

# Indian Opinion

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## THE QUESTION OF STATUTORY DOMICILE

THE following judgment of Judge-President Dove-Wilson, given in the Supreme Court (Natal Division) some time ago, illustrates most clearly the serious position of those who went to India three years ago without domicile certificates. The appellant was Kanjee Davah and Mr. F. A. Laughton appeared for him:—

It is conceded that the appellant was properly prohibited under the provisions of section 4, sub-sections (a) and (b) of Act 22 of 1913, unless he is entitled to the exemption which he claims under section 5, sub-section (f) of the Act, by which any person, with certain exceptions with which we are not here concerned, who is domiciled in any Province of the Union is declared not to be a prohibited immigrant for the purpose of the Act. The word "domicile" which will no doubt cover the word "domiciled" where occurring in the Act is declared by section 30 to mean, unless where it is inconsistent with the context, the place in which a person has his present home, or in which he resides, or to which he returns, as his place of present permanent abode, and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any Province (as the case may be) for the purposes of this Act unless he has resided therein for at least three years, otherwise than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in a prison, gaol, reformatory or lunatic asylum; and a person shall be deemed for the purpose of this Act to have lost his domicile within the Union or any Province (as the case may be) if he voluntarily go and reside outside the Union or that Province (except for a special or temporary purpose) with the intention of making his home outside the Union or that Province (as the case may be)."

It was not contended for the appellant, nor is there evidence to support the view, that at the time of his arrival in Natal, it was his place of domicile in the ordinary legal sense; nor is it the case that he had acquired any statutory right under any prior statute to return to Natal. It is true that the case comes before us on the footing that he has formerly resided in Natal at his ordinary place of residence for a period of not less than three consecutive years, but it cannot be argued that he in consequence acquired any right under section 30 of 1903 inasmuch as, although he applied for it, he had not, for some reason which is not disclosed, acquired any certificate of domicile or residence, under that Act; there is no evidence that he satisfied any officer appointed under that Act as to his previous residence, and it was settled in the case of *Desai* (35 I.L.R. 375) that mere residence without the satisfying of an officer appointed under the Act, is not sufficient.

We must take the case therefore on the footing that the appellant has no common law domicile in Natal

at the present time nor has he any right to enter Natal under the terms of any previous statute.

The appellant however claims that as the evidence shows that he has now returned to Natal not for a mere special or temporary purpose but with the intention of making it as from the date of his return his place of present permanent abode, he falls within the third alternative of the definition of domicile as given in section 30 of the Act of 1913.

In the case of *In re Daya Ratanjee* (34 N.L.R. 467) I said that the section was by no means an easy one to construe and I indicated that it might plausibly be argued that the section might be construed in the sense contended for by appellant, but it was unnecessary to decide the point in that case and I did not do so. Reference to section 30 was merely for the purpose of showing that it contained nothing which directly or by implication took away rights acquired under the repealed Act of 1913, and I suggested, perhaps unnecessarily, that so far from this being the case it might even be that the section was capable of the interpretation now contended for. But the point now falls to be decided, and, while I have not found the section any easier to construe than I then thought, I am unable, after the best consideration which I can give to it, to hold that it covers such a case as the appellant's.

The section seems to set out three kinds of places, each separated from the other by the word "or," as constituting domicile for the purpose of the Act; first, the place in which a person has his present home; secondly, the place in which he resides; and, thirdly, the place to which he returns with the qualification that each of these places must also be his place of present permanent abode and not for a mere special or temporary purpose. The section declares further that no person can lay claim to any such domicile unless he has resided within the Union or any Province, as the case may be, for at least three years. It will be seen that under this section no right of domicile merely in respect of three years residence is given; it only makes such residence a condition precedent to the establishment of a domicile in the sense of the Act. In the case of the appellant this condition precedent is fulfilled. But since his departure from Natal in 1911 his place of residence and his home have been in India, and his connection with Natal has been in fact entirely severed. It may be conceded that he has now come back to Natal with the intention, if he is allowed to enter that it shall henceforth be his place of permanent abode, and that he has not returned for any special or temporary purpose, but I cannot think that that puts him in the position of "returning" to Natal as his "present" place of permanent abode. It means that his return is to Natal as his "future" place of permanent abode. For the present he has no place of abode of any kind in Natal. To return to a place as one's place of "present" permanent abode seems to indicate that at the time of the return it is the

