

Indian Opinion

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THE POSITION OF INDIAN WIVES

A DECISION that must have far-reaching effects in Indian immigration was given in the Natal Provincial Division of the Supreme Court yesterday (says the *Natal Mercury* of Thursday last). In effect, it declares that the wife of a Mohammedan, who goes out of the Province, may not return, because her husband is a polygamist, even if he has only one wife. In the latter event he is termed a monogamous polygamist.

Mr. Renaud appeared for an Indian whose wife had been dealt with as a restricted Indian. The Immigration Board, established under the Act of this year in connection with the restriction of immigration, has power to refer points of law to the Supreme Court in matters of interpretation, and the question which came before the Court to-day was the interpretation of sub-Section "g" of Clause 5 of Act 22 of 1913, according to which any person proved to be the wife or child of any exempted person, "of a lawful monogamous marriage duly celebrated according to the rites of any religious faith outside the Union," may be also exempted from the operation of the Act. Mr. Renaud contended that the marriage in this case was monogamous, because it was a union of one man and one woman, but

Mr. Rigby, who appeared for the Immigration Restriction Officer, argued that, although it was a union between one man and one woman, it was, nevertheless, a polygamous marriage, because they were married under Mohammedan rites in a country which permits polygamous marriages.

The Judge-President said that the question to be answered by the Court was whether a marriage solemnised in India, according to Mohammedan law, by a priest of the Mohammedan religion, was a monogamous marriage within the provisions of sub-Section 3 of Clause 5 of Act 22 of 1913. From the facts stated it appeared that at the time of the marriage being contracted the male contracting party had no wife living, and since the ceremony he had gone through no form of marriage with any other woman. According to the Mohammedan law under which the marriage was performed, the man might lawfully contract marriages with three other women during the lifetime of his first wife, who was the wife under the marriage in question. It appeared to him that the principles upon which this point should be decided were well settled. Marriage was defined as a voluntary union between one man and one woman, to the exclusion of all others, and it was accordingly held that neither party to a so-called marriage, carried through under a law which allowed polygamy, was entitled to divorce in an English court. In one case it was decided that the children of such a marriage were not legitimate, although in that case the marriage had been with one wife only, but under a law which recognised polygamy. In cases in South Africa it had been held that persons married under a polygamous

system could not be recognised as married at all. There was also the judgment of Chief Justice Innes, in the Transvaal Supreme Court, in which he said that marriage was the union of one man and one woman, to the exclusion, while it lasted, of all others, and no union would be regarded as a marriage in this country, even though it were called and recognised as a marriage elsewhere, if it were allowable for the parties to legally marry a second time during its existence.

It had been argued that this was a monogamous marriage because, as a matter of fact, only one wife had been married, but it appeared to him that the marriage was, none the less polygamous, because it was a marriage gone through under a system which recognised polygamy. He thought it was impossible to call a marriage monogamous where the parties entered into the union agreeing to the condition that other women might be assumed by the husband as wives during the life time of the first wife. The essence of a monogamous marriage was that it was a union between a man and a woman, recognising that that union was to be a union to the exclusion of all others. He could not hold the marriage to be monogamous under the Sub-section of Clause 5 of the Act, and consequently the question asked would be answered in the negative. No order would be made as to costs.

News of the Struggle

The four passive resisters who went with Mr. Gandhi and who were arrested upon reaching Volksrust on the 25th ultimo, were deported on the 30th. Having re-crossed, they were immediately re-arrested and straightway taken to the Court and charged under the Immigration Act and sentenced to three months' imprisonment with hard labour. Of these Mr. Budree is one of the oldest Indian residents of South Africa. He belongs to Behar and is, in local parlance, a Calcutta man. He came as an indentured Indian about 32 years ago and served under the late Sir Henry Binns at Phoenix. After the completion of his indenture he worked independently, later on migrated to the Transvaal and there owned considerable property and acquired very great influence among his own people by his readiness to help. He was Vice-president of the now defunct Transvaal Indian Association and was a member of the Indian deputation that met Mr. Chamberlain at Pretoria in 1903. Mr. Budree has been living on his own ground at Jacobs for some time. His son Sivpujan, who was a student at the Phoenix School (an offshoot of the Tolstoy Farm School), had preceded him as a Passive Resister, forming one of the pioneer party of 16.

