

Indian Opinion

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THE INDIAN AMBULANCE CORPS

THE offer of unconditional service, made by Indians in London, with Mr. Gandhi as leader, has passed through the stage of being the Indian Voluntary Aid Contingent and become the Indian Field Ambulance Corps, recognised by the War Office and now undergoing the second stage of its training before being despatched to the Front to render medical aid to the Indian Contingent (writes the London correspondent of the *Amrita Bazar Patrika*). It came into public recognition at a remarkable meeting, held at the Polytechnic Institution, Regent Street, London, presided over by Mr. Gandhi, and addressed by His Highness the Aga Khan. Making allowance for the unusual circumstances which this terrible war has brought about, I must say that, after a very long experience of meetings of all kinds, this gathering at the Polytechnic, was not only remarkable but thrilling in its unanimous enthusiasm and devotion and loyalty. There was a large attendance of Indians, representing all classes, creeds, and most provinces in India; there was the official, the ex-official; crowds of students; Indian residents here, professional men and merchants; a number of Indian ladies, including Mrs. Gandhi, Mrs. Sarojini Naidu, Miss H. F. Petit, Mrs. P. L. Roy, and Mrs. Bhola Nauth; with many British friends, also including a large number of ladies; and the Directors of the great Institution were represented by Mr. Mitchell and Mr. Studd. I give a few names out of the many: Major and Mrs. Sinha, Col. and Mrs. Warliker, the Right Hon. Ameer Ali, Mirza Abbas Ali Baig, Mr. Adamjee Peerbhai, Mr. R. D. Sethna, Mr. Kallenbach, Mr. Latif, Mr. and Mrs. E. B. Havell, Sir James Wilson, Sir Horatic Sheppard, Dr. John Pollon, Mr. W. Coldstream, Lady Lawrence, Miss Rosanna Powell, Miss Maud Polak, and Mr. Polak.

The list of those who were regretfully absent included many distinguished names, among them His Highness the Gaekwar of Baroda, Lord George Hamilton, Sir William Wedderburn, Mr. Ratan Tata, Lord Curzon, Lord Harris, Lord Lamington, Lord Sydenham, Sir James Dunlop-Smith, Sir Charles Ollivant. The letters all expressed complete sympathy with the effort thus made by Indians and wished the Corps all success "in its patriotic efforts," to quote Lord George Hamilton's message, "to uphold the primary principles of civilisation and justice." Substantial financial help was also given and promised by several of these gentlemen. Mr. Gandhi, from the chair, was also able to announce the gift by H. H. the Aga Khan of £200 to provide special comforts for the Corps, and £15 from Mr. Adamjee Peerbhai.

"Kilts to Keep us Warm"

With Mr. Gandhi in the chair it goes without saying that the tone of the meeting was on a high level and that the spirit of self-sacrifice was dominant. With all his high purpose and lowliness of heart Mr. Gandhi has a keen sense of humour, and his reference to Dr.

Cantlie, whose training of the Corps has been so warmly appreciated and who, earlier in the week, had been the recipient of a special ovation, of which I write in another paragraph, convulsed the meeting with laughter. Mr. Gandhi spoke of Dr. Cantlie's splendid spirit in all the work that had been done but added that if he had one weakness it was his keen desire "to make us wear kilts in order to keep ourselves thoroughly warm!" The one who laughed longest and loudest was Dr. Cantlie himself. To the Directors of the Polytechnic Institution Mr. Gandhi also paid a fine and deserved tribute; it has made a home for the Indian Corps, given them the use of its splendid equipment, of its rooms and halls, of its many facilities, for practically nothing because dominated by the spirit of patriotism and service.

"We Would Gladly Serve You"

When speaking of H. H. the Aga Khan—to "introduce" him, said Mr. Gandhi, would be an impertinence, especially by one who had been for more than twenty years an exile from his Motherland—Mr. Gandhi, as might be expected, fastened upon the offer of His Highness to serve as a private in the British ranks in this time of crisis. It was a noble example set by one to whom every avenue in the army might be open; it would comfort, encourage and cheer the Indian Corps, who would gladly serve His Highness. A word was added about the unfailing encouragement and substantial financial help which His Highness had always given to the struggle in South Africa, of his help to Mr. Gokhale in his strenuous work on behalf of the Indians in South Africa, and of the thrill of joy which touched not only the hearts of the Aga Khan's followers, of whom there were some in the midst of the struggle, but of all Indians, irrespective of creed.

