

Indian Opinion

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PRESS COMMENTS ON THE REPORT

THE *Cape Times* has a lengthy leading article on the Report of the Indian Enquiry Commission, from which we take the following:—

The personnel of the Commission, it will be remembered, was looked on with some suspicion by the Indian community at the outset; two of the members, Mr. Esselen and Colonel Wylie, being quite unwarrantably credited, or debited, with an incorrigible anti-Indian bias. We trust that the contents of the Report, which is unanimous, will convince British Indians, whether in India or in South Africa, that these suspicions were wholly without foundation. The attitude of the Commissioners is eminently impartial and judicial throughout, and their recommendations are evidently the outcome of a sincere desire to conciliate Indian sentiment. And there are happily signs that their efforts in this direction are likely to be attended by the success they deserve. According to a telegram which we publish to-day, Lord Hardinge has made an important statement at Delhi, in which he gives the Report of the Commission his benediction, and expresses the belief that its recommendations form the basis of a complete and satisfactory settlement of a controversy which has been the source of grave anxiety and embarrassment alike to the Imperial Government, the Government of India and the Government of the Union of South Africa. It is note-worthy, too, that Mr. Gandhi and some of the leading representatives of the Indian community in the Peninsula attended at the Capetown Railway Station yesterday forenoon to bid farewell to Sir Benjamin Robertson, the distinguished Anglo-Indian official, to whose services, in watching the inquiry on behalf of the Indian Government and the Indian people, the Commissioners allude in terms of cordial appreciation. When we have Mr. Gandhi garlanding Sir Benjamin in the liberal Indian fashion in Capetown, and Lord Hardinge garlanding the Commissioners in rhetorical Western fashion in Delhi, the omens may surely be said to be favourable. Nor can we believe that the Viceroy of India would have spoken so hopefully, had he not had assurances from Sir Benjamin Robertson that the recommendations of the Commission were likely to have the support of the Government of the Union.

After giving a summary of the report and the recommendations, our contemporary concludes:—

No doubt this does not exhaust the list of grievances put forward from time to time by members of the Indian community, but, if these recommendations are carried out, as we believe they will be, the wounded self-respect of the Indians will be restored, and all apprehensions rooted in religious susceptibilities will be set at rest. Mr. Gandhi and his friends will be well advised to leave the rest to time.

“Cape Argus”

General satisfaction will be felt (says the *Cape Argus*) that the Indian Enquiry Commission has taken so

broad and statesmanlike a view of the questions submitted to it. It has seemed to us from the first that the particular grievances of the Indian community which have caused most excitement in India were capable of adjustment without any substantial injury to South African interests. And so events have proved. The report and recommendations of the Commission are, as the Viceroy's speech at Delhi indicates, entirely satisfactory to the Indian Government, and, if given effect to, as we hope and believe they will be, should put an end to what, from the standpoint of the Indian and Imperial Governments, threatened to be a most embarrassing and perilous controversy.

The question which far exceeds all others in importance is that relating to Indian marriages; and this for the reason that it has to do with religious sentiment, the strength and reality of which have been perhaps but inadequately appreciated in South Africa. There is no doubt that the Legislature intended to meet the views of the majority of the Indian community by means of a clause which was inserted in the Immigration Act of 1913. But that Act being in form, if not substance, colour-blind, it failed to give due effect to what was in the mind of the Legislature. We believe that the astute legal mind of Mr. Gandhi early detected the flaw in the law, and when a difficulty arose in the case of the Indian woman, Kulsao Bibi, who claimed and was denied admission as the lawful spouse of an Indian already domiciled in South Africa, he begged the authorities to deal administratively with the difficulty, so as to avoid an appeal to the courts which, he foresaw, would in all probability result in a judicial decision undoing the supposed Legislative settlement.

An excellent feature of the report is the provision made for the remedying of a host of minor grievances by improved administrative methods; and the only other point which demands attention is the proposed abolition of the £3 tax. . . . The Commission rightly saw that the mischievous consequences of maintaining this obnoxious tax far outweigh the ingenious arguments urged in its favour. . . .

The tax has been far more a grievance than a source of revenue, for the difficulties of general collection are insuperable, and the Legislature will act wisely in decreeing its abolition. Taken altogether; the Commission has done its work splendidly, and we have every confidence that the Indian community will show their willingness to accept the report and recommendations as a final settlement on all the points dealt with. Parliament is in the right mood to do them justice now, but, if the opportunity is lost, it may not occur again. It is likely, we hear, that, after everything has been arranged to his satisfaction, Mr. Gandhi may possibly return to India. He is a man of singularly fine character and a religious mystic, and a life of meditation rather than one of embittered controversy is what he chiefly craves for.