The second is Mr. Padamsing, also an ex-indentured Indian, having arrived after the legislation of 1895.

Mr. Padamsing therefore, paid, upon the completion of his indenture, the £3 annual tax for a number of years. Of late he has not paid regularly. During Mr. Gokhale's visit there was a summons against him for payment of the tax. Mr. Padamsing was disinclined to pay the amount, but friends dissuaded him and found the money for him. He has been taking an active part in the Veda Dharm Sabha and claims to belong to the historic and famous clan of Rajputs known as the Sisodia Clan. This clan many many years ago migrated to the Delhi District from which Mr. Padamsing has come. He joined the movement without any previous preparation and all of a sudden.

Mr. Bhawani, too, is one of the old residents of South Africa and first came under indenture. He came before 1895 and, although he had a bad eye and was suffering somewhat badly at the time, he could not restrain himself on seeing Mr. Budree going.

Mr. Takoo, the fourth of the batch, is an ex-indentured Indian, having arrived after 1895. He paid the £3 tax for a long time after his discharge from indenture but, having ascertained the position from Mr. Budree, he threw in his lot with the Passive Resisters.

Commencement in the direction of going to gaol was made on Monday, the 29th ultimo, at Johannesburg, immediately following the Mass Meeting of the previous day, when the well-known Passive Resisters, Messrs. S. B. Medh, Pragji Desai and Manilal Gandhi went out hawking. It was a sight to see them transformed into hawkers with very heavily-laden baskets on their heads. They had borrowed ragged clothes from some hawkers, as also the baskets, and began to sell fruit in right earnest. The Police, however, would not arrest, and they returned in the evening, fatigued and disappointed, though with a few shillings for their sales. They went out in the early morning the next day and succeeded in getting arrested at the corner of Commissioner and West Streets, about noon, and were marched off to Marshall Square Charge Office. They remained in the lock-up during the night, as they did not wish to be out on bail, and were brought before "D" Court, presided over by Mr. Blakeway, and were sentenced to seven days' hard labour or £1 fine, in spite of Mr. Desai having asked for the highest penalty. Mr. Ritch went to the Court to watch the proceedings but did not represent them. Several Indians attended outside the Court in the hope of being present at the trial, but they were hoodwinked, as these Passive Resisters' cases, contrary to all expectations, were brought on first thing in the morning. Before being brought to "D" Court, they were taken to Mr. Jordan's Court and there charged under the Asiatic Act for non-production of registration certificates, but Mr. Jordan remanded their cases for seven days.

Messrs. Rajoo and Willie, both members of the Murgan family, courted arrest in Johannesburg on Thursday last and were promptly arrested. They were brought before Mr. Hadfield on Friday and were sentenced to 24 hours' imprisonment, the Magistrate remarking that he was not going to make martyrs of them by imposing heavy sentences. But, as luck would have it, they are naturally charged under the Asiatic Act also. And their cases are remanded to the 9th instant so that they are still in gaol. They do not wish to be bailed out. They are, therefore, detained as awaiting-trial prisoners.

Twelve Brave Women

Twelve ladies, with six babies in arms, went to Vilgoen's Drift with Mt. Kallenbach who accompanied them to smooth over any troubles that might arise in the Free State. It was not the intention to court arrest at the Free State border at all. The ladies, on reaching Vilgoen's Drift, remained on the Veld until they could catch the returning train to Vereeniging. On returning to the latter place, the Immigration authorities would not arrest them. They, therefore, suggested to Mr.

Kallenbach that they would rather hawk in Vereeniging and court arrest than go back to Johannesburg. The Indian merchants, who were looking after the ladies, at once fell in with the proposal and the decision was made. The merchants were to supply goods free of charge and the takings were to go to the Passive Resistance Fund. According to this plan these brave ladies, who had never done any hawking, commenced it in Vereeniging and attracted considerable attention. If they fail to get arrested by so doing, they will seek some other mode of getting arrested. They are all determined women who would brave any dangers. Mr. Kallenbach speaks of them in glowing terms. Messrs. Aswat, Bharoochi and Mrs. Bharoochi are looking after these good sisters.

Several more ladies intend to come forward as soon as the first batch is finally settled.

Many more men are preparing to court arrest. Some of them are winding up their affairs. Among these will be found some of the most prominent passive resisters.