Mirroring the Enthusiasm of the Motherland

His Highness was received with tremendous enthusiasm when he rose to speak; his address was simple, earnest, and full of force; it touched on imperial, personal, and religious matters, and the declaration that if nothing more combatant were possible for him, he would join the Corps as interpreter evoked long and hearty cheers. He spoke of the work which the Corps is to undertake as "a proud privilege in ministering to the needs of Indian soldiers, serving for the first time in history on European soil." The members of the Corps represented a spirit universal among Indians in this country and mirrored in a different environment the wave of loyal enthusiasm which had swept through their Motherland. Mr. Gandhi, he added, had urged from the beginning that there should be no picking and choosing; the service offered was unconditional; there would be danger to be faced and wounds and broken health, but he was convinced that wastages in the Corps would be filled by new volunteers; in this hour of difficulty differences of race and creed do not exist in India. Indian blood shed on

battle-fields in France, Belgium, and, he hoped, in Germany, would not be shed in vain if it led to the disappearance of race antagonism in India. He said he had been surprised on reaching this country from South Africa to note that India's unanimous loyalty had caused surprise to anyone here; it was no surprise to those who had travelled throughout India; the attitude of the educated classes in India towards British rule, he continued, reminded him of the attitude of Cordelia to her father, King Lear; she was too proud to let her devotion be seen when all went well, but showed it in overflowing measure in the hour of trouble. "England's need is India's opportunity," said His Highness, "she would shed her last drop of blood to save the Empire. We are not fair weather friends! But afterwards there must be no misunderstanding. We must not allow our natural pride to come in our way; and on the other side the great Proclamation of Queen Victoria must be kept in its letter and its spirit. If Britain were ever weak, our aspirations, our whole future, would go to pieces; but India can add inexhaustible man power and wealth in natural resources to the British Empire."

His Highness made a strong protest against Mr. Lloyd George's recent comparison, at a great recruiting meeting, of the German Emperor to the Prophet of Islam, and said that Mussulmans everywhere had been deeply wounded by it; he recognised that the words were spoken in the heat of the moment and by one who had not lived in contact with Moslems, but maintained that publicists should not thoughtlessly play into the hands of the enemy. He had always been convinced that Germany was the most dangerous enemy of Turkey for she was the Power most anxious to enter Asia Minor and Persia by 'peaceful penetration.' "Heaven forbid that Islam should have such an immoral protector!" he exclaimed. Happily, so far as the Moslem subjects of the King-Emperor were concerned, efforts to break down the strong wall of their loyalty were absolutely futile; they recognised that their dearest interests, religious and civil, were guaranteed by British rule. Mr. Gandhi afterwards expressed on behalf of Hindus complete sympathy with Mussulmans in their resentment of Mr. Lloyd George's words, and made the suggestion that they should raise a farthing subscription and present to the Chancellor of the Exchequer an authentic narrative which would prove that the Prophet of Islam was not the monster he thought him to be.

It was with cheers for the King-Emperor, for His Highness, for Mr. Gandhi, for Dr. Cantlie, for the Polytechnic, that this great demonstration concluded.

Presentation to Dr. Cantlie

The enthusiasm of the Indian Volunteers for Dr. Cantlie has been won by his splendid spirit as well as by his ability as a lecturer and now that his part of their training is practically over as they have passed under the command of Colonel R. J. Baker, ex-Indian Medical Service, they determined to give Dr. Cantlie a tangible proof of their appreciation and goodwill. It was all carried out with the greatest secrecy and came upon him as a complete surprise. The Corps attended a meeting which was addressed by Sir Wilmott Heringham, Vice-Chancellor of the University of London and by Colonel Baker; Dr. Cantlie was not present at the beginning, being busy with his lectures. But he was afterwards brought into the hall, cheered loudly and chaired enthusiastically. When the enthusiasm had somewhat died down in its more boisterous expression, Mr. Gandhi, on behalf of the Corps, presented to Dr. Cantlie a complete set of the works of Rabindranath Tagore. It was delightful to see the Doctor's surprised gratification; the few weeks of training during which he has been in close daily touch with Indians have won for India, for his students and for their fellow-countrymen, a staunch friend, and nothing could better cement this friendship than the

words of the great poet-philosopher of Bengal. It was a most happy thought, admirably carried out.