"S. A. News"

The report is of a character that is calculated to command confidence and respect; and we have not the slightest doubt (says the *South African News*) that it will be fully and readily accepted by the Indian community itself. As to the main grievances put forward by the Indians, we have long ago expressed our opinion. These are concerned with the three pound tax and the marriage question. In regard to both of these matters, we have from the very first urged that the Government might well meet the Indian community and remove the source of complaint. The Commission, we are glad to see, arrives at the same conclusion, and recommends the amendment of the existing laws in this direction. We have no doubt that the Government will take the earliest available opportunity to give legislative effect to the recommendations of the Commission; and, as a result, South Africa may look forward to a peaceful and permanent settlement of this difficult problem.

"Transvaal Leader"

The Commission appointed to investigate the Indian strike in Natal, and its causes, has issued its Report with commendable promptitude. The results of its labours (says the *Leader*) are most satisfactory; for the Commission has come to a wise and statesmanlike decision on the points of reference, which should serve as a useful guide to Parliament when it comes to legislate upon the question. The sooner this dangerous and troublesome question is settled, the better: it has already been dragging on too long, with disastrous results both to South Africa and to the Empire, and we hope that Parliament, in spite of the multitarious tasks before it, will find time to give effect to the Commission's recommendations before the session closes.

One of the great questions of the future is how to reconcile Imperial interests when they clash, or appear to clash, with those of the self-governing Dominions. It appeared at one time as though the Indian question in South Africa were incapable of Imperial solution, but the happy co-operation of Sir Benjamin Robertson with the Union representatives has dissipated these doubts and created a successful precedent, which is of good omen for the future.

We have always maintained that such a tax is inequitable in principle and indefensible from either an ethical or economic standpoint. We are glad, therefore, to see that the Commission has endorsed this opinion. The Commission's Report suggests a solution of the long-standing Indian difficulty, which we hope will be accepted by the Government and by the Indian leaders as affording a prospect of a final and satisfactory settlement.

"Rand Daily Mail"

The summary of the report issued by Sir William Solomon, Colonel Wylie, and Mr. Ewald Esselen, seems likely to provide a permanent settlement of the whole long-drawn dispute. The Indians cannot reasonably complain of any want of success in impressing the Commissioners with the justice of their case. The pronouncement on the marriage question is satisfactory. The Indians obtain the concession for which they fought, and means are suggested by which the recommendations can be carried out smoothly. As the white population is only anxious that there shall be no infiltration of newcomers, it will not object to the modifications suggested, in view of the safeguards which accompany them. The £3 tax is to go. Here again public opinion generally will support the Commission. Legislation of this character is objectionable in principle. Moreover, the £3 tax pressed very harshly upon the Indians. Indeed, the fact that the authorities did not enforce the law strictly is proof of its severity. It is not clear whether the licence associated with the tax is to be dropped also, but one imagines that if the tax goes the licence will go as well.

The summary does not indicate whether the Commission deals with the question of Natal-born Indians entering the Cape, or with the removal of certain disabilities regarding admission to the Free State, and one must await the arrival of the full report to ascertain what view has been taken of these claims. But apart from this the work of the Commission evidently makes for peace. . . . We feel sure that the Government will be reasonable, whilst at the same time protecting the position of the white population. If the Indians are equally reasonable, and frankly recognise the difficulties which the Government have to overcome in handling a matter so easily arousing popular prejudices, the present session of Parliament should see the necessary amending legislation passed. But we trust that the Indians will not press the Government too far. The outcry so far has come from the Asiatic community. Unless the ideas of white South Africa are considered, an outcry may spring up on the other side. The Indians must look at the matter from a practical standpoint, and remember that a compromise means give and take on both sides,

"Star"

The *Star* reserves its comments on the Report until later, but meanwhile it pays tribute to Mr. Gandhi who, the paper says, "was admittedly actuated by principles of patriotism and consideration for the welfare of his fellow-countrymen in South Africa."

"Natal Witness"

Those of us who, from personal knowledge and experience, held the view that, while based on an admitted sub-stratum of injustice, the recent agitation was more factious than genuine will (says the *Witness*) regard the report with complete approval only in so far as it seems likely to remove all possibility of such a condition of affairs being permitted to recur in future. The point upon which criticism will mainly impinge is the suggested abolition of the £3 tax. In this matter the attitude of the Commission is idealistic. They hold that the tax is not a general charge upon Indians, like the hut tax is upon natives. The tax falls only upon a comparatively small section of the Indian community, only 10,800 men being liable to pay it, while it has actually been collected from less than one-third of that number. Consequently they consider that the tax has failed to effect the object for which it was imposed, and that it serves no good or useful purpose, and recommend that it be repealed. The subject of the marriage laws is more important, and here the members of the Commission have certainly taken a commonsense view. The decision of the Natal Provincial Division of the Supreme Court which upset the apple-cart was probably sound law, the Judge-President is not prone to take the other view, but it certainly opened up an alarming vista of litigious possibilities and could not fail to cause grave uneasiness in Indian circles. The solution arrived at by the Commission does not go the whole length of the demands which were made at the time of the strike, but the expedient of registration of wives does in fact afford a practical way out of the difficulty. The findings of the report with regard to the immigration and other acts affecting Indians, though dealing more with matters of detail, are hardly less important. It is in this department of administration that lack of sympathetic interest generates the first small friction which grows into a formidable antipathy and finally upsets the internal economy of a sub-continent. It may be said that there is nothing in this part of the report but what should have been suggested by the natural commonsense of those engaged in the administration of the law years ago, but the time is now past for seeking to allocate blame for old errors. The extent to which matters may be simplified is shown in the result of the visit of Sir Benjamin Robertson, to whom the members of the Commission acknowledge their indebtedness, and is a clear indication of the pro-