The Indians of Tongaat, Natal, have awakened to the serious aspect of the Indian position and a meeting was held on the 28th ultimo to discuss matters. Mr. Ismail Bhabha occupied the chair and Messrs. G. P. Gandhi, M. K. Kothare, Hurbans, Devchand, Tar Mahomed, Brijmohan, Ramdat Maharaj and others spoke on the position. There was much enthusiasm and several announced their intention of becoming passive resisters. Mr. Bhabha said that he was sorry that he could not physically help, but he would certainly maintain as many as possible of children and dependents of those who were actively engaged in the struggle. The next day, nine prominent Indians commenced hawking without licences in Tongaat, but, although the Police were well aware of what was happening, no arrests were made. Six of them, therefore, went to Verulam, but there they met with the same fate—the Police refused to take them in charge. It was then decided to proceed to Volksrust and challenge arrest at the Border.

Passive resistance has again proved an excellent remedy. Mr. Parsee Rustomjee was deprived of his Zoroastrian sacred shirt and thread whilst in Maritzburg Gaol. He therefore refused all food until these were restored to him. The gaol authorities also tried to compel the passive resistance prisoners to be vaccinated. They objected on conscientious grounds and resolved upon fasting until redress was obtained. The Zoroastrian Anjuman, the Anjuman Islami, and the Surat Hindu Association, on hearing the news, wired to the Ministers of Justice and the Interior protesting against the action of the gaol authorities. The reply came promptly. The sacred garment and thread must be restored and vaccination should not be insisted upon.

In connection, evidently, with the above incidents, Messrs. Rustomjee and C. K. Gandhi were removed to the Durban Gaol.

The following gentlemen comprise the Tongaat party of passive resisters which left Durban on Wednesday night for Volksrust: Messrs. Kalidas Gandhi, A. Naidoo, Pirmal Naidoo, Janki, Abdul Sahi and Surajpalsingh, the last three being £3 tax-payers.

At a meeting of the Hamidia Islamic Society, at Johannesburg, on Sunday, a resolution was passed strongly supporting passive resistance.

A mass meeting of Indians was held at Maritzburg, on Sunday afternoon. Mr. Cachalla's letter was read and endorsed, and a resolution was passed agreeing to the principle of passive resistance and declaring the intention of furthering the movement vigorously.

Germiston British Indians, men and women, met on Sunday and decided to support passive resistance.

From the Editor's Chair

AS YOU WERE

No more momentous decision has been given by the Supreme Court of Natal for many years than that of last week in which it was declared that monogamous Indian marriages, celebrated according to Hindu or Mahomedan rites, are not monogamous at all, but polygamous. If the subject were not so painfully serious to everyone concerned, the judgment would lend itself to satirical treatment, assuming that it is good law. As the *Globe* has bluntly declared, it is very bad sense. We propose to deal briefly with its direct effects and its indirect implications.

The latest Indian census returns show that, although, technically, both Hinduism and Islam tolerate and even permit polygamy, in point of fact, out of every thousand marriages recognised as lawful in India, no more than eleven are polygamous. For all practical purposes, then, 99 per cent. of Indian marriages are as fully monogamous as any European marriage celebrated according to Christian rites or contracted by civil ceremony. Following upon the Searle judgment, the community demanded, in unmistakable language, that these ninety-nine Indian marriages out of every hundred should be given the full protection of the law, for it was felt impossible to accept the legal consequences of that judgment, if Indian self-respect was to be maintained and Indian material rights restored. As a result of the agitation then conducted, a number of amendments to the Immigration Bill were suggested during its passage through the Union Parliament, and almost at the end of the session, the Minister of the Interior himself introduced an amendment whose ostensible purpose was to protect such marriages if celebrated outside the Union. The amendment, which was accepted by Parliament and incorporated in the law as finally passed, was intended to meet the requirements of the Indian community, at least to that extent. The latest judgment now declares positively that these truly monogamous Indian marriages are not protected by the Act in any manner, and the natural conclusion is that these wives are no wives at all, but merely concubines, that the children of these "no marriages" are illegitimate, and that in neither case is there the right of inheritance according to the laws of this country. But of even more fundamental importance to the Indian community is the announcement that the wives, and, of course, the children, have no right to enter South Africa. It is true that the Government, as an act of grace, have declared that, in practice they will allow such wives and children to enter the country. We do not suppose that Kulsombibi will be driven out of Natal. But the position really is that, legally, Indian wives and children are prohibited immigrants, and a merciful administration of an intolerable law is not a *summum bonum* for which Indians are prepared to utter glad words of praise and thankfulness. Moreover, speaking quite frankly, and for reasons that we shall deal with a little later, we do not believe that the administration of the law, or, rather, the administrative breach of the law, is either merciful or intended to be merciful, for it is part of a policy of restriction, exclusion, and extinction of whose existence there is ample proof in recent happenings in South Africa.

