

Indian Opinion

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CONSTABLE CHARGED WITH BRIBERY

A EUROPEAN constable, named St. Joseph, S.A.M.R., attached to the Police Department at Umzinto, was charged before Mr. W. G. Wheelwright, R.M., at the Umzinto Court on Wednesday last with receiving bribes in that on or about the month of June, 1914, he accepted a gift of £3 from an Indian named Moonsamy as an inducement to him in forbearing to arrest an Indian woman named Alamelu, indentured to the Elandslaagte Collieries, Ltd., who was liable to summary arrest under Section 31 of Law 25 of 1891, being found without a pass, and giving to her a document under cover of which she would evade arrest and be permitted to reside in the barracks of Mr. J. C. Landers, the employer of Moonsamy. There was a second count in which the accused was charged with receiving a further sum of £2 in connection with the same matter.

Corporal Bennett, of South Coast Junction, appeared as Crown Prosecutor whilst Messrs. Eugene Renaud of Durban and Fred C. Blamey of Umzinto, defended.

The accused pleaded not guilty.

Sergt. Woodgate, S.A.M.R., Umzinto, stated that the accused was attached to the Police Department at Umzinto and was in charge of the books and police work at the station. Witness put in the "Occurrence Book." There was an entry dated 21st August, 1914, to the effect that an Indian Constable was ordered to bring in the Indian woman Alamelu. On the 2nd September, 1914, the constable left for Ladysmith with the prisoners Chitra and Alamelu. The "Register of Crimes Investigated" was also put in, showing that, on the 25th August, 1914, Alamelu was charged (preferred by the Elandslaagte Collieries, Ltd.,) under the "Asiatic Law." She was sent to trial at Ladysmith and sentenced to seven days' hard labour. All these entries were in the accused's handwriting.

The Prosecutor then proceeded to put in a docket of the case containing a number of papers. Mr. Renaud objected as he was not aware of the nature of them. He proceeded to examine them and threw out several including a long statement made by Mr. J. C. Landers. The Prosecutor looked on, helpless, and the Magistrate said nothing. He then "put in" Section 31 of Law 25 of 1891. Mr. Renaud, in a good-humoured way, told the Corporal that he should not do that. He might put in the copy of the *Gazette* in which the law was promulgated. This kind advice did not tend to set the poor man at his ease and he merely shrugged his shoulders and said that he was carrying out instructions. He then "put in" the whole volume of the law and thus deprived himself of its use when the time came to argue his case before the Court.

The pass, given by the accused to Alamelu, was allowed to go in. It was a mere "scrap of paper." It was to the effect that the accused knew the woman, that she stated that she was a free woman and that he had no warrant for her arrest.

Alamelu, sworn, stated that she had completed her

first indenture at the Elandslaagte Collieries and had entered into a second indenture when she came to Umzinto and met Moonsamy. She stayed with this man at Mr. Landers' barracks. She went to the accused to get a pass. He said he should want £5. She gave £3 but did not get the pass then. Afterwards she was arrested and taken to Ladysmith. When she came out of gaol she returned to Elandslaagte and worked for some time. She came again to Umzinto, paid a further £2 to the accused and received a pass. Moonsamy, Perumal, and Nathamoney were present at the time.

Cross-examined by Mr. Renaud: The first time she went to get the pass she was with Moonsamy. It was a Sunday. Then followed a number of questions as to where the accused was when they went to the house, the kind and colour of the clothes he was wearing, the exact time of day, whether the money was in sovereigns or half-sovereigns, how she carried the money, and so on. Although it was almost a year since this visit was alleged to have taken place, the foolish woman attempted to answer all these questions, contradicted herself, and made it an easy matter for the defending counsel to upset the evidence that was to follow. Asked why, when she was arrested, she did not complain that she had paid £3 and had not received a pass, she could not give a satisfactory answer. Moonsamy asked the accused for the pass and St. Joseph replied: "Come to-morrow." She did not go the next day as she was arrested. She was arrested at 4 p.m. She did not go in the morning because her child was sick. Mr. Landers told her to go to the Protector to get a pass.

Moonsamy stated that he was employed by Mr. Landers and was the husband of Alamelu. He went with her to get a pass from the accused who said that he would give one on payment of £5. He returned in two weeks and paid £3 to the accused. He asked for the pass and was told that he would get it later on. A month or two afterwards the woman was arrested. She stayed away three or four months and then returned, stating that she had completed her indenture. Mr. Landers said she must not stay without a pass. He therefore went again to the accused who gave him a typed paper. Mr. Landers, on seeing the paper, said: "This is not a pass." He returned the paper to the accused who told him that when he paid another £2 he would get a good pass. Two weeks afterwards he and Alamelu, with two others went to accused at his house, and paid the money. The accused wrote the pass and gave it to witness. He recognised the pass produced in Court as the one given to him.