gress that is possible in this direction. As a whole, the report promises to form the basis of legislation which, if not perfect, should at least put an end forever to the disastrous tension which has of late made itself so unpleasantly obvious.

From the Editor's Chair

THE MAGISTRATE OF ESTCOURT

MR. F. E. FOXON, Magistrate of Estcourt, who, it will be remembered, discharged Sir Duncan McKenzie when he was charged, some months ago, with having ill-treated his Indian employées, has been found guilty, by three Judges of the Supreme Court, of compelling an Indian, by force, to give his finger-prints in the course of a trial in which the latter was the accused. The Crown was represented by Counsel and it was submitted that the Magistrate's action was permissible. The Judge-President, in allowing the appeal, remarked that it was the first case in which he had heard it urged by the Crown that it was permissible, in order to support a conviction, to take advantage of evidence which the accused had himself been compelled by force to furnish at his trial. There is little doubt that the Magistrate knew quite well that he was acting beyond his powers. If not, he had no business on the Magistrate's bench. But who would dream of an Indian appealing to the Supreme Court on the point! Would this Magistrate have acted in the same way, we ask, if the accused had been a white man? We do not believe he would. We say this because we know that Mr. Foxon considers the rights of an Indian to be less sacred than those of a European. For instance, in his annual report to the Minister of Justice, he suggests that no transfer of a trading licence should be granted to an Asiatic and that no Asiatic should be allowed to take a partner into the firm, and that, on the death of the holder of a retail licence, the store should be closed, sold or transferred to a European. This means that an Indian trader, who, with his wife and family, is making an honest livelihood as a shopkeeper, may die and leave his family unprovided for, even though there may be grown-up sons to whom the business could be transferred. And the sole reason for such cruel action would be that there are 24 Asiatic trading licences in the district out of a total of 57. Such is the Magistrate of Estcourt, who is placed in that position by the Government to administer justice to all alike, regardless of colour or creed, and whose duties should certainly not include the throwing out of suggestions for the ruin of peaceable and honest citizens whose only faults are that they live simply, sell cheaply and, what is still worse, succeed in their humble calling.

Illegal Taking of Finger-Prints

On the 2nd January last, at Estcourt, before Mr. F. E. Foxon, Goorpurshad, a free Indian, was charged with the theft of £24 10s. from tills in the bar and in the store of Thomas Horner. He pleaded not guilty and, after evidence had been led, he was found guilty and was sentenced to four months' hard labour.

Mr. J. Hellet appealed against the decision on the ground that the evidence obtained by the Court in compelling the prisoner during trial to give finger-prints was not only improper but was inadmissible. The Supreme Court upheld the contention and quashed the proceedings. Below we give the full text of the judgment delivered by Justice Dove Wilson:—

"The evidence against the prisoner consisted of two sets of finger-prints. In the first place, the finger-prints taken in the gaol were sought to be put in as evidence. But it is sufficient to say that nobody appeared who was in a position to swear that the finger-

prints taken in the gaol were the finger-prints of the accused. It is therefore unnecessary to decide the further question whether the finger prints taken in the gaol in terms of the regulations, and properly authenticated, would or would not be admissible in evidence.

"As regards the other set of finger-prints, the Magistrate ordered the accused to submit his fingers for the purpose of his finger-prints being taken, there and then, in Court. The prisoner declined, but eventually was compelled to submit. This is the first case in which I have heard it urged by the Crown that it is permissible, in order to support a conviction, to take advantage of evidence which the accused has himself been compelled by force to furnish at his trial. I think the evidence was improperly obtained, and that the appeal must be allowed."

Broome Justice said: "I content myself with saying that, in my opinion, the Magistrate was wrong in ordering the appellant during the trial, against his will, to give impressions of his finger-prints, and in convicting him on the evidence so obtained."

Report of the Department of Justice

From the Annual Report of the Department of Justice for the year 1912, we give the following items of special and human interest:—

There were on 31st December, 1912, 796 advocates admitted in one or other Province of the Union, 2993 attorneys, 1982 notaries, 969 conveyancers and 868 sworn translators and interpreters.

In Natal, the Attorney-General had to record a reduction of criminal cases due to a remarkable decrease of crime, particularly among the European and Indian population.

The Magistrate of Burghersdorp reported that there had been 16 convictions under Scab Laws, and the fines in all cases had been paid, but one farmer declared his intention of undergoing imprisonment rather than pay the fine, but half a day of imprisonment was sufficient to make him change his mind, and he paid his fine.