As to the point of law involved, the Immigration Appeal Board was bound to ask for a decision, once the point was raised before it, and the Supreme Court was bound to give a decision thereon. But, from the standpoint of clean politics, the real question is, was there any necessity to gratuitously raise a far-reaching issue of this kind? The wording of the clause in the Act was the Government's. The avowed purpose of its insertion was protective, otherwise there was no

need for the amendment, as no other section of the population was concerned in the demand. The Government were, therefore, in honour bound to maintain their own original interpretation of the phrase, "monogamous marriages." It was thus an act of sheer political treachery on their part to raise the issue before the Board, and it is an evident indication of the Government's settled policy not to make the administration of the law as just and merciful as possible, but to use it as an instrument of oppression and injustice, for they must know quite well that with unsettled domestic relations, the community affected will undoubtedly degenerate morally, or else will tend to be eliminated by reason of the necessity of maintaining honourable marriage and family relations which are impossible where families are separated. It is a Machiavellian policy consonant in every respect with the most reactionary anti-Asiatic sentiment of the Free State, and that is why we have no faith, apart from the question of principle involved, in the Government's present pretence of willingness to admit "monogamous polygamous" wives into South Africa as an act of grace.

As to the principle itself, it is evidently impossible for Indians to assent to the declared illegality of their most sacred relations or to the bastardisation of the issue of the marriages that have been celebrated according to the most solemn and binding rites. An intolerable situation has been wantonly re-created by the Government's perfidy, and one more cause of justifiable passive resistance to the Immigration Act has been given. It must now be evident, surely, even to those who, on other grounds, may not see eye to eye with the passive resisters and their supporters all over South Africa, that so foul an insult should be removed from the statute-book at an early date, and, equally important from a European point of view, is the need for the speediest possible restoration in the minds of the coloured communities of South Africa of confidence in the good faith of the Government.

FOLLOWING A GOOD EXAMPLE

Passive resistance, says a writer in the *Transvaal Press*, has become fashionable. Indians may fairly take credit for it. It appears that the Johannesburg Municipality has passed a bye-law requiring householders to bring out their dust-bins containing refuse to the edge of streets so that the Municipal sanitary service then might remove them without loss of time. The Municipality says that it is most inconvenient for its men to traverse long yards where, sometimes, the men do not even gain access and that, by the new bye-law, nearly £5,000 would be saved. The *Transvaal Press* has been deluged with correspondence from indignant rate-payers, saying that they would go to gaol rather than comply with the dust-bin bye-law, as it has been called. Matters were brought to a head on the 30th ultimo when, at a meeting of the Rate-payers' Association, Mr. J. W. Quinn, the well-known legislator and one of the most influential men in the Transvaal, "at a big and extraordinarily enthusiastic meeting, held in the Yeoville Bioscope Theatre, in advising his hearers to disregard the bye-law, dramatically tore up the paper from which he read its terms and cast the shreds into one of the Council's standard bins which, by way of illustration, ornamented the platform." The meeting then carried a resolution to offer passive resistance. Thus the sovereign remedy is becoming more and more popular and one may hope that it will completely replace any resort to physical force which can only brutalise people, and tiring it.

Mr. Asquith has, the *Daily News* announces, agreed to introduce legislation next session, on the education question, calculated to remove the difficulties of passive resisters—another victory for the votaries of peaceful persuasion and self-education.