The impression produced upon the authorities by this exhibition of energy and willingness has evidently been a good one (says *India*). For the organisers of the movement have now been officially notified that, in view of the despatch of Indian troops to France, the War Office hopes to be able to utilise the services of a large number of them for actual ambulance work at the front. The India office, it is said, is equally favourable to the idea, and is only waiting for the approval of the Viceroy, whose sole difficulty may be that many leading men in India wish to send an ambulance corps drawn from their own number. It can, however, be taken as certain that use will be made of the services of one ambulance company at least of London Indians. Meanwhile, there is no lack of recruits for the work, as two out of every three have already volunteered to go abroad. The rest will form an ambulance corps to operate in connexion with the wounded Indian soldiers when they are brought over to England.

The Meaning of 'Free Peoples'

(Concluded)

In the particular case of Canada there is this further aggravation, that His Majesty's Asiatic subjects are not even placed on a level with other Asiatics. They complain that, whereas there is a special arrangement with Japan that immigrants from that country are to be admitted up to the limit of 400 annually, and whereas Chinese are admitted without any other check than a poll-tax of 500 dollars, the avowed intention is, or was, to keep out Indian British subjects altogether. This was evidently the object of the otherwise senseless regulation (now declared invalid) that no immigrant should be admitted at the ports who had not come by a continuous sea voyage from his place of domicile—a condition which it would be easy for Chinese and Japanese, but well-nigh impossible for Indians, to satisfy. Baffled at this point by the judgment of the Supreme Court of the Province, the local authorities are for the moment taking their stand on a more recent Order in Council, absolutely prohibiting the entry of all artisans and labourers; which Order would in due course have expired before the arrival of the *Komagata Maru*, but which was renewed till the end of September, while the vessel was *en route*, expressly to meet this case, and to enable the Premier of the Dominion to assert with literal accuracy that there was no discrimination against Hindus. In practice the discrimination is complete, because European artisans and labourers do not want to come *via* the Pacific.

Will this quarrel be patched up under friendly pressure from the Home Government, as that between India and South Africa seems now in fair way of being? Hardly, if the description given by the *Times* correspondent of the state of Canadian opinion is any where near the truth. But if not, what then?

It may be inferred from the sentence quoted at the head of this article that the *Times* would recommend simple acquiescence. The Canadians are a free people; the whole country from sea to sea, and from the United States frontier to the North Pole, is their country, and it is for them to say whom they will admit into it.

That is all very well; but, unfortunately, it is for the present our country in respect of international responsibility. It is our Foreign Office that has to defend the Canadian position in the field of diplomacy where foreign immigrants are concerned, and it is our India Office that has to satisfy the people of India that they are, at all events, not worse treated than the foreigner. And if the Canadian arguments are such as we cannot employ without loss of self-respect, or without injury

to the self-respect of those to whom we address them, what are we to do?

For that is the actual situation. How, without condemning the very process by which we ourselves colonized America, can we maintain that occupation to the extent of two inhabitants to the square mile, which gives the occupants a right to keep for themselves, and for those whom for some reason they may choose to favour, all the profits that are capable of being made out of something like one-fifteenth of the land-surface of the globe? The only right that first occupancy really confers is that of framing any reasonable regulations for the government of the country and development of its resources, which regulations all new-comers are bound to respect until they are very sure that they can improve them, and of levying such taxes as will defray expenses and fairly remunerate them for their trouble. This will no doubt justify them in excluding *individuals* whose conditions or record may render them intrinsically "undesirable," but cannot justify discrimination against *whole races and classes*—least of all on the ground that they are able and willing to do more work for less pay than the first-comers. That may be inconvenient for rivals in the same trade, but it is clear gain to the community as a whole—while it lasts; it is not, however, likely to last long after it is discovered that higher wages are obtainable and that a higher standard of living is expected. The objection set up in some quarters, that the climate and the work required are unsuited to Hindus, at once supplies an answer to the other objection, that they are likely to swarm over in inconvenient numbers. If the fact is so, it has only to be made known in order to stop the influx.