The Magistrate of Capetown saw no reason to depart from his view as expressed last year, that morality generally was not of a high order, and that the enforcement of the Morality Act, though conducive to public decency, did not really conduce in any great measure to morality.

In Port Nolloth, the Magistrate could not but attribute crime among coloured people and natives to drink, and as long as the local laws allowed the supply of liquor to these people this deplorable state of things would continue. He said "deplorable" because crime was not the only result. It was necessarily followed by family suffering and want. The offence of desertion from service by servants was probably partly accounted for by the withholding or delay of the payment of wages or by the giving of insufficient rations.

In Kimberley, juvenile crime appeared to be on the increase, no less than 35 boys being arrested for different crimes during the year, the chief crime being theft. The majority were native or coloured boys, and in all the cases the crimes seemed to be due to the fact that parents were not able to keep their children under proper control.

The Magistrate of Maraisburg considered that the vagrancy laws should be amended to make it compulsory for able-bodied natives to work.

The Magistrate of Willowmore considered that Act No. 35 of 1906 stifles competition in the smaller towns where the controlling body is usually composed of tradesmen, who are but human after all. He had always understood that this measure was intended to restrict and regulate Indian, Chinese and Asiatic traders, but in practice it went further and was an obstacle to reputable European merchants who desired

to open branch businesses. The Magistrate also moved for legislation to control the idle natives in town areas and compel them to work.

The Magistrate of Kingwilliamstown commented on the communism of the native which, combined with the fact that numbers were earning money on the mines, had saved them from seeking relief from the Government in spite of the distress caused by the drought.

In Colesberg, it was worthy of note that an Indian bootmaker who was a thoroughly competent tradesman and had plied his trade for some years there was doing well.

The Magistrate of Barkly West repeated his warning as to the demoralisation caused by the alluvial diamond diggings. He seriously urged any person who contemplated trying his luck on the river diggings to reconsider the matter. His advice to each and all was to stay away entirely from the diggings if there was the least chance of eking out an existence elsewhere, but, if forced to go to the Barkly West diggings, to leave again at the earliest opportunity. The demoralising life on the river would wound and warp the morals of anyone who was unfortunate enough to come within its pale except possibly a very few. His best advice therefore was "don't."

In Knysna, there had been a decided increase in tuberculosis, the number of deaths recorded being 54 as compared with 29 in the previous year. No steps had been taken locally to combat this disease. It generally took the form of pneumonic tuberculosis and occurred chiefly among the coloured poor, although whites were by no means exempt.

In Namaqualand, there were 26 European schools and 12 mission schools in the district. In mission schools both European and coloured children mixed. This was a condition which was much deplored by the Magistrate in a district which was bastardised throughout the communal reserves.

In the Tarka district, whatever might be the advantage of mixing the sexes from a financial point of view, and however advantageous this might be in colder countries, it appeared to him particularly unsuitable in a country like this in which boys and girls became men and women physically while still boys and girls mentally. As to education among the coloured population he estimated that only one-fifth of the children were being educated.

In Pretoria, suspected cases of human sacrifice had occurred in the district, but the police had not been able to trace the offenders. One victim was a little native girl, whose body was found in a bush near a location, about 40 miles from Pretoria. The Sub-native commissioner was convinced that she was actually killed by some witchdoctor with tribal connivance in order to prepare medicine for rainmaking purposes from her body. This notwithstanding that the particular location had for nearly half a century been under the direct influence of European civilisation and missionary effort. At a neighbouring location, on the death of the chief of the tribe which had embraced Christianity for more than a generation, a witchdoctor from Zoutpansberg was called in to throw the bones (*dolossen*) before his death-bed. In the hour of dire extremity, the Magistrate remarked, these people turned to the gods of their fathers.

The Magistrate of Germiston pointed out that during the year no fewer than 1,323 charges were tried under the Liquor Law. Taking into account the relative numbers of Europeans and natives, the foregoing figures showed that the natives were 2½ times more given to drunkenness than Europeans, notwithstanding the fact that the sale or supply of liquor to them was absolutely prohibited under the most severe penalties.

In Germiston, the number of civil cases rose from 1,274 to 1,477 in 1912. Of the litigation 11.2 per cent. were contested cases. In these contested cases 80.5 per cent. of the litigants were Europeans, 10.5 per cent. Indians and 9 per cent. South African natives.

While there was a general complaint as to the scarcity of native labour, the Magistrate of Heidelberg notic-

ed that good masters generally got all the labour they wanted.

The Rev. Muller of the Berliner Missions Gesellschaft was of opinion that, when natives were allowed to cultivate a limited number of acres in return for their services, they showed a great care in the cultivation of the land, and, where they worked for a certain portion of the harvest as their wages or where they hired land, they outstripped the white owner, as they spared neither care nor pains to gain the greatest possible harvest and procure the most modern agricultural machinery for the purpose.