The Krugersdorp Judgment

The *Rand Daily Mail* publishes the following from its Krugersdorp correspondent, dated the 25th ult. :—

In the course of a learned judgment to day, in the highly important Asiatic occupation case of the *Crown v. Mr. James Henry Smit*, clerk in the Post Office, Mr. E. J. le Roux said: Accused is charged with contravening section 130 of the Gold Law, 1908, in that, being the owner or holder of certain stands 375 and 376, situated at the corner of Commissioner and Rissik Streets, Krugersdorp, he did on or about the month of January, 1911, or, alternatively, on or about July, 1913, wrongfully or unlawfully let or permit to be let a portion or whole of the stands or one or other of them to certain coloured persons, being Asiatics, namely, Chotabhai, Dadoo, and their employes, the said stands being rights acquired under Law 15 of 1908, or a prior law, or under Gold Law 35 of 1908, or, alternatively, did permit the said coloured persons, or one or other of them, to occupy or reside on the said stands or portion of the same; or one or other of them, such coloured persons not being the *bona fide* servants of the accused, and the said stands or any portion thereof not falling under provisions of Section 24 of Act 35 of 1908. Accused is the registered holder of the said stands 375 and 376, situate within the stand township of Krugersdorp, by virtue of certain certificates of *voorkeurrecht* titles issued to him in respect of these stands acquired by him in 1894 and 1887 respectively. It is not disputed that the Asiatics mentioned in the charge are in occupation of these stands, and the question to be decided is whether accused is under a legal obligation to allow them to occupy the stands

In Continuous Occupation

The evidence shows that Chotabhai, one of the Asiatics referred to in the charge, has been in continuous occupation of stands 375 and 376 since 1899, during which period he has carried on a general dealer's business on these premises. When the present Gold Law, 1908, came into force on January 1st, 1909, Chotabhai was in occupation of these stands, under and by virtue of a written lease entered into between him and accused on July 19th, 1906, for a period of three years, to take effect on September 16th, 1906. On August 16th, 1907, a further written lease was entered into between them for a period of five years, to commence on September 16th, 1909, being date of expiry of the then current lease. The leased premises, however, are described in the current lease and in all the previous leases as the "store and premises situate on stand 376," and the question arises whether Chotabhai can claim any right of occupation to stand 375, under and by virtue of his lease with the accused. It is not denied that Chotabhai has been in continuous occupation of both stands since 1899. The shop is situated on stand 376, and stand 375 was always regarded and treated by the parties to the lease as a yard belonging to stand 376, owing to the limited accommodation the latter afforded for trading purposes. That stand 375 was so occupied in conjunction with stand 376 is evidenced by the fact that in 1903 accused allowed Chotabhai to erect living rooms on stand 375, which were enlarged in 1908, when, with accused's consent, additional living rooms were erected by Chotabhai on the same stand. These buildings were stated, in the correspondence between the parties, to be subject to the terms of their lease. Separate rent for Stand 375 was never charged nor paid. There was no apportionment of rent as between the two stands, and a lump sum as rent was stipulated for the leased premises.

Perfectly Valid Lease

This circumstantial evidence of the intention of the parties to the contract of lease satisfies me that stand 375 was intended to be included in and form part of the leased premises described in the lease. This lease

is, in my opinion, a perfectly valid lease, and having been entered into before the present Gold Law, 1908, came into operation, accused is clearly under a legal obligation to allow Chotabhai to occupy the stands 375 and 376 during the existence of the lease. This lease is still current, and is due to expire on September 15th, 1914. It is, however, further contended for the prosecution that even if accused is under a legal obligation to allow Chotabhai to occupy the leased premises, he is not legally bound to allow Dadoo, his partner, and their employes or servants to occupy or reside on the leased premises. This view does not commend itself to me. Chotabhai entered into partnership with Dadoo in 1906. The lease was not ceded to the partnership, but accused was aware that Dadoo was a member of the partnership and acquiesced in his occupation of the leased premises. Having consented to the partnership, he could not eject Dadoo in 1909. He was therefore under a legal obligation to allow the partnership to continue and the members thereof to occupy the leased premises during the currency of the lease. These rights were acquired before the present Gold Law of 1908 came into operation, and, according to the decision of the Transvaal Supreme Court in *Khotas and Co. v. the Colonial Treasurer* in 1909, rights so acquired are not affected by the provisions of Section 130 of the Gold Law, 1908. Chotabhai's death in 1912 does not affect the legal obligations of accused, as death of the tenant does not afford a ground for the termination of the lease, and because of the provision in the deed of partnership for the continuance of the partnership in case of death of either partner. As regards the firm's servants or employes, Chotabhai had the right before the present Gold Law came into force to allow his servants or employes to occupy or reside on the premises. He had erected living rooms on the leased premises, with accused's consent, for their use and occupation. The position to-day is unchanged so far as the evidence goes. No additional rooms have since 1908 been erected, and no coloured persons other than the firm's *bona fide* servants or employes are living on the leased premises. For these reasons accused has not in my opinion permitted coloured persons to occupy or reside on the leased premises. Holding this view of the case, it is not necessary for me to deal with the evidence led in order to prove that accused acquired his rights to these stands under a Gold Law. All I need say is that these stands would appear to be subject to the provisions of Section 130 of the Gold Law, 1908.