Separation Essential

Are we to tell sturdy Sikhs from the Punjab, who have served with credit under British officers, tilled their own lands, and managed their local affairs under a legal system quite as advanced as that of England or Canada, that they are less assimilable, less fit for Canadian citizenship than Dukhobors from Russia or Ruthenians from Galicia? Canadians may take this line on their own responsibility, and on the strength of such information as they imagine themselves to possess but surely not the Imperial Government's.

If such action supported by such arguments is persisted in by our autonomous kinstolk on either side of the globe, I must confess that I see but one way in which we British tax-payers and electors can honourably extricate ourselves from a very awkward and humiliating situation, and do justice to our own insular and Imperial interests, as well as to our democratic and humanitarian sentiments. It is that we should abdicate, without precipitancy but without undue delay, that nominal supremacy which renders us formally responsible in the eyes of our Asiatic subjects, and of other Asiatic Powers, for measures which we cannot approve, yet cannot effectually veto, and which is even more offensive to their self-respect than injurious to their economic interests.

Ultimate Gain

My allotted space being exhausted, I can only indicate, without developing, my reasons for thinking that we stand to gain rather than to lose by severing the slender political bond which unites us with these vigorous young nations from the moment that it ceases to be based on a substantial unity of sentiment.

1. We should be a greater and more beneficent force in world-politics if unhampered by conflicting aims.
2. We should be better able to watch over the development of India and the Crown Colonies.
3. Our quondam dependencies would be more likely to come round in the end to our point of view after some experience in trying to maintain their exclusionist policy on their own resources as independent States.
4. There would be one sham less in the world to confuse and demoralize us.

From the Editor's Chair

"UPON TERMS OF EQUALITY"

At no time in the recent history of India has the problem of India's position in the Empire been brought so prominently before the public as it is to-day. Hindus and Mussulmans are in the battle line, doing their duty as Indian soldiers ever know how to do it. *The Times*, in a significant paragraph, says, and with truth:—

"There is yet another source of inspiration which has made India eager to play her part in the fray. For the first time her warriors entered the fields of Europe, and they do so upon terms of equality. That recognition means much to India, more than we can perhaps yet realise. That is the crowning reason which makes India's heart thrill with pride at the thought of the entry of her sons into this just and righteous war. It will be our part, when we have settled our affair with Germany, to see that as the years pass she takes an ampler place in the Councils of the Empire. Unsought, she has shown loyalty and devotion without stint. We have now to make her feel increasingly that she can best fulfil her destinies and attain her hopes, within the British Empire rather than outside it. One of the greatest tasks which lies before British statesmen in this century is to attach India freely and fully as a component part of the Empire. But India is already solving the problem herself, and we do not doubt the ultimate result."

At last responsible organs of public opinion are commencing to realise that the one thing that does count is the recognition that the Indian is the equal of the European citizen of the Empire both in peace and in war. Many things may be tolerated that in practice depart from the principle, provided that the principle itself is recognised; but without this recognition an ugly problem will always have to be dealt with by statesmen, whether in England, in India, or in any other part of the Empire. Probably, at the end of this dreadful war, something of a new spirit within the Empire will have been created. Its leavening influence will doubtless be slow, and it may not be able to permeate some parts of the Empire as speedily as others; but so long as its impulse is felt, India will grow in self-respect and the respect, not alone of the other component parts of the Empire, but also of the nations of the world.

A Passive Resister

J. Pothamah, an Indian, was charged in the First Criminal Court before Mr. Armstrong, on the 12th ultimo, says the *Natal Advertiser*, with refusing to obey an order of the Court to return to the employ of the Dundee Coal Co. He sullenly admitted six previous convictions for the same offence, and still declined to return to the colliery in question, saying that he was agreeable to work for anyone else in Natal, but work again at the Dundee Coal Company's property he would not. The accused was asked to re-consider his position, it being pointed out to him that his obduracy would compel the authorities to keep him in prison for an indefinite period. As he still refused, he was sentenced to another thirty days' imprisonment with hard labour.

Indians and the War

The following cablegram has been despatched by the Transvaal British Indian Association to the Secretary of War's Office, London: "Transvaal Indians tender Indian troops at the front warmest congratulations on their splendid courage and loyal devotion. May God protect them."

Ladysmith Indians, by means of a dramatic entertainment and subscriptions, have raised upwards of £12 in aid of the local War Relief Fund. Further donations are expected.