Mr. Andrews' Lecture

The Rev. C. F. Andrews' lecture on the Poet-Laureate of Asia, which was delivered recently at Capetown, in the City Hall, has been re-printed in pamphlet form. It is printed on fine hand-made paper and is worthy of being used as a presentation copy. The price is seven pence per copy, including postage. The re-print can be had at our offices. Our readers are aware that the lecture attracted very great attention in Capetown. It should be very widely circulated among the Europeans of South Africa. We advise our Indian readers to buy copies and present them to their European acquaintances. The surplus, after deducting the cost of printing, will be handed to Mr. Andrews for the Poet's school at Balpûr. The pamphlet was printed at the *Cape Times* Printing Works.

Medical Officer's Report

We have received the annual report of the Medical Officer of Health for the Borough of Durban for the year ended 31st July, 1913. We give the items of special interest to our readers:—

According to a Summary of the Census taken on the 19th March, 1913, by the Borough Police Department, there were 33,428 Europeans, 2,420 Coloured, 18,010 Indians and 20,302 Natives, making a total of 74,160 inhabitants in the Borough.

The European death rate per 1,000 was 8.7, Native 6.4, and Asiatic 13.0.

There has been a steady decline of the Asiatic death rate since 1908-9, when it stood at 21.0 per 1,000. In 1911-12 it was 16.9.

The causes of death among Asiatics were chiefly Phthisis, Pneumonia, and Diarrhoea, Catarrh and Enteritis.

The Tuberculosis Medical Officer states:—

The homes of the European patients are for the most part highly satisfactory, but we have been able to assist patients to sleep on their own verandahs; further, I have gained a considerable insight into the unsatisfactory and at times exceedingly bad conditions under which the large Indian and Native population live.

The majority of the Indian patients were notified by the Hospitals. The average Indian takes no notice of his ill-health until he is absolutely unfit for work, and when examined is usually found in the last stages of "Consumption." Even then he does not realise his condition, or, if he does, puts the blame on "Allah" or "Swami," and leaves his case in his hands. In consequence, it is difficult to really benefit the lower classes of Indians. I am pleased to say that some of the more enlightened Indians have made most satisfactory progress on European lines of treatment.

The number of imported cases (142) is high, but it must be borne in mind that a large number of cases are sent in from all parts of Natal to the Government and Indian Depot Hospitals. Numbers of indentured Indians suffering from "Phthisis" are sent in to the Depot Hospital to await their return to India, and these cases are all notified, and not infrequently die in the Hospital, thus showing in our Borough figures.

The Indian Health Visitor and Interpreter has paid over 500 more visits than last year to employers of labour, barracks, etc., searching for Indian and Native cases, and kept me informed of the condition of the actual patients attending the Bureau. His intelligent knowledge of the work has proved most useful to me.

The Imperial Blue-Book

(Continued)

COLONIAL OFFICE TO LONDON ALL-INDIA MOSLEM LEAGUE.

Downing Street, 30th October, 1913.

SIR,—I am directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 15th instant on the subject of the position of British Indians in the Union of South Africa, and in particular with regard to the effect of a recent judgment in the Natal division of the Supreme Court as to the status of wives married according to Indian rites.

I am to enclose a Press report of the judgment on the case of Kulum Bibi, to which your letter evidently refers. I am to point out that this judgment concerns the interpretation of one of the sections of the Immigrants Regulation Act, which provides that certain persons are not to be deemed prohibited immigrants, and does not appear to restrict the power of the Executive to admit Indian women. Mr. Harcourt understands that the general law of South Africa has never recognised polygamous marriages (in which respect it is identical with the law of this country) and that recent decisions of the Courts have not in any way altered the law.

I am, etc.,
H. W. JUST.

MINISTERS TO GOVERNOR-GENERAL.

Prime Minister's Office, Pretoria, 29th October, 1913.

With reference to His Excellency the Governor-General's minute, No. 15/482, of the 8th instant, on the subject of a recent judgment of the Natal Provincial Division of the Supreme Court interpreting the expression "monogamous" in Section 5 (g) of the Immigration Regulation Act, Ministers have the honour to state that, had there not been a clear indication that gross misrepresentations had been made to the Immigration Officers by the parties interested in securing the admission into Natal of the Asiatic woman Kulumbibi, it is unlikely that the necessity for submitting the matter to a Superior Court would have arisen at all.

LOUIS BOTHA.

INDIA OFFICE TO COLONIAL OFFICE.

India Office, Whitehall, London, S.W.

18th November, 1913.

SIR,—With reference to recent correspondence on Indian questions in South Africa, I am directed by the Marquess of Crewe to transmit for the information of Mr. Secretary Harcourt the accompanying copies of unofficial telegrams from India received at this Office.

His Lordship views with the gravest concern the impression produced in India by telegraphic reports from South Africa alleging that Indians in Natal have been treated with great severity, and would suggest that it is most important to obtain as soon as possible an authoritative statement of the facts in order that the Government of India may be correctly informed.