The Capetown Meeting

As briefly reported in our last issue, a meeting of Cape British Indians was held under the auspices of the Awakened India Society, at Capetown on the 22nd ultimo. The object was "to consider the situation created by the revival of passive resistance on account of the new Immigration Act, and to take action thereon." The principal speaker was Mr. H. S. L. Polak, who had just returned from England.

Mr. Ahmed Khan presided over a large gathering.

After the Chairman had given, in detail, the position that had been created, he called upon Mr. Polak to address the meeting.

Mr. Polak, who was well received, said it appeared that he had arrived there at what was a critical moment in the history of Indians in South Africa. He then dealt exhaustively with the various aspects of the situation.

The Resolutions

The following resolutions were adopted :—

"This meeting of Cape British Indians hereby strongly condemns the Immigrants Regulation Act of 1913 and its administration as being in direct conflict with the solemn promises and declarations of responsible Ministers, in that it fails to remove the racial bar

from the Statute-book as regards immigration, it deprives the Indian community of existing rights, and it reflects in highly dishonourable terms upon monogamous marriages contracted in South Africa according to Indian religious rites."

"This meeting, having seen the letter addressed to the Government by the Chairman of the Transvaal British Indian Association, cordially associates itself with the views expressed therein; and deplores the failure of the Government to honour the terms of the provisional settlement of 1911, that has now, after earnest efforts on the part of the Indian community to avoid it, resulted in a revival of the bitter passive resistance struggle."

The third resolution adopted expressed pride that 16 well-known members of the community, men and women, had been imprisoned at Volksrust as passive resisters, tendered thanks to them, and hoped that their example would prove a source of inspiration to others in the Provinces.

The resolutions were forwarded to Lord Gladstone, the Prime Minister, Mr. Fischer, General Smuts, the Secretary of State for India and the Viceroy of India.

The speakers, besides Mr. Polak, were Messrs. M. H. Gool, Syed Abdul Cadir (of the Transvaal) A. Malik, S. Ismail; and the resolutions were proposed by Messrs. Vartak, D. Abrams, A. Ismail and Sathe.

Durban Mass Meeting

An important and well-attended meeting of the Anjuman Islam, Durban, was held on Wednesday night in the Hall of the Indian Educational Institute, Grey Street, to consider the situation created by the enforcement of the new Immigration Act and the revival of passive resistance, and to take action thereon.

The meeting was presided over by Mr. M. S. Randaree, chairman, who delivered a lengthy address setting forth the terrible situation which has arisen. Point by point Mr. Randaree dealt with each grievance, and ended up by saying:

"These are the points raised by our friend Mr. Cachalia, the chairman of the Transvaal British Indian Association, in his manly letter to the Government, announcing the enforced resumption of passive resistance as the only effective method of procuring redress. I am certain that he is right. Without suffering we can obtain nothing. 'Think ye to enter Paradise?' says our own holy Koran, 'where no such things have come upon you, as on those who flourished before you? Ills and troubles tried them.'

"We are warned that our numbers are few, and that we are weak. That may or may not be true. But numbers matter little. It is the spirit that counts, and strength comes to the weak who fight in a righteous cause. 'How oft,' says the Holy Koran again, 'by God's will, hath a small host vanquished a large host, and God is with the patiently persevering.'

"Let us, then, record whole-heartedly our association with our brethren and our brave sisters who have commenced this new struggle for liberty and religion. Let us persevere to the end, and God's help will be given to us in full measure, for we shall be helping ourselves to a greater self-respect and a greater understanding of the demands that religion makes upon us."