Indians at Tsing-Tau

London, October 30th (Reuter).—The Press Bureau announces that an Indian contingent has joined the Allies (Japanese and British) operating outside Tsing-Tau.

The Aga Khan's Wish

The War Office, says *The Daily Telegraph* of the 24th of September, has received from His Highness the Aga Khan an application to be allowed to serve as a private in the Indian contingent for the front.

The intensity of the desire of the Aga Khan to serve the Mother Country was realised by a London Press representative who saw the distinguished Indian at the Ritz Hotel.

"I had intended returning to India before this" he said, "but when the war broke out I changed my plans. And now," he continued, speaking with earnest conviction, "I have no thought in my mind of returning while the war lasts. I want to go to the front with the Indian troops."

"As a private?" "Yes, or in any capacity whatever. I have, alas! never had any military training, but if the War Office will accept my services I shall be only too happy to go anywhere and do anything in order to equip myself for fighting. If they will only give me an opportunity I will shed my last drop of blood for the British Empire."

Absolutely United

In conversation with a representative of the *Pall Mall Gazette*, the Aga Khan said:

"The feeling that prompts these offers to the Government of men and treasure from India is unanimous. Whatever may have been the differences in the past between the Government and any of the Indian people, there is none now in any part of India. I travel through the country once every year, and I know. I was through every province, except those of Southern India, on my last visit. The people of every class and every religion are absolutely united, and they will do anything to support the Empire.

"If 70,000 soldiers are not enough, and the Empire calls for more, we shall send 700,000—and we could send seven millions. "Our supply of men for the war is only limited by the extent to which they can be armed, equipped, and trained for the particular duty of serving on European soil.

"Whatever the Empire demands we shall supply to the fullest extent of our resources. We intend to stand by the British Empire."

A Terrible Fight

A *Transvaal Leader* special cablegram from London, dated the 27th ultimo, states:—

A message sent from North-Eastern France on Sunday, but delayed by the Censor, says that the Germans last week, in the neighbourhood of Lille, massed behind a slight elevation and poured into the trenches in an irresistible torrent.

Maxims and rifles poured rapid death into their ranks, but by sheer impetus huge columns reached the trenches.

The Germans enterprisingly followed up their success and went on, cheering and singing in their elation.

They then met the British Reserves, who happened to be Indians. For a moment there was a wild scrimmage. The Sikhs and Gurkas gave the enemy a few rounds of rapid firing, and then swung into them with the utmost fervour.

Back past our evacuated trenches and through the German trenches went the greycoated Teutons, while the Sikh bayonet and the Gurka kukri played havoc in their disordered ranks.

There were 20,000 dead or wounded Germans. Nearly half the attacking force, according to the computation of a staff officer, cumbered the ground, while our losses did not exceed 2,000.

Later.—Unofficial reports show that the Indians are causing terrible execution. In the fight near Lille, previously described, they played awful havoc among the Germans. Eye-witnesses declare that "never was there such slaughter in this bloody war before."

London, Tuesday, (Reuter).—Sikhs and Gurkas near La Basse received their baptism of fire. They checked the enemy's rush and drove them at the point of the bayonet in headlong rout.

The Gurkas' Exploit

London, October 30th (Reuter).—A Paris paper describes an exploit of a body of Gurkas.

It appears that all efforts of the Allied Artillery to dislodge the German heavy batteries near Slype having failed, the Allies' aviators finally located the German ammunition store 3½ miles behind the German entrenched line, seven miles from the coast.

A Gurka detachment was embarked at nightfall in two gunboats for the mouth of the River Yser. After a long march, the Gurkas reached a position three-quarters of a mile from the ammunition store. They crouched noiselessly in a wood, and six Gurkas, discarding their accoutrements, wriggled on their hands and knees, their kukris in their mouths, towards the ammunition store.

Half-an-hour passed, and then the croak of a frog was heard. Suddenly the forms of the six German sentries, previously visible on the road, disappeared without a sound. The remaining Gurkas dashed forward, and the Allies' staff, which had been anxiously watching through their night glasses, saw a flash of light and heard a great explosion, followed by countless others as shells exploded.

The little troop then safely won its way back to the gunboats. The German batteries were moved to the rear the next day.

Arrangements for Wounded

London, October 29th, (Reuter).—The War Office has taken two of the finest hotels in the New Forest for the reception of wounded Indian troops.