Cross-examined: He gave the money himself. Then followed several questions regarding the place where the accused was standing, the style and colour of his dress and the exact kind of buttons on his coat, which details, it is needless to say, did not tally with the replies given by Alamelu.

Perumal, sworn, stated that he was indentured to Mr. Landers. Asked if "any transactions" had taken

place between the accused and the two previous witnesses, he answered in the negative. Then he stated that he saw his brother Moonsamy give £2 to the accused and receive the pass.

Cross-examined: He did not know the date. He did not hear anything said. He did not meet Mr. Blamey's clerk, Perumal, that day. The usual string of questions was asked this witness. He was sure that the money was taken from the coat pocket by Moonsamy, whilst it had previously been stated that it was taken from the trousers pocket and that it was tied up in a corner of the woman's saree.

By this stock-in-trade of questions, and a liberal amount of professional patter the witnesses were made to feel some doubts as to whether they stood on their feet or their head. One of the witnesses, under the eagle eye of the defending counsel, was seen to tremble. He was asked whether he was afraid or whether it was a way he had. Of course, this did not at all increase his composure.

Nathanoney stated that he was employed at Landers' estate. He saw the transactions. He went with the others to get the pass. He corroborated what had been said by other witnesses regarding the giving of the money and the issuing of the pass. He recognised the pass produced.

Witness was cross-examined in detail in the same manner as previous witnesses.

Mr. Burn, on behalf of the Protector of Indian Immigrants, produced the contract of re-indenture regarding Alamelu, showing that she had not completed her indenture with the Collieries. She was the registered wife of Chitra.

John Brown, compound manager, appearing on behalf of the manager of the Elandslaagte Collieries, stated that the Company had received no communication regarding the expiration or cancellation of the contract of the woman Alamelu.

This witness was not asked to identify the woman. Evidently it did not occur to the Prosecutor to ask him.

J. C. Landers, sugar planter, Park Rynie, stated that he found Alamelu in his barracks during April, 1914, without a pass. She was afterwards arrested. She returned and still had no pass. He refused to allow her to stay without a pass. He afterwards saw the pass given by the accused but did not allow her to remain. He knew that she was the registered wife of another man.

The Prosecutor, although he had a long statement by Mr. Landers, did not think it necessary, or, rather, was so confused by the repeated objections of the defending counsel, to ask further questions. So that any information this gentleman may have been in possession of was not brought before the notice of the Court. There were no questions in cross-examination.

Indian Constable Anjira, Umzinto, stated that he was ordered to arrest Alamelu and he took her to Ladysmith.

Indian Constable Moonsamy, Umzinto, stated that, if he were shown a pass like the one produced in Court, he would not arrest.

The Prosecutor then closed the case for the Crown.

The first witness for the defence was Sergt. Woodgate who had previously been called for the Crown. He stated that in August last he received a warrant for the arrest of Alamelu. He did not know how the Elandslaagte Collieries came to know of her whereabouts. She was arrested on instructions by the accused. Witness gave the order for her admittance to gaol with her child. She was brought before the Court and Mr. Waller appeared on her behalf. She was released on her own recognisances and had every opportunity of communicating with Mr. Waller. An Order of Court was given that she should be sent back. There had been no warrant received since August.

No questions by the Prosecutor.

Perumal, an Indian Clerk in the employ of Mr. Blamey, solicitor for the defence, stated that he met Moonsamy and Alamelu in the middle of December

last. They wanted a pass to go to the Protector's office in Durban. They wanted to be registered as man and wife. Witness was on his way to see Frank, a cook employed by the accused. Witness told them to come along and he would get them the pass. Witness was with Ragunandan who also went to St. Joseph's house. Witness saw Frank and asked for the accused who came when he was called. Witness told him that the woman wanted a pass to go to Durban. Accused asked him the name of the woman and wrote the pass and gave it to him. The pass produced in Court was the one referred to. The people did not give any money. It was on his recommendation that the accused gave the pass. Frank, Moonsamy and Ragunandan were there.

No questions by the Prosecutor.

Ragunandan stated that he saw Moonsamy with a woman. Witness went to Frank at St. Joseph's. He saw the woman and Moonsamy there. Frank called the accused. He heard something about a pass but did not see any money given.