Resolutions

The following resolutions were unanimously passed:

"This meeting of the Anjuman Islam, Durban, records its strong protest against the action of the Government in failing to carry out, both in the spirit and in the letter, their undertaking embodied in the provisional settlement of 1911, and emphatically approves of the letter addressed to them by Mr. Cachalia, announcing the resumption of passive resistance until the grievances set forth therein are remedied."

"The meeting heartily congratulates the brave men and women who have pioneered the last phase of the passive resistance struggle, for the maintenance of religion and the national honour of the Indian community."

"The meeting respectfully urges the Government, even at this late hour, to grant redress, and earnestly requests the Imperial and Indian Governments to use their influence to that end."

"This meeting of the Anjuman Islam authorises the chairman to communicate the foregoing resolution to the Minister of the Interior and to the Right Hon. the Governor-General, with a request to the latter to transmit copies thereof to the Secretaries of State for India and Colonies."

Indian Travellers' Difficulties

Mr Gandhi has addressed the following letter, dated the 27th ultimo, to the General Manager of the South African Railways:—

"With two other Indians I was travelling by the Kaffir Mail that left Durban on Thursday to the Transvaal. We were all travelling third-class. We occupied one of the corridor third-class compartments which are usually attached to the Natal trains. My companions and I were put in the compartment we occupied by one of the conductors. At Ladysmith, however, the new conductor came and told me that we would have to shift from the compartment we were occupying to another. On enquiring for the reason I was told that the compartment we were occupying was meant for Europeans only. I drew the conductor's attention to a compartment which was so labelled, also to the fact that our compartment was not labelled at all, and that I had travelled in such compartments several times on the Natal line. I informed him also that the conductor at Durban had placed me in that compartment, but the new conductor said that I was to obey instructions or to get permission from the Station Master to remain where I was. Thereupon, I saw the Station Master, but I must say that, in rather a rude manner, he told me that I was to do as the conductor asked me, and that I ought to know that the conductors could ask passengers to shift as many times as they chose without giving any reason whatsoever. I did not argue the matter with the Station Master but simply went and occupied the compartment I was in and awaited developments there. Meantime, unknown to me, a friend who happened to be on the platform, and who knew me, disclosed my identity to the conductor who subsequently spoke to me and told me that in asking me as he had done to remove, he was only carrying out instructions. I told the conductor then that, after having known who I was, it was his duty to have me arrested for disobeying instructions, but that he would not do. I was told by the Indians who were on the platform at the time, and who were watching the proceedings, that such difficulties happened to Indian passengers very often. I do not know what truth there is in what the conductor told me. I can only hope that he has misread the instructions of the administration, because, in my humble opinion, it would be preposterous if even third-class Indian passengers may not travel without being disturbed, and without being told that the nicest compartments were always reserved for Europeans.

"I hope that you will be good enough to investigate this matter and do whatever you consider is necessary. I feel that high officials such as Station Masters, ought to be told to realise their responsibility and behave courteously towards passengers even though they may not belong to the European race. I hardly think that it was necessary for me to disclose my identity before I could claim courteous treatment from the Station Master."

Pars. about the Struggle

Several cheques of amounts ranging from £5 to £19 have been received at this office from Indians in different parts of Natal and the Cape, together with sympathetic messages concerning the struggle.

The Johannesburg Press is full of Passive Resistance news. They give cartoons also. One of these represents Mr. Gandhi as the Prince awaking Mr. Hosken as the Sleeping Beauty.

A largely-attended meeting of the Patidar Association was held at Johannesburg on Sunday. A strong resolution in favour of the struggle was passed. Several decided to go to gaol and funds were subscribed.

The East London British Indian Association has sent to Lord Gladstone telegrams endorsing Mr. Cachalia's letter and protesting against the Volksrust sentences.

Mr. Polak arrived at Johannesburg on Friday evening by the Natal Mail. A *Rand Daily Mail* reporter interviewed him at the Station. Mr. Polak mentioned to the interviewer the intensity of feeling roused in Natal owing to the recent judgment of the Natal Supreme Court and informed the interviewer of the feeling that will be roused in England and India by the recent judgment on the marriage question.

News has been received in Johannesburg of four more Indians having crossed the border from Maritzburg and six from Tongaat.

Immigration Appeal Board

The Immigration Appeal Board resumed its sittings on the 18th ultimo.