An Aeroplane Incident

London, October 31st.—Reuter's correspondent in Paris tells the tale of the experience of some Indian troops at a wayside station. He says:—

The Indians have "bagged" their first aeroplane. It seems that a German Taube dropped bombs on a small French town where a trainload of Indian troops was waiting at the station. The Indians heard the report of the explosions, and believed that the Germans had made an attack, and the train was instantly transformed into a fortress, bristling with guns at every point. It took but a moment to discover that it was a false alarm, but when the Indians observed the Taube they opened individual firing, and quickly found their mark, bringing down the aeroplane. As soon as the Taube struck the ground its cargo of bombs exploded with terrific effect, and the three aviators it carried were blown to atoms.—Reuter.

Taking Effect

London, October 31st (Reuter).—Advices received at Copenhagen from Berlin describe the Germans as depressed owing to their defeat by Indian troops, and it is admitted that it is impossible to meet them in hand-to-hand conflicts owing to the greater strength and activity of the Indians.

It is also reported that the British commanders reserve the Indians in every battle till the moment for hand-to-hand combat arrives.

It is believed in Berlin that 200,000 more Indians are coming, but it is hoped that some of them will be ordered to the Cape.

Germany (it is added) hoped that the insurrection in the Transvaal would break out in August, in accordance with agreements entered into with De Wet and Beyers, so that the Indians would be sent to the Cape, and not to Europe.

How the Indians Reached France

Toronto, September 10th (via Buffalo, the Canadian Censorship having prohibited transmission of this information by telegraph).—The reason why Canada's Militia have been delayed in going to the front is not the reported presence of German cruisers on the Atlantic, but the fact that at least 30,000 East Indian veterans have been rushed across Canada and have been pushed ahead of the Dominion's Militia on the transports.

The 30,000 soldiers that have been rushed across Canada in 90 special trains comprise Sikhs and Gurkhas, the veteran troops of Britain's East Indian army.

So secretly did the Minister of Militia and Defence conduct this movement that beyond a few unconfirmed rumours no information concerning it has been permitted to reach the Canadian public.

The East Indian contingents crossed the Pacific on transports chartered in India by the British Government. Canadian Pacific trains were drawn up at the docks at Vancouver to receive the soldiers from the ships on August 24. The trains were hauled to sidings outside Vancouver, and the troops were given part of a day's rest.

Regular passenger and freight trains were cleared from the tracks to give the troop trains right of way. From a point in Alberta, for a reason not explained, the trains were switched to the Canadian Northern tracks for about 1,000 miles, and then returned to the Canadian Pacific system.

Detours were made around Winnipeg, Toronto, Ottawa, and other centres of population where correspondents would be most likely to observe and report the unusual movement.

Only between stations in sparsely settled districts were the soldiers allowed at the doors or on platforms for exercise and air. Under these trying circumstances strict Indian discipline was maintained. As the trains came to towns and cities they were halted well on the outskirts until local arrangements could be made to pass through them without stopping. Owing to the uncertainty of Italy's favour at the time of embarkation and the possibility of complications with Turkey, the trans-Pacific route was chosen.—*Natal Advertiser*.

A correspondence has been going on in the British Press urging that the Victoria Cross should be available to Indian soldiers; it is now stated that it is available and has already been awarded to them.

Sir O'Moore Creagh puts in a plea, in a letter to the *Times*, on behalf of the wives and relatives in India of the soldiers on active service in Europe; he urges their protection against the money lender by the suspension with regard to the seizure and sale of property during the period of the war, urging that it would immensely hearten the splendid soldiers of His Majesty if they knew that "the British Sarkar were watching over their hearths and homes."

Illegal Forfeiture of Licence

A case of interest to Corporations and the public in general (says the *Natal Mercury*) came on review in the Natal Province Division of the Supreme Court recently, before the Judge-President (Hon. Mr. J. C. Dove-Wilson), Hon. Mr. Justice Broome, and Hon. Mr. Justice Carter. Mr. Advocate Hime appeared for the appellant. The respondents were not represented.