No questions by the Prosecutor.

Frank, cook at St. Joseph's, stated that he had known Moonsamy since childhood. Moonsamy borrowed £4 from him to get a pass for his wife. The money was still owing. He corroborated what the two previous witnesses had stated.

Cross-examined: "Why should Moonsamy borrow money from you?" "Oh, I suppose he wanted it."

"Have you anything against Moonsamy?" "No."

St. Joseph, the accused, stated that he had been 13 years in the Police and the S.A.M.R. and had a clean sheet. The first time he saw Alamelu was when she was arrested. He had a warrant for her arrest and gave instructions immediately. He sent an Indian Constable who arrested her at Scotsburgh. There was no truth in the woman's statement that she paid £3. The woman told the Constable that she should be back again in two months when her indenture expired. He never received another warrant. Alamelu came to his house about the 13th December last (on a Sunday). He wrote the pass to enable her to go to the Protector to obtain a pass. It was not true that she gave him £2.

Cross-examined by the Prosecutor, he stated that he simply gave the pass to help her to get to Durban. She could not produce a free pass. He was under the *bona fide* belief that the woman was free.

This closed the case for the defence.

Corporal Bennett then addressed the Court. He said that, on the first count, there did not appear to be any evidence to corroborate the statement of the woman and her husband and he did not wish to press the charge. On the second count, the fact that the woman was in possession of a pass in the hand-writing of the accused showed that there must be some truth in what was said by the woman. He did not think he had anything else to say.

Mr. Renaud, in the course of his address, said that it was a real pleasure to find a case wherein there was such a clear proof of innocence. He pointed out that it was quite a common thing for solicitors, who had no right to give passes, to do so in order that Indians might get to the Protector's office, and they even walked with them in order to prevent them from being arrested. So there was nothing criminal about his client giving a pass as he had done. His client possessed a clean record and had been in the service for thirteen years and was greatly respected. The evidence given by the Indian witnesses for the Crown was contradictory and it was absurd to say that the accused would be stupid enough to accept bribes in the presence of four witnesses. He therefore asked the Court to discharge his client.

His worship said that the case for the prosecution was most unsatisfactory from beginning to end. The case should never have been brought before the Court but should have been the subject of a departmental inquiry. It was clear that it was a concocted case. It was not likely that a man like St. Joseph would accept

bribes in the presence of witnesses. He discharged the accused and said that he would leave the Court without a stain on his character.

A remarkable feature of the case was that the Magistrate *bravely* asked a question of any of the witnesses, and especially was this noticeable in regard to the witnesses for the defence, and when Mr. Renaud objected to certain papers and threw them out, he allowed the counsel for the defence to decide whether they should go in or not.

From the Editor's Chair

JUSTICE?

THE case we publish in this issue, wherein a European constable at Umzinto was charged with bribery, furnishes an astounding example of what is possible to happen in our Courts of Justice. Having been informed that the case was coming on, we took steps to specially report it and we have thus been able to give something more than a bare record of the facts. The Indian witnesses, it is true, contradicted themselves on matters of detail, which was not surprising, seeing that the events occurred months before. These poor ignorant people are not able, under ordinary circumstances, to give a true and connected account of what happened even the day before. How, then, could four people be expected, under a searching cross-examination, to agree as to details of happenings half a year previous? As for the three Indian witnesses for the defence, one was a clerk employed by the local solicitor who took up the case for the defence and another was the cook employed by the accused who stated that one of the complainants had borrowed money from him "to get a pass for his wife." These facts should have caused most careful examination by the Prosecutor and the Magistrate, but we find that there were practically no questions asked. Now let us look into the question of issuing this pass. It is not denied that St. Joseph wrote the pass and gave it to the woman. He states that he gave it so as to enable her to go to the Protector to get a pass. It will be noted that one of his witnesses said it was for the purpose of going to get married. Now the pass issued by the accused did not state either of these reasons. It merely stated that he knew the woman, that she stated that she was free and that he held no warrant for her arrest. This document, it is clear, would deceive anyone who might happen to see it. It suggested that she was a free woman and, as it was not limited to a stated period, it was in the nature of a permanent document. The accused admitted that he gave the pass at once, at his own house, on a Sunday. He did not attempt to show that there was any urgent need for the woman to have the pass or why she could not wait until next day when she could apply to the Magistrate. The accused well knew, as an officer who had been in charge of such matters for a long time, that only the Magistrate could issue a pass. He also must have known that, if the man and woman wished to be married, they had only to appear before the Magistrate the next day for that purpose. He also knew that the permanent pass or discharge certificate, which is issued by the Protector, can be and is applied for through the Magistrates and that there was no need to send the woman on a journey of fifty-two miles to Durban to get one. And if these facts were known to the accused, were they not also known to the Magistrate who sat silent on the bench? We are aware that the charge was that of receiving bribes, and the Magistrate was entitled to decide whose story was, in his opinion, the correct one. But, even so, we think he made a great mistake in not pointing out the facts we have mentioned. As there was no need for the accused to issue any pass, and, if there had been, he had no right to do so, there could be no justification for him to go out of his