Vally Cassim, an Indian, appealed against an order prohibiting his emigration into Natal on the ground that he was a person prohibited under the terms of the Immigration Act. He was represented by Mr. J. H. Nicolson.

Appellant claimed on the ground of domicile. He stated that he had lived in Natal for ten years prior to November, 1910, when he left for India on a visit. He had carried on a fruiterer's business in Durban previously. When he left Durban he left a power of attorney in the hands of Mr. Cowley, with instructions to collect certain debts owing to him. He also left certain books, and small items of furniture. He had had a Post Office box while in Durban, and when he left he gave the key of this box to another man whom he asked to pay for the box in witness's name. The box lapsed in January, 1913.

The Chairman said his colleagues and he had come to the conclusion that there were certain factors justifying them in admitting this man. Judgment was entered accordingly.

The second appellant was Cassim Moosa, aged 26, a native of Bombay. His story was that he first came to Natal in 1893, and worked as a hawker in Durban for some years, afterwards living in other places in Natal. After about seven years he went to India for a year-and-a-half, afterwards returning to Natal. Two years ago he left for India, and was now returning. His wife and family were in Bombay.

After evidence by an Indian who said that the appellant left £25 with him before going to India, saying that he was to return to this country, the Board reserved judgment till Tuesday morning.

The next case was that of Sayed Hoosen Sayed Valli, who said, in answer to Mr. Nicolson, that he went to India in 1908. He was a tailor in Durban, with his brother, Sayed Abdullah, in Bell Street, from

1905 till his departure. He had a half-share of the business, and this was worth £30. When he went away he left the £30, but after reaching India his brother sent him £5 or £6.

The Durban Immigration Appeal Board gave its decision in three cases on the 26th ultimo.

The appeal by Cassim Moosa (Mr. Nicolson for the appellant, and Mr. Ryan for the Restriction Department) was sustained, a majority of the Board coming to the conclusion that he was entitled to be admitted.

Mr. Darbey asked the Board to state a special case on the ground that an important question of domicile was involved.

The Board decided that the application by Doolabh Hurree (Mr. O'Hea for the appellant, and Mr. Darbey for the Department) be rejected, the objections raised by the Department, on the ground that the appellant was not the man to whom a domicile certificate was issued in 1904, being sustained.

Mr. O'Hea asked the Board to state a case.

In the case of Sayed Hoosen (Mr. Nicolson for the appellant, and Mr. Darbey for the Department) the Board decided that he had abandoned his domicile, and declined to grant his application. Mr. Binns commented adversely on the contradictory evidence given by the appellant. His variations did not help the Board to have faith in him while in the witness box.

An application by Fatima Begum (for whom Mr. Nicolson appeared) was ordered to stand over till judgment be given in the Supreme Court in a similar case.

The Board adjourned till October 3rd.—*Mercury*.

News in Brief

Reuter's correspondent at Simla telegraphs that the Viceroy, Lord Hardinge, in the course of a speech in the Legislative Council, referred to the position of the Indians in the various Colonies, a question in which he said he took the deepest interest. Whilst the Colonial Governments were extremely sensitive on the matter, the Indian Government fully recognised its responsibilities, and it had spared no efforts to protect the interests of Indian subjects in the Colonies, and would continue to urge its views until redress had been obtained. Lord Hardinge stated that the Indian Government had laid stress upon the right of entry into Canada of the wives and children of Indians who had acquired a domicile in Canada. The question of the entry of Indians into South Africa was still under discussion, and he hoped that some of the defects of the Immigrants Regulation Act would be remedied. He wished to assure the Council and the public that the Government was keenly zealous for the welfare of Indians who had emigrated to the Colonies, and concluded: "We shall work steadily and quietly, believing in this way our efforts are more likely to meet with success."

Mr. J. W. Jagger, M.L.A., addressing a meeting in London, said that there were two Indian grievances which should be redressed, namely, the £3 tax on ex-indentured Indians, and prohibition against their holding land in the Transvaal.

Latest Information

Johannesburg, Tuesday.

Messrs. Medh, Pragji and Manilal Gandhi, on finishing their sentences, were brought, handcuffed, through the public streets to the Court where they were charged under the Asiatic Act with non-production of certificates. They were released on their own recognisances. They relate that, while other officials were unexceptionable, Dr. Visser was wantonly rude and swore at them. They complain that the food was without ghee.

Others are out courting arrest.