permanent place of abode as contrasted with such temporary place or places of abode as one may have resided in during one's absence; and it cannot I think be said that a person returns to a place as his present permanent abode if it is not so at the moment of returning but becomes so only after the return is accomplished. In such a case he returns to it as his future place of abode. Any other construction it seems to me would to a considerable extent deny effect to the intention of the Act and there can be no doubt of the intention of the Act to exclude illiterate persons such as the appellant; and if it had been intended by the legislature that all illiterates were to be exempted from the operation of the Act who could show that at any former period they had had three years residence in the Union or Province as the case may be, merely because of their intention to remain permanently after their return, it could easily have been so stated in the Act. But to my mind, to hold that a person who returns to Natal for the purpose of making it his place of permanent abode for the future, when in no possible sense it has been his abode during his absence, acquires any right of domicile in the sense of section 30 of the Act, would be to deny all force to the word "present" as it occurs in the section. That word I think pre-supposes, especially read in conjunction with the word "return" that the place has continued to be the permanent place of abode of the wanderer during his absence; it cannot cover a place which does not become the place of abode at all until after the return even though it be immediately after. That would seem to me to be a future place of abode and not a present one at the time of the return and claim to enter, which is the time to which I think the word "present" is referable.

On these grounds I think the questions fall to be answered in the affirmative.

Justice Hathorn concurred.

Justice Broome gave a separate concurring judgment from which we take the following statement of facts:—

For the purposes of this reference it may be taken that the immigrant, Kanjee Davah, having arrived in Natal from India in the year 1896, carried on the business of a hawker in Durban. In December, 1911, being desirous of proceeding to India, his place of birth, he applied to the Immigration Officer for a certificate of domicile. This certificate which, under section 33 of the Act then in force (No. 30, 1903), would have been *prima facie* evidence of former residence or domicile, was never issued. The record does not disclose the grounds for its refusal but we are informed that the department, for reasons not apparent, had at that time discontinued the issue of such certificates. There is however no evidence that the applicant succeeded in "satisfying an officer" that he had been formerly domiciled or had resided for three consecutive years in Natal (section 4 (f) and section 32 Act 30, 1903).

Be this as it may, he appears to have proceeded to India without any such certificate. He left no property or interest in any business in South Africa. In India soon after his arrival he married and there was issue of the marriage. He had previously acquired freehold landed property in India and he earned his living by cultivating the soil. His wife and child remain in India.

He has now returned to Natal and claims the right to be admitted under section 5 sub-section (1) of the Act now in force—No. 22, 1913, as being a person domiciled in the Province. The Immigration Officer, however, being of opinion that the applicant had no present domicile in any part of the Union and that even if he had at any time acquired such domicile he had abandoned it (section 30 of the Act), has declared him to be a prohibited immigrant. He appealed to the Statutory Board and at the request of his advocate, the following questions of law have been reserved for our decision in terms of section 3 (2) of the Act:

"Assuming (a) that the appellant resided in Natal for considerably over three years prior to the year

1911; (b) that prior to going to India in 1911 he applied (on an affidavit a copy of which is hereto annexed—Annexure "A") to the Immigration Officer for a domicile certificate which—for reasons not disclosed—he did not obtain, and, (c) that he has now returned to Natal, as he states, as his present permanent abode and not for a mere temporary purpose,

1. Can he be regarded under the provisions of the said Act as a prohibited immigrant? and,
2. Can the provisions of section 4 (1), (a) and (b) be made applicable to him?

## The Question of Dual Domicile

The following correspondence, dealing with the question of the right to claim domicile in more than one province of the Union, has passed between Mr. Polak and the Under Secretary for the Interior:—

7th June, 1915.

The Secretary for the Interior,  
Pretoria.

RE RAMALA SINGH

Sir,—I understand that the Principal Immigration Officer, Natal has submitted to you certain papers with reference to the above man, and I should be glad if you would kindly let me know what decision has been reached as early as possible, as my client is now waiting at Volksrust.