This was an appeal by a free Indian, Mahomed Salli Bakus, a boarding-house keeper, against the decision of the Magistrate of Ladysmith, in an action brought by the Corporation of Ladysmith against the said Mahomed Salli Bakus for trading without a licence. The original charge was based on by-laws Nos. 310, 318, and 338 of the Ladysmith Municipality. The declaration set forth that, the appellant (defendant in the Lower Court) took out a licence in January, 1914, to carry on a refreshment-room or eating-house on certain premises at Ladysmith. This licence, however, was cancelled by a resolution of the Ladysmith Town Council, dated September 7th, 1914, on account of accused having allowed gambling to take place on the premises in question. Accused was notified by a letter from the Town Clerk that his licence was cancelled, the letter being served on the following day. As it was alleged that accused continued his business after receipt of this notice he was charged with having contravened the by-laws above stated, and was fined £2. The by-law under which the Town Council cancelled the licence of the accused was No. 323, and was framed by virtue of the power conferred upon the Ladysmith Corporation under Provincial Ordinance No. 11 of 1911, Natal. The Town Council of Ladysmith having cancelled accused's licence on September 10th on account of a conviction in August under this heading, he was without a licence between the dates September 11th and 18th.

Mr. Hime argued that the Corporation had gone out of its way to bring about forfeiture of the appellant's licence. He quoted English practice to show that a Corporation could not introduce by-laws to incur forfeiture. By-laws, he said, should be enforced by fines. He quoted Section 74 of Act 92 of 1872, showing the penalties which Town Councils were entitled to impose in the case of a breach of the by-laws. The Town Council in this case had not seen fit to be represented in Court to-day to oppose the action now before the Court, and to defend their by-law, and seeing that they had fathered through the Provincial Council the Ordinance under which they had seen fit to impose the penalty in dispute, he thought they would have been represented. It was not competent, he affirmed, for a Town Council to impose a condition incurring forfeiture of a licence. Counsel quoted the case of *Chonki v. Pretoria Municipality* in 1912, in which the former appealed against the decision of the latter to cancel his licence owing to his alleged breach of a by-law. The Appellate Court of the Transvaal held that the Corporation had no authority to act thus, as the Act under which the Corporation had power to frame by-laws distinctly laid down that Municipalities had power to regulate and control licences, but not to abolish them. The situation was the same in Natal. In the case above quoted, the learned Judge, in delivering judgment for the appellant, said that it was not sufficient that a by-law seemed reasonable to a Corporation. It must be reasonable within the meaning of the Statute.

The Judge-President, in delivering judgment, said that the appellant was charged and convicted of keeping open an eating-house between the dates of September 11th and 18th. He was granted a licence for this purpose on January 10th, 1914. On September 7th, 1914, the Corporation of Ladysmith passed a resolution to the effect that his licence should be cancelled. It was owing to trading between September 11th and 18th that the appellant was charged. The appellant

had challenged the right of the Corporation to adopt such methods, but this was not noticed by the Magistrate who tried the case. The licence which was issued was one issued by the Town Council by virtue of the power vested in them under Section 23, of Provincial Ordinance No. 11 of 1911, and under that Ordinance certain regulations were made possible to carry out these powers. There was nothing stated therein in regard to forfeiture. The power to make by-laws under the Municipal Corporations Act, 1872, was contained in Section 74 of that Act, which was supplemented by the Provincial Ordinance quoted. He was unable to find anything therein which enabled the Corporation to impose forfeiture, and where such a very serious interference with the rights of the subject were made one would naturally have expected to find such clearly set forth. Corporations merely had the right to regulate such by-laws as were within their scope. In the case of *Williams v. Rex* decided a few weeks ago by the Appellate Court, said his Lordship, it was decided that the power to regulate and control did not enable a Municipality to abolish a licence. He thought that By-law 323 of the Ladysmith Municipality was *ultra vires*. It was not proved that the appellant had been trading without a licence. The conviction must, therefore, be quashed.

Mr. Justice Broome said that although the Ladysmith Corporation had set forth that in the case of gambling being proved against a licensee a licence would be forfeited, it was a most extraordinary right that the Corporation had relegated to itself.

Mr. Justice Carter concurred.

The appeal was allowed. No order was made as to costs.

