struggle is prolonged, the Government will have to build new gaols.

Mr. Polak is the bearer of many messages from Lord Amphilil and Mr. Gokhale.

Readers of *INDIAN OPINION* may now know that Mr. H. Kallenbach, the owner of Tolstoy Farm, has been indefatigable in his attentions to the Passive Resisters at Volksrust. He purposely went there to await their arrival and stayed there for some time attending to them, to the neglect of his own office work. Such is the excellence of labour of love!

The Wodehouse (Cape Province) British Indian Association has passed a resolution supporting the Indian demands as set forth in Mr. Cachalia's letter, and wired to the Government the information.

Four more passive resisters left Maritzburg for the Border on Monday night.

The Tamils Ready

A well attended meeting of the Tamil Benefit Society was held at Johannesburg on the 21st ultimo. The Chairman (Mr. C. K. T. Naidoo) explained the exact position of the Indians within the Union under the New Immigration Act. Everyone in the meeting was indignant, and every speaker dwelt upon the non-fulfilment of the provisions of the temporary settlement, and the reflection cast upon the Indian wives by the Searle judgment.

The proceedings were very fervent throughout, and the following resolution, proposed by Mr. P. Sinalingam Padiachey, seconded and supported by Messrs. T. S. Naidoo, Sol. D. Ernest, and V. G. Padiachey, was unanimously carried:—

"This meeting of the Tamil Benefit Society entirely associates itself with the demands of the letter, dated the 12th instant, sent to the Government by the Chairman of the British Indian Association and resolves to take up a firm stand in the passive resistance movement until the Government concedes the provisions of the said letter."

Mr. P. Sinalingam Padiachey, the Joint Secretary of the Society, said that it would be more honourable to don the prison garb than to be nominally free and subjected to such indignities. For every woman that volunteers to go to prison for the sake of her honour, a thousand men should be ready to sacrifice their all for her sake. The marriage question was the greatest of all, and, therefore, it behoved every Indian, who had a grain of self-respect left in him, to decide between honour and everlasting degradation.

Mr. Antonio Team, the well-known passive resister, sent word regretting his inability to attend the meeting, but assuring the meeting that he was prepared to throw up everything at a moment's notice to answer the call of duty for the sake of his national honour. Mr. P. K. Naidoo said that the time for speeches was gone and for action ripe, and that all should be ready and await instructions.

Appeal Boards

The Immigration Regulation Act (says the *Natal Mercury*) is a statute defaced by serious blots, and its effect has been not to appease, but to embitter, the sense of grievance in the minds of British Indians. Nevertheless, the Act has redeeming features which ought not to be overlooked. One of these merits consists in the provisions for the creation of Boards for the summary determination of appeals by persons whom the Immigration Officer may classify as coming within the category of prohibited immigrants. The value of this tribunal to the people concerned has been exemplified in the case of Vally Cassim, in which the Board gave decision on Thursday. The appellant had been restrained from landing at Durban, on the ground that he was held to be a person prohibited under the terms of the Act. He claimed possession of the right of domicile. He had left Natal for India in the year 1910, after ten years' residence here, and facts were alleged showing that his absence was meant to be temporary, and did not involve the abandonment of local domicile. After hearing evidence, the Appeal Board held that there were factors justifying them in admitting the appellant. It may be noted that Mr. Dick, who is Immigration Officer, appears to have concurred with his colleagues on the Board in upholding the appeal. Whether the prior prohibition was approved by Mr. Dick himself, or was pronounced by a subordinate, or whether the decision in favour of the appellant was based on new facts brought to the knowledge of the Board, we cannot say. It is well-known that one of the difficulties with which the officials administering the Immigration Law have to contend is that in many cases the Indian's sense of

truthfulness and straightforwardness is far from being normally developed. However, the point we wish to bring out is that the Appeal Board is in practice proving a real protection to Indians who may suffer injustice for any reason from the officer charged with the working of the prohibition clause of the Act. This clause, as we asserted when this Bill was before Parliament, is a discredit to our Legislature, as it places too great an arbitrary power in the hands of a sea-port official. While public opinion demands that a check shall be put upon Indian immigration, it is necessary to insist that the law be carried out with scrupulous fairness, that acquired rights shall be respected, and that nothing shall be done contrary to the principle of justice as between races which is the strength of British rule in India and elsewhere.

[NOTE: We commented upon this article in our leading columns last week.—Ed. I.O.]

News in Brief

The photograph of the late Mr. Hajee Hoosen Dawad Mahomed, which we reproduce as a supplement to this issue, is by Mr. Brian Gabriel, of Durban.

The case, recently reported in these columns, in which Messrs. Chhotabhai and Dadoo's right to reside and trade in their premises at Krugersdorp was at stake, has been decided in their favour. The judgment we shall give later.

Reuter's correspondent at Bombay reports that the *Bombay Chronicle* severely criticises the sentence passed on various Indians at Volksrust, as the result of the re-opening of the passive resistance campaign, and says that it is inconceivable that the Imperial Government will maintain its present *non passivus* attitude in the face of the latest atrocity. "Unless all confidence in the power of the British Government to protect Indian subjects is to be destroyed hopelessly and permanently, Lord Crewe had better awake from his lethargic attitude and deal firmly, promptly and fearlessly with this outrage."

Addressing his constituents at Johannesburg, Mr. F. H. P. Creswell, M. L. A., said that one thing all parties were determined upon was that they must not have any more Asiatic immigration. He thought the country would be spending money to advantage if it set aside sums to encourage Asiatic emigration.

In the course of an address on the Native Land Act, given to a gathering of farmers by Mr. Leuchars, M. L. A., at a meeting held at Albert Falls, the speaker, in answer to a suggestion from a member of the audience that Indians should be treated in the same way as the Natives, said that he certainly thought the Indians should receive the same treatment, but because of Imperial interests this would have to be done tactfully. He had no doubt that eventually the Indians would be brought into line with the natives.

Speaking at Standerton, recently, General Botha said he challenged any one to show that he stood up more for the British Empire than for South Africa. He would be a traitor to South Africa if he worked more for the Empire than for South Africa. From the very beginning he had said in the building up of this country and in the position they occupied in South Africa they should not take up an attitude of hostility to the British Empire and he reiterated that South Africa would do wrong and would do an evil day's work if she took up a hostile position to the British Empire without there being any necessity for such.

It is not possible for us to reproduce in the present issue the copious extracts from the *South African Press* that we have received. But we hope to do so later.