Thanking you in anticipation.

I have, etc.,

(Sgd.) H. S. L. POLAK.

10th June, 1915.

Sir,—In reply to your letter of the 7th instant, I have to inform you that Ramala Singh is registered in the Transvaal.

As he did not appeal against his restriction from entering Natal, nothing can now be done, apart from issuing a temporary or visiting permit, if such is desired.

The Principal Immigration Officer, Natal, is being informed in terms of the above.

I have, etc.,

(Sgd.) H. B. SHAWE,

Acting Under Secretary for the Interior.

H. S. L. POLAK, Esq.

17th July, 1915.

Dear Mr. POLAK,—With reference to your letter of the 10th instant, that in the case of Ramala Singh, it is clear that the man has a domicile in the Transvaal and it is now sought to obtain, in addition, a domicile in Natal. This point cannot be conceded, but if this man desires to visit Natal for holiday purposes there will be no objection to the issue of a visiting permit for that purpose. If he desires to visit for business purposes the question of the issue of a temporary permit will receive consideration if the full facts are placed before the Department.

Yours faithfully,

(Sgd.) H. B. SHAWE.

H. S. L. POLAK, Esq.

19th July, 1915.

Dear Mr. SHAWE,—I am in receipt of your letter No. 4/A/183 of the 17th instant, the contents of which I have noted and for which I am obliged.

With reference to the case of Ramala Singh it is not, I submit, correct to state that in addition to the Transvaal rights it is now sought to obtain domicile in Natal. Ramala Singh claims to have already statutory domicile in Natal, and to have received a Certificate thereof from the Natal Immigration Authorities, and of which he claims to be the lawful holder.

I sincerely trust that the Government do not desire to raise the question of dual domicile. There are many Transvaal Indians who possess Natal Domicile rights under the old law, and many Natal Indians who possess

Transvaal residential rights under Act 36 of 1908. If they are to be deprived of these rights, I can assure you that a very serious position indeed will be created, and I can hardly suppose that the Government, at the present juncture, are desirous of raising such a question.

I shall be greatly obliged if, having regard to these representations, Kamala Singh's case will be reconsidered.

Thanking you in anticipation.

Yours sincerely,  
(Sgd.) H. S. L. POLAK.

H. B. SHAW, Esq.

3/A/191.

3rd August, 1915.

Sir,—With reference to your recent interview with me when you mentioned the case of Ramala Singh and your letter of the 7th June last, I am directed to inform you that the Minister, after fully considering this case, has decided that this Asiatic may be regarded as having a domicile in both the Transvaal and the Natal Provinces in view of the fact that he is in possession of a Transvaal Registration Certificate and a Natal Certificate of Domicile.

I have, etc.,

(Sgd.) H. B. SHAW,  
Acting Secretary for the Interior.

H. S. L. POLAK, Esq.,  
Johannesburg.

### From the Editor's Chair

#### (THE QUESTION OF DOMICILE)

We remarked in these columns last week that the position of domiciled Indians was jeopardised by the present administration of the Immigration Act. The case of Kanjee Davah, published in this issue, illustrates the position of an old resident who came in 1896 and is now declared a prohibited immigrant. No one denies that this man has been three years resident in Natal, but he never "satisfied an officer" of that fact. It appears that when he was about to leave he applied for a certificate of domicile and was informed that the Department, had discontinued the issue of these certificates and so the man had to proceed to India without in any way securing his position legally. In order to prove statutory domicile it was absolutely necessary that he should obtain a domicile certificate, and although he applied by affidavit he did not receive one. So this man is driven away through no fault of his but because the Immigration Officer refused to satisfy himself as to his domicile. As this man carried on the occupation of a hawker and left behind him, when he went to India, no property or interest in any business in South Africa, the absence of a domicile certificate was a vital point. The appellant in this case did not claim a common law domicile in Natal—that is to say, he did not claim that Natal was his place of domicile in the ordinary legal sense—and therefore the question of such a person claiming such right has still to be decided.