way to write a pass for a woman he had previously arrested for desertion and who was at that very time still under indenture. Most remarkable! And yet there was no comment either by the Prosecutor or the Magistrate. The Prosecutor we do not blame. We have good reason to believe that he was placed there deliberately as a dummy. He was only a policeman, unexperienced in the work of prosecuting, and the parties responsible for sending him to prosecute a brother policeman must have been well aware that he would not be able to cross-examine and that his knowledge of the law was practically nil. We are fully aware of the serious nature of our allegations. We also know that we are up against a most powerful institution—that of the police administration. But we make these remarks in no hold-and-corner fashion. We shall take good care that our special report of the case, together with these comments, are brought before the notice of the Minister of Justice. We agree with the Magistrate of Umzinto, who expressed the opinion that the matter ought never to have been brought before him, but that a departmental enquiry should have been held. But we go further and say that an enquiry must now be held and we shall not rest until this is done. It is scarcely necessary for us to add that we have no personal feelings against anyone. St. Joseph is now known to us for the first time; Corporal Bennett we believe to be a simple, honest fellow who did his best under trying circumstances; and Mr. Wheelwright we have not come into contact with since he left Verulam eight or nine years ago and we have nothing against him.

SOUTH AFRICAN BORN INDIANS.

OWING to certain difficulties that have recently arisen, with reference to the admission into the Cape Province of Indians born in South Africa, representations were made recently to the Government, pointing out that the restrictions maintained in that Province were contrary both to the letter and to the spirit of the settlement of 1914. We are now officially informed that instructions have been issued that, once the fact of South African birth has been established by an Indian to the satisfaction of an Immigration Officer, such person should be forthwith admitted into the Cape Province, but that the Government reserves the right so soon as the number of entrants sensibly increases to apply the provisions of Act 22 of 1913. These instructions are, in our opinion, complete and satisfactory, and are in compliance with the provisions of the Passive Resistance settlement. All that will be necessary, therefore, for a South African born Indian, is the production by him or her of a Birth Certificate, or a document officially declaring the South African birth of the lawful holder. Unless a thumb-impression is on the original document, it should not be given upon the demand of the Cape Immigration Officer where a signature can be given, and no South African-born person is under any obligation to pass the education test. Whilst we believe that this arrangement is complete and satisfactory so far as the Government are concerned, in view of the community's previous experience of the administration of the law and of the terms of the settlement by the Cape Immigration Officer, we shall be obliged if cases of difficulty are immediately brought to our notice, setting forth all the facts. Meanwhile we beg to express our thanks to the Government for the prompt manner in which the difficulty has been disposed of.)

THE IMPERIAL CABINET

FOR probably good and sufficient reasons the Imperial Government has been reconstituted and there has been a shuffling of portfolios. It is evident that the conservative element has been allowed to grasp some of the most important positions in the Government, and it is lamentable indeed that, without any obvious need being shown, the portfolio of the Secretary of State for India has fallen into reactionary hands. Lord Crewe,

whatever his failings may have been in some respects, at least had some years of experience of the problem of the Government of India, and his sympathies towards the aspirations of educated Indians were well known. He, however, ceases to direct Indian affairs at Whitehall, and is replaced by Mr. Austen Chamberlain, whose qualifications for the position one is at a loss to imagine. He has not even had, so far as we are aware, the usual three months' cold-weather sojourn in Anglo-Indian clubs, which is supposed to qualify a politician for the position of expert adviser in Indian affairs. His ignorance of Indian affairs must surely be abysmal, and he will necessarily be in the hands, to a large extent, of the permanent officials, and the reactionaries of his own Council. It would seem, however, that Mr. Charles Roberts remains Under Secretary, though no specific mention of the fact is made in the cables, and this, at least, is a gleam of light in the darkness that has fallen upon the India Office. It is disastrous that, at this juncture, there should have been so portentous a change in the direction of Indian affairs in London; but it is one of the many evil results of warfare, that ignorant or backward-minded men without any qualifications, are placed in a position to check or thwart the aspirations of more advanced persons. We sincerely hope that our forebodings will not be realised, and there will be much rejoicing, both in India and in South Africa, if Mr. Chamberlain displays anything like the amount of sympathy for the people and aspirations of India that Lord Crewe has displayed. We join with the leaders of India in hoping that Lord Hardinge's tenure of office will be extended, and that, in the general shuffling that has taken place, he will not be removed from the sphere of usefulness in which he has won the esteem and affection of the Indian people.