"Not the Class of Man to Trade"

During the past two months (says *A.P.O.*) the City Council of Capetown refused to grant removal licences to four Indians. In the first case a licensed butcher of Woodstock applied for a permit to move his business to more suitable premises a few doors up the same street. In the second, third and fourth case, three Indians, whom we shall call "A," "B," and "C," trade at Caledon Street, Kloof Street, and Chester Road respectively. "A" applied for permission to take over "B's" shop, "B" to take over "C's" shop. Such an arrangement, one would expect, would have been gladly welcomed by the City Council, for it would result in there being only two instead of three licences in future. But, like in the butcher's case, the applications were refused.

Now it is plain that if there were no appeal from the decision of the Council in such cases grave injustice could be done to traders. It is not difficult to conceive how a Councillor who is a landlord could rackrent his tenant and induce his fellow-councillors to oppose an application for removal to cheaper premises. Such a contingency was, however, foreseen by the Provincial Council, and, thus, by Section 12 of the General Dealers' and Hawkers' Ordinance of 1914 powers were conferred on the Administrator to intervene whenever he thinks an injustice is done to an applicant. Sub-Section 4 of Section 12 reads as follows:

"Any person who may be aggrieved at a refusal to issue a (removal) certificate under the provisions of this section may appeal to the Administrator, who, if he is satisfied after obtaining the views of the Council, Board, or Magistrate that any such certificate has been refused without reasonable cause, may issue a certificate under the hand of the Provincial Secretary to the applicant therefor, and such certificate shall be regarded for all purposes as a certificate issued by the Council, Board, or Magistrate."

An appeal was therefore made to the Administrator, with the result that the following report was presented by a special committee at the last fortnightly meeting of the Council:

Your committee have considered the reference by the Council of a communication dated September 10th, 1914, received from the Provincial Secretary, notifying that Sheik Hoosain (whose application for a certificate, authorising the removal of his business as a butcher from No. 186 to No. 260 Victoria Road, Woodstock, was refused by the Council on August 27th) has appealed under Section 12 (4) of Ordinance No. 19 of 1914 to the Administrator to issue a certificate authorising the said removal.

Section 12 (4) of the said Ordinance provides that any person who may be aggrieved at a refusal to issue a certificate authorising the removal of the business of a general dealer, butcher, baker, or greengrocer, from one place to another, may appeal to the Administrator, who, if he is satisfied after obtaining the views of the Council that any such certificate has been refused without reasonable cause, may issue a certificate under the hand of the Provincial Secretary therefor. Your committee wish to point out that the issues involved in the application now under consideration are fraught with great consequences, and that the power now possessed by the Administrator to override the decision of the Council is quite a new feature.

They have given the reference their very careful consideration, and recommend that a reply to the following effect be sent to the Administrator: That the applicant is not the type of man to whom the Council, in the interests of the community, and especially in the interests of the health of the community, would have granted a licence to trade as a butcher if he had had to apply to them for same, and under the circumstances, in the interests of the community living in that locality, the Council could not approve of the removal of his business to No. 260, Victoria Road, Woodstock.

Sir John Graham said that although he was chairman of the committee he was opposed to this minute.

Mr. Coulter said that the Council were asked to infringe the principle that a man having a vested right should be protected in that right. The objection was raised on the ground of the man's nationality.

Mr. Goodwin said that the objection to this man's application was based on the injustice perpetrated at the Council's meetings time after time when these applications came up for consideration.

Mr. Marshall moved that the minute be referred to the committee.

Mr. Marshall's amendment was negated by a large majority, and the paragraph as printed was adopted.

For similar reasons the Council refused to grant removal certificates to applicants "A," "B," and "C," namely, that they were not the type of men to whom the Council in the interests of the health of the community would have granted licences to trade.

Poonsamy, an Indian dhoby from prison, appeared before Mr. Binns in the Durban Court on the 28th ultimo, charged with entering the house of Robert Holland, at 3, Chamberlain Avenue, on September 30, and stealing a number of sheets and blankets. He pleaded not guilty, but, after evidence, was convicted of attempting to steal the articles, and ordered seven months' imprisonment, with hard labour (says the *Natal Mercury*.)

[NOTE: We are not in possession of the details of the evidence taken in the above case, but to impose seven months' hard labour upon a man for attempting to steal appears to us to be harsh in the extreme.—
Ed. I.O.]

Mr. C. F. Andrews has resigned ministerial duties as a clergyman of the Church of England owing to difficulties with regard to the articles of belief proposed by that body (says the *Indian Social Reformer*). He will remain in the position of a Christian layman, but will no longer take the title of "Reverend."