#### DUAL DOMICILE

In another column, we publish some interesting correspondence on the subject of dual domicile. We have for some time had our suspicions aroused as to the attitude of the Government in regard to persons who had rights of residence and domicile created by statute both in Natal and the Transvaal. The case of Ramala Singh has evidently brought the matter to a head, and Mr. Polak has very rightly placed the position in emphatic terms before the Government, who have accepted his arguments, and the matter now terminates. It was impossible, of course, for the Indian community to consent to a deprivation of rights created by statute

which a subsequent statute had not in terms taken away, and it never was the intention of Parliament or of the Passive Resisters that these should be taken away. We are glad that the Government have seen the reasonableness of the position set forth by Mr. Polak in the correspondence, and we assume that the Principal Immigration Officers in the different Provinces have received the necessary instructions.

#### GROSS CRUELTY

We publish in another column correspondence with regard to the case of Ahmed, son of Mr. Goolam Mahomed Kadodia. This boy, who is seventeen years old, is required to leave the Union of South Africa to go—God knows where! His father is in a small way of business, and the boy is required to seek his livelihood without capital, without experience, without friends, without relatives, and all this because the provision that enables the son of a deceased wife to enter and reside in a Province of the Union, does not apply to a son of a divorced wife, though for all religious and other purposes she is dead to the husband. The boy is prevented from remaining with his father, he cannot return to his mother, and, for all the Union Government cares, he may starve and die in the gutter. No useful purpose can possibly be served by the Government's harsh action and no vital principle is involved. The Minister has statutory powers enabling him to grant exemptions from the provisions of the Immigration Law in extreme cases. This was surely such an one, and that the Minister has refused to exercise his discretion, dealing with the case on its merits, and without even treating it as a precedent, is a clear indication that he has, in the spirit, violated the very essence of last year's settlement. Administration of this kind is brutal. We suppose that Sir Thomas Watt would be shocked if we described it as "German." The Mahomedan community will naturally feel bitterly incensed at this occurrence, but it is not they alone who resent this scandal. All Indians throughout South Africa will be revolted by what has occurred, and we are very sure that it will not remain a matter of merely local importance. If the Union Government are incapable, in the face of the recommendation of the Appeal Board, of performing an act of ordinary humanity and common justice, an appeal must go to a higher Court. We trust, and are sure, that the facts will be placed before the Indian and Imperial Governments, and that they will be published broadcast throughout the Indian Empire, as an indication of the manner in which South Africa, as represented by its Government, appreciates the services rendered to the Empire, we will not say by the Indians of the Union, (though they are many), but by the Indian troops serving on the various battlefields of the world.)

#### THE WAYS OF INDENTURE

In the report of the Emigration Department at Madras published in our last issue, there is the statement that, in respect of emigrants sent to Fiji, the deficiency of women in Madras shipments was made good by the excess numbers of women shipped from Calcutta. This is a frank statement. It means just this: We are compelled by law to include a certain percentage of women, and, as it is no concern of ours that these women are not and never will be the wives of the men who are being sent along with them, we do not care whether the women are Bengalis or Madrassis, or that they speak different languages. They are simply so many females, counted out in the same way as sheep and goats. So long as "a due proportion of women was maintained" the Emigration Department was perfectly satisfied. But is the Government of India satisfied? We cannot think it possible that it can stand still and allow such an outrage to take place. We could not have a clearer demonstration of the immorality of the indenture system than this callous allotment of Calcutta women to act as "wives" to Madras men.

## Transvaal Immigration Appeal Cases

On the 9th instant, at Pretoria, before the Immigration Appeal Board, the appeal of Fatima v. The Principal Immigration Officer, Transvaal, was heard. Mr. Polak appeared for Defendant.

The facts were that Fatima, daughter of Mr. Amod Moosajee of Johannesburg, a member of the Committee of the British Indian Association, had entered the Transvaal about the month of February, 1906, together with her father and her mother, who was Mr. Amod Moosajee's first wife and is still alive. They remained in the Transvaal until the month of June, 1909, when they proceeded to India, with the intention of returning. Mr. Amod Moosajee, however, deemed it best to leave his daughter in her mother's charge in India for the completion of her education. He subsequently returned to the Transvaal with his second wife. The girl Fatima, on her father's instructions and being under his control, returned to the Transvaal last May and was declared a prohibited immigrant by Mr. Chamney.