"NATIVE" GOLD

We publish in another column a report of a case brought before the Maritzburg Court wherein an Indian goldsmith was convicted of being in possession of "native gold" without having the necessary licence under the Mines Act. The "gold" in question happened to be silver (bar-silver coming legally under the category of native gold). Counsel for the defence contended that native gold was the metal as it was produced in Natal, and as the "gold" in question had been obtained from India, it could not be considered native gold. The Magistrate, however, differed from this view. He agreed with the decision in a previous case in which it was laid down that gold not manufactured into some article of commerce, distinct from bar gold, must be considered unwrought gold. He did not attach a restricted meaning to the term "native." The position of Indian jewellers seems to be a delicate one. Up to now they have carried on their business by taking out a manufacturers' licence. If the judgment stands, it will be necessary for them to apply to the Commissioner of Mines for a yearly licence costing £5. Now such a licence authorises the holder to be in possession of and deal in native gold and precious stones. It can easily be imagined that the Commissioner of Mines would not readily issue a licence, one of the objects of the Act being to prevent dealing in gold stolen from the mines. We understand, also, that the Commissioner has absolute discretion to grant or refuse such licence. In that case there is a danger that Indian jewellers may find themselves deprived of their means of livelihood. We are informed that an appeal to the Supreme Court has been noted and we have no doubt that the result will be awaited with keen interest by the goldsmiths.

A letter was received from Madras last week in which it was stated that Mr. and Mrs. Gandhi were in that city enjoying fairly good health. The boys were at Hardwar, but it is hoped that a permanent place will be shortly arranged for them.

Empire-Day Sports at Lords

Over 2,000 Durban Indians wended their way to Lord's to witness the sports arranged in aid of the Indian soldiers' widows and orphans fund, and it was evident from the manner in which the sports were conducted and the spirit shown by the competitors, that with proper facilities Indians rise equal to the occasion. As it was, the spectators had a good day's sports and a pleasant feature among the onlookers was the sprinkling of a large number of Indian ladies who manifested a lively interest in the chances of the competitors. The Indians were appreciative of the facilities allowed them in the use of Lord's for the first time in the history of their community, and hopes were freely given expression to that the Durban Corporation may carry out in instalments, if it were not possible to do so at once wholly, their promise in 1911, since reiterated of a properly equipped sporting ground for them, as agreed on in the negotiations between them and the Durban United Indian Sports Association as representing the Indian sporting interests. Among those present were Mr. Parsec Rustomjee, Mr. G. H. Miankhan, the Rev. D. Koilpillai, Dr. Abraham and Dr. Lobo.

The morning was occupied with two matches, one between the seniors and the other between the juniors, the players being drawn from the members of the Durban District Indian Football Association. Mr. Christopher as referee, with Messrs. G. Harris and M. Craig as linesmen, officiated in the junior match, while in the senior event Mr. Kasavan was in charge of the whistle, with Messrs. Thajmoon and C. M. Anglia as his assistants.

The Eastern Harriers in the afternoon submitted the athletic and cycling events which resulted as follows:—

880 Yards Flat: R. S. Peter (2m 21s) 1, Jack 2, Sigamony 3.

One Mile Cycle: R. Tommy (3m 7s) 1, Sikandur 2, Nagapen 3.

Sack Race: D. Subban 1, Israel 2.
100 Yards Championship: G. Marrian 1, Harold Lazarus 2.

Slow Cycling: Jim Pillay 1, Nagapen 2.
220 Yards Flat: Craig (25s) 1, H. Lazarus 2, Marrian 3.

Girls' Skipping: Bakkian (9s) 1, Catherine 2, Sullaphen 3.

Two Miles Walk: Israel (19m 40s) 1, Naidoo 2, Mahabeer 3.

High Jump: Johnney (4ft 6in), 1, Chinappen 2.
One Mile Flat: David (5m 18s) 1, Peter 2.