If Mr. Secretary Harcourt sees no objection, it would save time if Lord Gladstone were to repeat to the Viceroy of India any telegram he may send to the Colonial Office in answer to the enquiry.

I have, etc.,

T. W. HOLDFESS.

(To be continued.)

The Cape Indians Meet

A meeting of the Cape Indians was called, at the instance of the Hindu Sabha, to do honour to Mr. and Mrs. Gandhi and Imam Abdul Kadir Bawazeer, who left the Cape on Thursday last and arrived at Phoenix on Monday. The meeting was held at the Bethel Institute on Wednesday last. Mr. Vartak presided. Among those present were Mr. and Mrs. Gool, Dr. and Miss Mariam Gool, also Mr. and Mrs. Halim and Mr. Parsee Mancherji. After a brief speech from the Chair, Mr. Manibhai Vasi garlanded the guests and presented Mr. Gandhi with the Cape Statutes from the beginning to date, including the Provincial Ordinances. Mr. Gandhi and Imam Saheb replied, thanking the assembly and Mr. and Mrs. Gool for their great kindness during their stay in Capetown. Mr. Gool, Dr. Gool, Mr. Halim and Mr. Mancherji also spoke at the meeting, which terminated after the usual votes of thanks. Imam Saheb was presented with a beautiful gold-embroidered shawl.

The Patidar community gave Mr. Gandhi £7 ros. to be used at his discretion. A barber gave 5s. for the Passive Resistance Fund. The guests were seen off at the station by a large number of friends.

Mr. Gandhi wishes us to state that, during his stay at Capetown, Dr. Gool was most unremitting in his attendance on Mrs. Gandhi during her serious illness, from which, we are sorry to say, she is not yet quite free.

Colour on the Trams

Before Mr. Justice Ward, in the Rand Local Division of the Supreme Court, on the 20th instant, an application was made by two coloured men, named Williams and Adendorff, for an order restraining conductors in the Tramway Department from preventing their entry on tramcars. It was stated that the two applicants, who were respectably dressed and conducting themselves in a proper manner, had boarded a tramcar, and had been ejected therefrom by the conductor, who acted in accordance with the rules and regulations of the system, Rule 12 laying it down that no coloured person was allowed to travel on the ordinary service cars.

Considerable argument was advanced on both sides by counsel.

The matter is in the nature of a test case. Dr. Krause appeared for the applicants, and Mr. Stallard was for the Town Council.

Mr. Stallard submitted that the Council, under several Provincial and Municipal regulations, had the right and power of preventing coloured persons from travelling on tramcars.

Dr. Krause argued that coloured persons were entitled to board any car, and that, in view of the South Africa Act, laying down that there must be no class legislation, the Town Council had no right or power to differentiate between white and coloured persons. He urged that Rule 12 of the Tramway Regulations was not a notice to the public, but to the Council's employes only, and that his clients, as ratepayers and members, could use the cars.

Mr. Stallard claimed that, if specially labelled cars were set apart for coloured passengers, it was not necessary to label ordinary service cars for the use of Europeans. He contended that the Municipality had acted under the powers granted to it, and that the act of a subordinate Legislature, such as the Provincial Council, was the act of the supreme power in any matter in which power was granted to it. He interpreted the South Africa Act to give the Provincial Council power to pass any laws they liked in relation to municipal institutions.

His Lordship intimated that he would take time to consider his judgment.

Immigration Test Case

A case of great importance to the Indian community will be argued before the Supreme Court, at Maritzburg, to-morrow (the 2nd instant). The point at issue affects the validity of the majority of contracts of re-indenture of Indian immigrants which have been attested by Magistrates of the Colony.

The matter came before the Full Bench on the 26th February in the nature of an appeal against the decision of Mr. Maynard Mathew, Magistrate of Verulam, who had decided that Magistrates were authorized by law to attest all contracts of re-indenture of Indians.

Mr. Advocate E. H. Britter appeared for the appellant and contended that, in the case of Indians who originally came into this Colony after 1895, their contracts of re-indenture should be signed before the Protector, Deputy Protector or other officer specially appointed by the Natal Government.

He further contended that the circular published in the *Government Gazette* in 1901, appointing all Magistrates special officers under the Law to attest such contracts was invalid as being against both the letter and the spirit of the law. By interpretation of the various statutes dealing with the subject, Mr. Britter argued that the circular constituted the appointment of a class of persons who, by implication, must be deemed to have been specially excluded from being proper officers to attest such contracts.

After hearing the argument, the Bench intimated that it was a pity that the Respondent, one of the North-coast sugar planters, should not have been represented by counsel. Under the circumstances, their Lordships suggested that the Attorney-General be requested to intervene to argue the case, on behalf of the Respondent, against Mr. Britter's contention.

The matter stood adjourned till to-morrow, when the result will be watched with great interest by the community and our friends.