The Principal Immigration Officer argued that, as her father had his second wife living with him in the Transvaal to-day, by whom there were children, she was a prohibited immigrant, as she did not come within the exemption of sub-section (g) of section 5 Act 22 of 1913 as amended by section 3 of Act 22 of 1914.

Mr. Polak said that he did not claim exemption under that sub-section at all, but under sub-section (l) on the ground that she had acquired such a domicile as was contemplated by Act 22 of 1913, in that she had been for the requisite period of three years in the Transvaal, that she had been in India since 1909 for the furtherance of her education, and that she was now returning to her father. He urged that the facts that her mother, having remained in India and Mr. Amod Moosajee having brought his second wife to the Transvaal were not relevant, Fatima having acquired a right independent of the right conferred by sub-section (g) as amended. The Board upheld the appeal.

Before the same Board, the minor son of a registered Indian appealed against the declaration that he was a prohibited immigrant. Mr. Chamney appeared to support the prohibition notice, and Mr. Polak appeared for the appellant.

In this case, it was shown that the boy was under the age of sixteen years, and that he was the son of a registered Indian, and his wife in India was still alive. In 1911, a form of marriage had been gone through in Johannesburg by which the father of the appellant purported to marry another woman according to Mahomedan law and custom, but circumstances that supervened within one month of this ceremony showed conclusively that this marriage was according to Mahomedan law null and void.

Mr. Chamney argued that the second marriage was a valid marriage and that, in consequence, the appellant, who was the son of the first wife, could not lawfully enter the Transvaal and was a prohibited immigrant.

In reply, Mr. Polak argued that the boy was entitled to enter under sub-section (g) of section 5 of Act 22 of 1914. In the interpretation of the term "wife" the law as amended stated that it included "any one woman between whom and the exempted person mentioned therein there exists a union recognised as a marriage under the tenets of an Indian religion notwithstanding that by those tenets the union of that exempted person with other women at the same time should also be recognised as a marriage, provided that no woman shall be deemed to be the wife of such exempted person if such a union exists between him and any other woman who resides in any Province." Mr. Polak pointed out that evidence had been led by a Mahomedan priest and prominent members of the Mahomedan community to show that the marriage

ceremony of 1911 was according to Mahomedan law and custom null and void and that it no longer existed, nor was it a union recognised as a marriage under the tenets of an Indian religion and that, in point of fact, the only union recognised, so far as the appellant's father was concerned, was that with his wife in India. The Board, after consideration, accepted the evidence that the appellant was a minor and that no union existed between his father and any other woman in South Africa and that the only existing union recognised by Mahomedan law was between his father and the latter's wife in India, and accordingly the appeal was upheld.

## Illegal Entry

As briefly reported in our issue of the 11th instant, a case came before the Supreme Court in which an Indian named Feeda Hoosen appealed against the decision of the Immigration Board in declaring him to be a prohibited immigrant within the meaning of Act No. 22, of 1913.

Mr. Advocate Janion represented the plaintiff, and Mr. W. S. Bigby appeared for the Crown.

It appeared from the facts, as stated by Mr. Janion, that the immigrant in question had been smuggled ashore in a sack some years ago, and had therefore, by reason of this fact escaped the vigilance of the Immigration Officers. Mr. Janion contended that according to Act 22, of 1913, the plaintiff was not a prohibited immigrant, as he had established his domicile by reason of his residence in the Union, as stipulated in the Act in question.

The Judge-President said that the whole case seemed to rest on whether a man could take advantage of the law of the land through an Act which was never intended to apply to him.

Mr. Janion further argued that the Legislature, in the Act in question, had undoubtedly contemplated that at the time the Act was passed there were several persons in the country who would be placed in jeopardy, and had accordingly inserted the clause which provided for a three year's residence in the country before domicile could be established.