Boot Race: Mahabeer 1, Israel 2.
440 Yards Flat: David (1m 2s) 1, Sigamoney 2.

Tug-of-War: Union Printing Press 1.
75 Yards Flat (boys): H. Panday (10s) 1, A. D. Rooks 2.

Five Miles Cycle: Sikandur (4m 27s) 1, B. Tommy 2, Garib 3.

Throwing the Cricket Ball: Johnney 1, A. D. Pillay 2.

100 Yards Open: M. Marrian (11s) 1, G. Marrian 2, Tommy 3.

Half-mile Cycle Race: Govindasamy (1m 17s) 1, Craig 2.

The officials for the above events were: Judges, Messrs. A. Christopher, R. Bughwan, and B. A. Magraj; referees, Messrs. V. Lawrence and G. D. Lalla; starter, Mr. M. Sooboo Naidoo; assistant to starter, Mr. V. N. Thumbadoo; dressing-room stewards, Messrs. Billy Subban and M. Thajmoon; course stewards, Messrs. M. Thungavelu, X. David, C. R. George, V. Reddy, and D. Kasavan; record clerk, Mr. A. Sookdeo; timekeeper, Mr. Anand Rai; director, Mr. S. Emamally; Secretary, Mr. R. N. Sullaphen.

The prizes were presented to the winners by Mr. J. G. Tyzack, and Mr. Lawrence, on behalf of the Durban United Indian Sports Association, in asking Mr. Tyzack to do so, referred to the services Mr.

Tyzack had rendered to Indian sportsmen at all times. He said that Mr. Tyzack had great popularity among the European community but he thought that Mr. Tyzack enjoyed greater popularity among the Indians. He thanked Mr. Tyzack for kindly consenting to come to their assistance that afternoon, the Corporation for allowing the use of Lord's, Mr. Schwegmann for his assistance on the ground and advice, and to the Secretary of the Eastern Harriers, Mr. R. N. Sullaphen, for his untiring energy in the efforts to make the sports a success.

Mr. Tyzack said that he was pleased to be of any service to the Indian community, and he thanked them for their invitation to present the prizes. He could say from his past experience with them that their associations were conducted as they should be, and that that day's sports were an undoubted success. He impressed upon his hearers that no man should be discouraged when beaten, and his defeat should be an incentive to more strenuous endeavours to wrest the honour the next time. He wished them every success in their strivings, and as in the past, so in the future, his services he would gladly give them.

The football used in the matches was put up for sale and sold to Mr. G. H. Miankhan for 22s.

The money taken at the gates amounted to £25 odd; the admission charge being nominal—men being charged 6d.; ladies and children 3d. each. This amount will be forwarded to the Viceroy's Fund.

The crowd dispersed with cheers, after the singing of the National Anthem, for his Majesty the King-Emperor, Mr. Tyzack, and Mr. Schwegmann.

Is Silver Gold?

A case of considerable interest to local jewellers (says the *Natal Witness*) was concluded before Mr. C. F. W. Hime, Acting Chief Magistrate, at the Magistrate's Court, Maritzburg, on the 21st ultimo, when Budharea Lohar Saw, an Indian jeweller, carrying on business at 492, Church Street, was convicted of being in possession of native gold without having the necessary licence as required by the Mines Act.

Mr. G. C. Anderson prosecuted, and the accused was defended by Mr. R. J. Harrison. He had tendered a plea of "not guilty" at the previous hearing of the case.

Giving evidence for the defence yesterday several Indian witnesses stated that ever since they had come to the Colony they had been dealing in bar silver (which comes legally under the category of native gold).

Mr. Harrison contended that native gold, within the meaning of the Act, was the metal as it was produced in Natal, and as it had been proved that the native gold in question had been obtained from India it could not therefore be considered native gold. The Act under which the accused was charged had been in existence some fifteen years, and yet, until the occasion in question, it had not been enforced.

In finding the accused guilty the Magistrate said that the position in the case was that the facts were not in dispute but that the decision rested on the statute under which the accused was charged. His Worship held that the definition of the Act was almost the same as unwrought gold in the Transvaal, and, in respect of that definition, a case which had been quoted by Mr. Anderson distinctly laid down that gold not manufactured into some article of commerce, distinct from bar gold, must be considered unwrought gold.