Coloured Women Passive Resisters

A special meeting of the Jagersfontein branch of the Coloured Women's Guild was held on the 2nd ultimo (says *A.P.O.*). Besides the officers, there were 32 women present. The Chairlady said that to her it seemed that there was fresh trouble approaching. She pointed out that they were still without their passes, and from what she saw she concluded that the police were busy planning another raid on them. She said that at five o'clock that afternoon she noticed that the police began to surround the location; at seven o'clock they entered the location in search of passless women and men.

The Treasurer said that her house was entered by a policeman armed with a rifle. She thought that the Government was bent on irritating the Coloured people; if not, then she failed to see for what purpose the police were armed.

Another lady related how she was frightened out of bed by the armed force. It was the first time she saw police armed for the purpose of searching for men and women without passes.

The meeting then went into committee for the purpose of discussing what steps to take in connection with the Passive Resistance Movement. The members are expecting to be summoned for being without passes.

"No matter what happens", said General Botha to a deputation of Coloured people, "the aim of the Government lies along the lines of ultimately granting political enfranchisement to Coloured people and of giving the Natives greater powers in local self-government."

News in Brief

We hear that the proposed Bill, in terms of the Commissions' recommendations, will not be brought up until after the recess, which ends on the 22nd instant.

Messrs. Khandoobhai Govindjee & Co. of Victoria West, Cape Colony, send us a cheque for £3 towards the relief of those who suffered in the recent earthquake in Japan. We are forwarding the amount to the Home Secretary for Japan. Messrs. Khandoobhai Govindjee & Co. have also contributed £10 to the Passive Resistance Fund.

At the Ladysmith Chamber of Commerce, recently, it was stated that a European storekeeper at Driefontein was compelled to give up his trading there owing to Indian competition. The Chamber expressed its regret, and directed certain action whereby the Indian "invasion" of trade shall be restricted.

Replying to Sir David Hunter in the House of Assembly, the Minister of the Interior (Mr. Smuts) stated that no formal request had been made by the Mahomedan community in Natal for the appointment of marriage officers. There had been isolated inquiries, but these were held over pending general consideration of the Asiatic question in Natal.

At the Verulam Court, on Monday last, an Indian was charged with trespassing on the estate of Mr. Wilkinson, of Ottawa. It appeared that the man had previously been employed on the estate, but his contract had been cancelled, and he had been told not to come on the estate again. He was at present working at Tongaat. His wife and father-in-law still lived at Ottawa and, on hearing of his wife's illness, he went, without the permission of Mr. Wilkinson, to visit his wife and father-in-law, with the result that he was arrested and brought before the Court. The case was eventually remanded in order to bring the wife and other witnesses to give evidence.

Dr. Abdurahman stated, whilst leading a deputation before the Prime Minister, that, at Potchefstroom, the Coloured people had lived for a number of years on what was called the North Burgers Rights Settlement. In February, the police made a raid and arrested all the Coloured people living there. They were brought before the Magistrate, and were each fined £3 or a month's imprisonment. They did not receive notice to quit the settlement, nor were they offered any land in exchange.

The Immigration statistics for the months of September, October, November and December last show that there were 10 Asiatics deported as prohibited immigrants from Capetown and 27 from Durban. Thirteen Asiatic prohibited immigrants were allowed to land at Capetown and 43 at Durban, temporarily, subject to conditions, and are still within the Union. At the Cape 226 and at Durban 175 Asiatics, previously resident in South Africa, were landed. Four males and one female Asiatic, at Capetown, and eight females at Durban, who were not previously resident in South Africa, were also landed.

The *Natal Witness* says: "It is a shame that municipal authorities in any borough should allow British traders to be boycotted by Indians and Arabs, for the sake of a little paltry licence revenue. At the same time, we do not agree with those who would entirely boycott the Indians after they have been allowed in this country so long. The fairest way out of the difficulty would be to grant licences to Indian traders on very strict conditions, namely, that they should conduct their business on European lines." [NOTE: Our contemporary is provoked into making the above remarks

because Indian traders in Ladysmith "occupy the best sites in Murchison Street". We are at a loss to understand in what way the municipal authorities are responsible for the alleged boycotting.—Ed. I. O.]

We understand that the Hon. Mr. T. V. Seshagiri Aiyar has been appointed to the temporary additional judgeship vacated by Dewan Bahadur T. A. Sadasiva Aiyar for the permanent post formerly held by the late Mr. Justice Sambara Aiyar. Mr. Seshagiri Aiyar has been one of the most active members of the Madras South African League.

The moment the Imperial Government is up against the material interests of the colonies, the dream of Empire is over, and the whole thing vanishes. The only possible Empire is that of England and India, whereas the only Empire that is suggested is England with its Colonies and India as an excrescence or trade dumping ground. England has got to make up its mind decisively to choose India or the Colonies, for she cannot have both. She will certainly lose the Colonies at the first conflict of interests and also India, unless she makes up her mind. But that is what no statesman can do. It is all "wait and see".—*Indian Daily News*.