The Judge-President, in delivering judgment, said that there were two questions of law reserved in this case. The first was, could the Province of Natal be regarded as the permanent abode of the plaintiff, and the second was, was the plaintiff a prohibited immigrant. These questions fell to be answered. The first was answered in the negative, and the second in the affirmative. The claim of the applicant to be exempted from the provisions of the Act was based upon his possession of domicile, which, by Section 5, sub-section (f), exempts immigrants from the operation of the Act. Sub-section (f) applied to persons domiciled in any Province, and sub-section 30 afforded a definition of what the word domicile meant; and it was claimed by the applicant that he had his present residence in Natal, which by Section 30, was sufficient to constitute domicile to exempt him from the operation of the Act. It was found, however, that but for his own fraud and deceit in evading the provisions of the Government, he would never have had any residence in Natal at all had he been discovered. In circumstances which, had they been known, would have prohibited his entry into Natal, he was smuggled into Natal, at the age of 15 or 16 years, surreptitiously, and had been undiscovered.

It seemed to his Lordship impossible that a man should be permitted to claim a privilege conferred upon him by statute under certain circumstances, if he had created those circumstances by his own fraud and deceit. This seemed to him (his Lordship) to be the elementary proposition of the whole matter; and without deciding whether such circumstances were sufficient to create domicile under the Act, it was sufficient to say that, not being in a position to claim any benefit from the Statute, except by his own fraud, the applicant

could not be allowed to claim his exemption under the Act in question, and his case fell to be answered.

Mr. Justice Broome concurred.

No order was made as to costs.—*Times of Natal.*

## A Case of Gross Cruelty

Mr. Polak has carried on the following correspondence with the Government regarding an Indian youth and his right to enter and reside in the country:—

and June, 1915.

The Acting Secretary for the Interior, Pretoria.

Sir,—Mr. Goolam Mahomed Kadodia, Registration Certificate No. 4301, became converted to Mahomedanism about the year 1904 or 1905. He was at that time married to a Hindu woman named Bhiki according to the Hindu law and custom. At the time of his conversion he was resident in the Transvaal, and he wrote to his wife Bhiki telling her of the fact and asking her if she was prepared to accept conversion to Mahomedanism. She replied in the negative, and as a result of her refusal, in accordance with the custom and procedure of the Mahomedan law, he divorced her, and notified her duly of the fact. A consequence of Goolam Mahomed Kadodia's conversion was that he became an outcast from Hinduism. On or about the 17th February, 1907, he married a Mahomedan woman, a Cape Malay, named Hajee Kokia, according to Mahomedan law and custom. In 1912 he wrote to his son Keshav by his divorced wife Bhiki, asking him whether he was prepared to accept conversion to Mahomedanism and if so he could join him in South Africa. The boy agreed to this and came to the Transvaal about the 7th July, 1913, shortly after which he became formally converted to Mahomedanism in the name of Ahmed Goolam, as a result of which the boy too became an outcast from Hinduism. On October 1st, 1914, the Registrar of Asiatics asked for evidence of Goolam Mahomed Kadodia's marriage, divorce or abandonment of his wife, which was supplied to him by affidavit. The son, meanwhile, remained in the Transvaal on a Temporary Permit. I understand that the facts have been placed before you, though I am not sure of this, but my client has now received from the Immigration Officer at Rustenburg, a notice warning him to send away his son Ahmed from the Transvaal, within seven days from the 1st inst. To send away the boy would be to render him homeless as my client has no relatives in India or elsewhere who are Mahomedan, and he will not be accepted in his mother's family by reason of his being an outcast from Hinduism. I cannot suppose that it was ever the intention of the legislature to create an impossible situation, and I earnestly venture to hope that you will see your way to intervene to prevent a grievous hardship being imposed upon both father and son. My client is willing to supply any further evidence of his first marriage and his divorce, as well as of his second marriage, that may reasonably be required. I understand that my client gave evidence in this case before the Immigration Commissioner, Mr. Clarence, in Pretoria, who called for the papers, and asked for them to be submitted to you.

May I ask you to be so good as to give this matter your early attention, and meanwhile to suspend the order to leave this Province?

Thanking you in anticipation.

I have, etc.,  
(Sgd.) Hy. S. L. POLAK.

The Acting Under Secretary for the Interior replied on the 5th June as under:—

"In reply to your letter of the 2nd instant, I have to inform you that the Minister has carefully considered the representations made and regrets he is unable to accede to the request for the suspension of the order for the removal of Ahmed Goolam."