The definition of "native," meaning "native to the country" was undoubtedly used in respect of persons and possibly in respect of produce, but when dealing with the matter as regards the actual intention of the legislature, it could not be considered as such. The ground of the non use of the Act for dealing with such matters was probably due to the fact that the police never knew that

silver was also classed as "native gold" and the whole matter had been brought forward by the police seeking some remedy for the theft and disposal of jewellery.

In that case, after full consideration of the whole of the circumstances, he was not able to place on it the restricted meaning of the defence that native gold was gold in its natural state.

His Worship added that he was in full sympathy with the Indian community as a result of the manner in which the decision affected them, and he discharged the accused with a caution.

Increased Charges on Hawkers' Licences

The Natal Ordinance No. 6, 1915, "To amend the Licence and Stamp Act No. 43, 1898, in regard to Hawkers' Licences," assented to by the Governor-General-in-Council, on 22nd April, 1915, provides:—

1. Item No. 16 of the second Schedule of the Licence and Stamp Act No. 43, 1898, relating to Hawkers or Itinerant Traders, is hereby repealed, and the following shall be substituted therefor, with effect from the 1st day of January, 1916:—

16. HAWKER OR ITINERANT TRADER

(both of whom are hereinafter included under the term Hawker):—

- (a) For each person engaged in the business as principal or as a partner or an agent for selling £5 0 0
- (b) For each person employed in connection with the business of a hawker as servant, carrier, or driver, or in any other capacity than that of a partner or agent for selling... .. £1 10 0
- (c) For each pack-horse or other pack animal used in the business of a hawker £1 0 0
- (d) For each vehicle used in the business of a hawker, and propelled by any other means than by hand:—
 - If having two wheels or less, or being without wheels £1 10 0
 - If having more than two wheels £3 0 0

NOTE.—The above fees shall be paid by the applicant according to the requirements of his business, the fee of £5 under Item (a) being the minimum charge.

EXEMPTION.—Hawkers of unmanufactured produce of the Union of South Africa.

2. If any question arises whether a person falls within paragraph (a) or paragraph (b) of the foregoing section, he shall be deemed to be within the operation of paragraph (a), unless the contrary is proved.

"Splendid India"

In the course of a leading article with the above heading the *montreal Star* says:—

"They have made our cause their own—we must reciprocate by making their cause our own. India must cease to be a Dependency, and must become—as rapidly as it can be managed—an Overseas Dominion in which the machinery of local Government will be adapted to the special needs of the population of that great country. If in this way we take full advantage of the tide of sentiment, now flowing in our favour, we ought to succeed in making of India as sure and contented a member of the British Empire as any of its other parts. And should this miracle be accomplished, we will have immensely strengthened our hold upon the future. India, instead of being a source of weakness as our enemies even now bragged, will become one of our greatest and firmest pillars of strength."

News in Brief

On Empire Day the pupils of the Durban Tamil Institute, Prince Edward Street, marched to the Queen's Statue in procession, and laid upon it a large wreath of white flowers.

Mr. Polak lectured before the Johannesburg Lodge of the Theosophical Society on the 20th inst., on "Some Indian Scenes." Mr. Polak has been asked by the Workers' Educational Society to deliver a public lecture on the 16th inst., at the New Trades Hall, Johannesburg, on "The Place of India in the British Empire."

The *Manchester Guardian* recently published a photograph of a group of soldiers taken in Cairo, in which Indians, Maoris, New Zealanders, Australians, Egyptians, Manchester Territorials, and English blue-jackets are all represented.

Speaking at the Congress of the Associations of the Municipal Corporations of the Cape Province His Excellency the Governor-General, Lord Buxton, expressed pleasure at opening the Conference in Capetown, which was the birthplace of the local Government of South Africa. He expressed himself a great believer in full, free, self-government, whether it applied to various parts of the Empire, or to local bodies. One of the most important points of their work was that it brought home a greater sense of responsibility to those who were doing the work, and to the public themselves, but he was not sure that the sense of responsibility and duty to one's neighbour was not a little slack and deficient in this part of the world; he was not sure whether he had not noticed a feeling of detachment. They were told to "love your neighbour as yourself," but they did not always turn the abstract into concrete, especially when colour was involved.—*Reuter*.