Mr. D. Milre, Economic Botanist with the Punjab Government, says: "I have been in company with men who have walked twenty to thirty miles per day for hundreds of miles on end with nothing to eat but an occasional handful of dates and a little native bread. This was the fare of these men for many months every year, and they were as fit on it as any one."

Where Mr. Gandhi and Mr. Gokhale have failed, where Lord Hardinge and Lord Amthill strove in vain, Rabindranath Tagore has succeeded, says an Indian exchange. To the Boer who would not hear the words of wisdom and resolution from Mr. Gandhi, who would throw him to prison because he would not bend his neck to the yoke of slavery, the Rev. Mr. Andrews sang the song of Rabindranath Tagore; he told them some of the mystic secrets of the poems. He drew the simple greatness, the passing arrows of love and forgiveness and patience with which Rabindranath hit the hardest heart. The message of Rabindranath was more welcome to the Boer than the message of Mr. Gandhi or Mr. Gokhale.

It will, we (*Western Mail*) think, be the general opinion that, though the Imperial Government has a much more real and active right of interference than Mr. Harcourt appears to be willing to admit, there is nothing which would justify such interference in this particular matter (*i.e.* the recent deportations.) The circumstances in which interference by the Imperial Government would be obviously appropriate would arise if and when a Colonial Government took action in which a foreign Power or another colony had a right to be heard. The difficulty which has arisen with regard to Indian emigrants to South Africa is an example of the class of case to which we refer. The right of interference undoubtedly extends to the purely domestic affairs of a colony as well, but less appropriately than to those affairs which concern foreign and inter-colonial relations.

"In theory, British Indians are free citizens of the Empire, writes Mr. Cunninghame Graham to the *Daily News and Leader*." In practice, they are not free and not citizens, for the essence of freedom and of citizenship is the power to go and come freely, and to be able to work and set up any business one likes, within the Empire of which one is a citizen. Neither of these things is open to a British Indian. The question therefore arises whether we have behaved wisely in shuffling off our responsibilities by giving self-government to communities that only see in the power to govern the opportunity to exploit.

The principle of passive resistance becomes more universally acknowledged day by day. In a Reuter telegram from London on the Ulster crisis, we read that Col. Seely (Secretary of State for War), in an interview with the general officers commanding the Army, states that the law clearly laid down that a soldier was entitled to obey orders to shoot only if reasonable under the circumstances, and therefore if the officers and men believed they were called upon to take some outrageous action—for instance to massacre a demonstration of Orangemen who were not causing any danger to their neighbours—they would in fact and in law be justified in contemplating refusing to obey, bad as the effect would be upon the discipline of the Army.

Nothing is more surprising to anyone with any knowledge of Indian life and customs (says the *Natal Witness*) than the wearying misuse of the word "coolie" by all classes in this country, where any Asiatic is generally designated "coolie," whether he be high caste Hindu, pureblooded Mahomedan or casteless sweeper. As a matter of fact, a coolie is simply a daily labourer of Asiatic origin, and he may be employed in his native paddy fields, in a Natal sugar mill or on a tea plantation. To apply the word to any Asiatic engaged in trade or any but daily manual labour is a flagrant misuse of language. Unfortunately, in South Africa, owing to the extent to which a not wholly desirable class of Indian labour has been introduced, a tendency has arisen to lump all Indians under the conveniently misleading title and give birth to such preposterous mongrel-words as "coolie-store" and "coolie-trader." The term "coolie-lawyer" is not unknown, than which it would be difficult to imagine a more ridiculous attempt at classification. It may be argued that this is but a small matter, but it is hardly as unimportant as many seem to imagine and it is not impossible that the Indian community as a whole would be more amenable were some thought and care given by South Africans to class distinctions, which are perhaps as important to the Indian as to the white man.

The special correspondent of the *Times* in India concludes an article on religious instruction in India with the following suggestions:—"Four lines of action suggest themselves. The curricula of schools and colleges might be so modified as to contain less of Western learning than is at present the case, more of the literature and lore of the East, with its direct and indirect lessons of religion and morality founded in the natural genius of the people. Educational institutions of the higher order (and it is these alone which need be seriously considered) generally contain teachers of Arabic and Sanskrit, part of whose daily duty might be made the exegesis of the Koran or of some carefully made selection from the Vedas and other books bearing on the elements of the Hindu faith. A scheme in every way beneficial would be a much larger extension of the hostel system on the theory that residence is not merely a convenience but a necessary part of education, the rules of supervision including attendance at religious lessons and at the places of worship attached to the boarding-houses of different faiths. Lastly, a practical scheme of moral instruction both in the classroom and the playing-field might be devised and prescribed as necessary in all kinds of higher institutions. Such a change would, it is true, be very radical, and would be entirely opposed to the principles which at present guide many of the private institutions, whose aim is limited to the preparation of pupils for examination. But the time has undoubtedly come when much must be overhauled in the secondary and collegiate institutions of India.