The following is an extract from a letter addressed to the Acting Secretary for the Interior on the 10th July, by Mr. Polak:—

"I would add that, in this case, the Immigration Appeal Board, in rejecting the appeal, made a recommendation for special treatment in this case by the Minister on the ground, first, that to remove the boy would mean a grave personal hardship in the special circumstances of the case, and secondly, because of the effect upon the Mahomedan community. I know that that effect has been of a most undesirable character."

The following is an extract from a letter of the 17th July, addressed to Mr. Polak by the Acting Secretary for the Interior:—

"I am obtaining further information in this case from the Principal Immigration Officer, Pretoria, and on receipt thereof you will be further communicated with."

On the 19th instant the Acting Secretary for the Interior wrote:—

"With reference to your recent interview, I have to inform you that the case of Ahmed Goolam has again received the fullest consideration but that it is regretted the previous decision cannot be reversed.

"This boy should now surrender himself to the Principal Immigration Officer, and I shall be glad if you will cause him to be instructed to do so in order that there may be no further delay in having him removed from the Union."

On the 20th instant, Mr. Polak replied as under and we understand that the matter is now in the hands of the British Indian Association who will, no doubt, take further action:—

"I have your letter No. 10/A.61. of the 19th inst., with reference to the case of Ahmed Goolam, for which I beg to thank you. I regret extremely to learn that the previous decision cannot be reversed, and I am advising that the boy should at once leave the Union. I understand that this will be done at his own expense, and without the necessity of removal.

"In view, however, of the importance of this matter, I am placing this correspondence before the British Indian Association for action. I am afraid that the matter will not be allowed to remain where it now is."

## Cheap and Nasty

[BY OUR SPECIAL CORRESPONDENT]

Pretoria, August 20.

The following advertisement appears in the *Rand Daily Mail* of this morning:—

### INTERPRETERS

IN INDIAN LANGUAGES.

Applications are invited for the post of Interpreter in Indian languages on the Staff of the Magistrate, Pretoria, on scale £120 by £9 per annum to £165 plus local allowance running from £36 to £38 per annum. The appointment will in the first instance be probationary for three months.

Applicants must be Europeans and of good character.

A thorough knowledge of Tamil is essential, with some knowledge also of Telegu, Hindustani and Gujarati.

Applicants stating age and qualifications, and accompanied by copies of testimonials, should be submitted as early as possible to the Secretary for Justice, Union Buildings, Pretoria.

How the Government expect to get a European of good character, proficient in four different and difficult languages at a salary of £120 per annum is inconceivable. But it is over this.

The Law Department would do well to consider the manifold duties attached to a post of this kind, the innumerable difficulties with which such an Interpreter must contend, and the patience and experience required of him, before endeavouring to obtain his duties at the same price for which a junior clerk could be got.

The bulk of the irregularities complained of by the Government, both in the Immigration Department, and in the Courts of Justice, is due principally to misunderstanding caused by faulty interpretation.

An applicant for this post requires to be a man of excellent character and with years of experience and accordingly entitled to a very substantial salary, nor does any reason appear why Europeans only need apply. Surely there are men amongst the Indian community of good character who could fill this post honourably, whereas it is almost impossible to imagine a European who is proficient in all the languages enumerated and prepared to work for a mere pittance.

[NOTE: We may supplement our correspondent's remarks by stating that, whereas Tamil appears to be the great desideratum of the Government, the fact is that, in the Magistrate's Court, at Pretoria, Gujarati and Hindustani are in most demand. We consider the salary offered an insult not only to qualified Europeans, if such are to be found, but also to qualified Indians. The Government are actually inviting corruption.—Ed. I.O.]

## News in Brief

At the Durban Parliamentary Revision Court last week, an Indian, who has owned property in Point Road, for 25 years and been in the Colony for about 40 years, applied for registration, but as he had not been on the roll prior to the passing of Act 8 of 1896 it was held, of course, that he was debarred.