The Commander-in-Chief in India has published the following report from Sir James Willcocks which he has received through Sir John French, and has directed that it shall be made known to the Indian Army:

All units of the Indian corps engaged in the fighting at Neuve Chapelle did well, and the following specially distinguished themselves: 7th (Meerut) Division; Garhwal Brigade: 1st and 2nd Battalions of the 39th Garhwal Rifles, Tehri (Garhwal) Sappers, 2nd Battalion of the 3rd (Queen Alexandra's Own) Gurkha Rifles, Dehra Dun Brigade: 2nd Battalion of the 2nd (King Edward's Own) Gurkha Rifles, and 1st Battalion of the 9th Gurkha Rifles. Divisional Troops: 3rd and 4th Companies 1st Sappers and Miners; 107th Pioneers' Machine-Gun Section; 4th Cavalry. 3rd (Lahore) Division: Jullundur Brigade: 47th Sikhs, 59th Scinde Rifles. Sirhind Brigade: 1st Battalion of the 4th Gurkha Rifles, Divisional Troops: 20th and 21st Companies 3rd Sappers and Miners, Maler Kotla Sappers, 34th Sikh Pioneers' Machine-Gun Section; 15th Lancers (Cureton's Multanis).

Referring to the criticism of Mr. Abbott, a member of the Viceroy's Council, Sir William Meyer, the Finance Member, said that he was sorry to hear the hon. member say that India had not done enough during the war. He would like to remind the hon. member that India had contributed what was more precious than silver and gold. She had given 200,000 trained soldiers. Apart from that, India had supplied munitions of war, Indians had done that long before the dominions thought of doing anything. He must say that the value of the Indian contingents and the value of India's supplying munitions of war had been the chief factors in determining the present phase of the war. He could not bear any one say that India's contribution was inferior to that of any other part of his Majesty's Empire.

Gokhale Memorial

An All-India Gokhale Memorial Committee has been formed at Delhi as the result of a meeting held on March 20th under the presidency of Mr. Surendranath Banerjee, and largely attended by members of the Imperial Legislative Council and other influential persons. His Highness the Aga Khan was requested to accept the chair of the Executive Committee, and the following were nominated as Vice-Presidents:—

Dr. Rash Bhari Ghose (Bengal), Sir Pheroze Shah Mehta (Bombay), Sir S. Subramania Aiyar (Madras), the Raja of Mahmudabad (Oudh), Dr. Sundar Lal (United Provinces), Mr. Ma'har-ul Haque (Behar), Sir Gangadhar Chitnavis (Central Provinces), Mr. Ghanashyam Barua (Assam), Raja Sir Harpam Singh, (Punjab), Hakim Mahomed Ajmal Khan, and Mrs. Annie Besant.

A strong Executive Committee was also appointed. The general Secretaries are Mr. Ratan Tata, Mr. Srinivasa Sastri, of the Servants of India Society, and Rai Bahadur Lala Sultan Singh. It was resolved also that proposals for a statue at Delhi and for an endowment for the Servants of India Society should be put before the public as the two forms of the All-India Memorial, and the promoters of provincial movements were invited to co-operate.

It has been decided that the Bengal memorial to Mr. Gokhale shall take the shape of a permanent institution to be called the Gokhale Society, the objects of which shall be the diffusion of elementary education among all classes of the people, the establishment of a well-equipped library for the study of political, economic, historical and administrative questions, the encouragement by award of prizes and scholarships of a study of public questions connected with contemporary history, the publication from time to time of pamphlets on current affairs, and the training of a band of missionaries and their utilisation when needs be for political and social service.—*India*.

India's Equality

Speaking from the presidential chair of the United Provinces Provincial Conference last month, Mrs. Annie Besant said:—

You will demand that India shall, in the common Empire, have a footing of equality with the other Self-Governing Dominions. Why should she stand on a lower level than Canada, Australia, New Zealand, South Africa? Her brain-power is, to say the very least, as good as theirs; man for man she is their equal; her literature is greater, her civilisation older, her fighters as gallant, her merchants as shrewd, her labourers as skilful and more artistic, her manufactures—before she was ruled by foreigners—immensely in advance of those of Europeans, and sought for eagerly in the world's markets; why is she ever to remain in tutelage? and who has the right to give to her, or to withhold from her, Freedom? She is no pauper, begging for alms, for the crumbs of Freedom that fall from the tables of western Liberty. She is a discrowned Queen, claiming her heritage.

In her relations with the Colonies you will endorse Lord Hardinge's idea of Reciprocity. Exactly the measure meted out to India by each Colony shall be the measure meted out to each Colony by India. No immigration of Indians into a Colony? Then no immigration of these Colonials into India. No land there to be bought by Indians? Then, no land here to be bought by Colonials. No concessions to trading, manufacturing, railway, mining companies there to Indians? Then, no concessions here of similar kinds to Colonials. It is quite simple; and it is just.