At the Dundee Town Council recently Mr. Head suggested that the time had now come to have natives barred from attending the bioscopes. Apart from the inadvisability of it being permitted any longer for other reasons, he considered that the natives saw things in the pictures at times that did not do them any good. Messrs. Turnbull, Galbraith, and Oldacre supported, it being felt that the restriction should apply also to Asiatics. The Mayor promised to interview the bioscope proprietor on the matter.

The Grahamstown Hindu Moral Union have decided to start a library for the purpose of providing the necessary books to enable the members' children to become proficient in both the English and Tamil languages.

A Reuter's telegram from Kingston, Jamaica, states that the Government has suspended the importation of Indian indentured labour. Planters are curtailing operations owing to the war and there is no demand for coolies.

The St. Aidan's Mission, under the able superintendence of the Rev. A. A. Bailey, has revived the Medical Work inaugurated some years ago by Dr. Booth. Nurse Cole, who has just completed her full training, has placed her services at the disposal of the Mission. Those who need her services can see Nurse Cole on Mondays, Tuesdays and Thursdays in Durban, from 9 to 11 a.m., and on Wednesdays and Fridays at Sydenham, from 9 to 11 a.m. Further particulars may be obtained from the Superintendent or Nurse Cole, whose postal address is St. Aidan's Private Bag, Durban.

Mr. R. C. Samuelson has given notice to move the following resolution at the annual meeting of the Incorporated Law Society of Natal, on the 27th inst.:

"That in the opinion of this Council, it is desirable, necessary and highly important that, in the administration of Justice, in the whole Union of South Africa, there shall be a uniform and like administration of Justice in all Courts of Law that deal with the interests of the white race, the black race and all coloured races, and that there shall not be, in future, any differentiation in favour or against the one race or the other."

Reuter's Simla correspondent reports that throughout India intercession services were held at the Churches, Mosques, and Temples on the occasion of the anniversary of the declaration of war, all sections of the British and Indian communities participating. Numerous patriotic meetings, many of them organised by Indians, were also held. It is estimated that a million sterling has been subscribed to the British New War Loan through Bombay and Calcutta.—Reuter.

Three presentations were made recently to the Indian interpreter at the Umzinto Court, Mr. Robert Somasundram. The first took place in the local Hindu Temple, where Mr. Paul took the chair. Mr. M. Suleman then made Mr. Somasundram a present of a purse of gold, and a gold medal, from the Indians of Alexandra County, and wished him good luck for the future. In the local Court-house Mr. Wheelwright, R.M., on behalf of the Bench, Bar, and Court-house officials of Alexandra County Division, presented the departing Indian interpreter with an address, illuminated in gold. The Resident Magistrate, in the course of his speech, said that Mr. Somasundram had held the position of Indian interpreter in Umzinto Court for a period of 19 years—a record of which any man could be proud. On behalf of the Bar, Mr. Leonard Jeffery endorsed all Mr. Wheelwright's remarks. Mr. Wm. Thomson, J.P., on behalf of the European inhabitants of Alexandra County, then made a presentation of a purse of gold, accompanied by a eulogy of Mr. Somasundram's services. Mr. Somasundram thanked all for their good wishes and gifts, and trusted that he had deserved them.

## Appreciation of the East

Numerous attempts, often involving considerable labour, and always pursued with a real sincerity, are (says the *Christian Commonwealth*,) being made still by the West to understand the East, particularly from the psychological, artistic, literary, religious point of view; from the political point of view also. The old-fashioned notion of a heathen, decadent, moribund East has long ago been dismissed; it is even dismissed now by the Churches. Our greatly increased knowledge of Eastern literature, philosophy, art, religion, has brought with it a long-delayed, but now fully expressed, appreciation of the greatnesses and profundities of the Eastern mind and soul. Generations ago we went forth, as a superior people, to govern India on the one hand and to convert her to our religion on the other. Nowadays even our English Government is making room and offering scope for the intelligence and ability of the Hindu in local government; and even our Churches are beginning to be willing to listen to the voice of her religious consciousness, and some of us are only too glad now and again to sit at her feet and learn of her. In spite of Mr. Kipling, there is a general and a deepening feeling that East may meet with West, at any rate so far as to interchange vital impulses, although we may agree with Mr. Lewis Dickinson's conclusion that "the West may receive a stimulus from the East, it can hardly take an example."