

# Indian Opinion

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## INDIANS' SERVICES ACCEPTED

OUR Johannesburg correspondent reported on Friday last that the following had been officially communicated to the press from Defence Headquarters:—

The Army Council has accepted gladly the offer of the Union Government to raise an infantry battalion of Cape Coloured men and two bearer companies of Indians resident in South Africa.

Further particulars will be published as to the composition and strength of these units, and as to the terms of service.

In the meantime enquiries and correspondence on the subject of the infantry battalion should be addressed to the Director of War Recruiting, Pretoria, and on the subject of the Indian bearer companies to the Principal Immigration Officer, Pretoria.

Saturday.

Upon enquiry of the Principal Immigration Officer, Pretoria, I am informed that full particulars as to conditions of service and pay are at present not ascertained, but communications are being made with the Imperial Government by cable and a reply is expected within the course of the next few days. I understand, however, that the terms of pay and of allowance to wives and families will be on the Imperial Service scale, and that there will be no racial difference made. The limit of ages will be from 18 to 36 or possibly 40, subject, of course, to medical examination. The numbers required will be about 250.

Persons desiring to volunteer for service should apply through the Natal Indian Association, Durban, the British Indian Association, Johannesburg, the Awakened India Society, Cape Town, or direct to the Principal Immigration Officer at Pretoria, but there should not be duplication of applications. It is requested that the names of volunteers should be communicated to us.

### No Question of Bargaining

The *Sunday Times* contains the following:—

The topic of the day is the Army Council's acceptance of an infantry battalion of Cape Coloured men and two companies of Indian stretcher-bearers. In South Africa we have come to regard Indians on the battlefield as almost essential. During the Anglo Boer war they were invaluable, and their little two-wheeled Red Cross carts were quite a picturesque feature of almost every column of British troops. And that there are few finer fighters than the Indians has been demonstrated in Flanders and in many another arena.

The Army Council's decision has very naturally given the liveliest gratification to the leaders of the Indian and Cape Coloured communities in South Africa, by whom it cannot otherwise be regarded than as a lever

whereby to advocate in the future the granting of certain claims that have been insisted upon in the past, but have not been recognised. Mr. H. S. L. Polak, the Johannesburg solicitor, whose part in the effort to obtain these rights is well known, yesterday did not agree with a *Sunday Times* representative upon this aspect of the matter.

The Indians, he said, would serve the Empire in whatever capacity was asked of them, as a matter of duty. There would not be any question of bargaining, he emphasised. Mr. Polak has had many enquiries from Indians in all parts of the Union who desire to help the cause of the Allies in a very active manner, and he is now communicating with Pretoria to discover the terms of any pay and other conditions upon which the Indian stretcher-bearers will be enrolled.

"From the general point of view," he said, "I think the Army Council's decision will be welcomed most cordially. Indians have for some time past been approaching the Government with a view to something of this kind being done."

### Licensing Cases

Before the Durban Town Council on the 7th instant, three Indians appealed against the decision of the Licensing Officer, who had refused them retail licences on the ground that he did not consider it advisable to increase the number of retail licences in the town.

They were C. P. Naik, who sought a licence to sell general goods at 201, Grey Street, now he manufactures boxes at 110, Victoria Street, on a licence granted three months ago; Ahmed Sahib, who has a butcher's shop in Grey Street, and asked a retail licence for next door, 209, Grey Street; and Rooknoodeen, an educated Indian, who formerly held a joint licence with his brother, and for the last eight years has traded as a broker, and sought a wholesale licence for premises at 139, Grey Street.

Mr. Burne, K.C., appeared for Naik, and argued that licences should not be refused on the ground of class distinction.

After considering the matter in private, the Council, on the motion of Dr. Francois, seconded by Mr. T. Burman, reversed the Licensing Officers' decision, and granted the licence.

The case of Sahib, who, although he has been in the Colony for about 36 years, cannot speak English, was remitted to the next meeting in order that he may get someone to present his case. The Licensing Officer withdrew his opposition in view of the Council's decision in the first case, but the Mayor pointed out that the Council could not grant licences without a statement of a man's case.

In the third case Mr. Molyneux also withdrew, and the application was granted. Rooknoodeen appeared in person.—*Natal Mercury*.

## The Admission of Minors

The following Immigration Appeal was heard before Messrs. H. Ross-Innes (Chairman), Isaac N. van Alphen, and J. G. C. Wagner, members of the Immigration Appeal Board (Transvaal) at Pretoria on the 30th ulto. The appellant was Madhav Ram. Mr. Polak was for the Appellant and Mr. Chamney for the Immigration Department.

Mr. Polak, addressing the Board, stated that he was inclined to accept a postponement for the purpose of obtaining further proof from India in regard to the appellant now before the Board. There were, however, certain matters of procedure which he desired to discuss with the Board with a view to discovering whether an error had not been made, and if such error had been made whether it could not be rectified. He submitted that, in an ordinary Court of Law, oral evidence was tendered, and it is were reasonably credible and not shaken by a reasonable cross-examination, the responsibility was upon the opposite party to bring rebutting evidence, failing which the case would go in favour of the appellant. He submitted that the appellant was doing everything necessary from a purely legal point of view.

The Chairman said that, when it was intended to bring these boys into the country, the proper course would be to go to the Immigration Department and try and satisfy the Principal Immigration Officer.

Mr. Polak stated that he had a case before him of an Indian named Govind Mawjee, where the Magistrate of Surat had been addressed and asked to sign a certificate on the strength of an affidavit. After considerable delay, a reply was received to the effect that he must apply to the registration officer in the Transvaal and obtain a proper certificate from him and forward it to Surat. The difficulty was that the Board insisted upon a certificate from a Magistrate in India. But, in a case where Mr. Chamney has no record of the appellant in his Office, it was impossible for the man to obtain a certificate from India because Mr. Chamney refused to sign the form here, and without such signature the Magistrate in India refused to give his counter signature.

The Chairman said that he always found great difficulty in accepting oral testimony. It was therefore very necessary in the interests of the appellant that positive proof from India should be procured.

Mr. Polak said that there were three procedures not only by Mr. Chamney but by the Board. He would remind the Board that, on the 9th of August, the case of Ismail Suliman Mamoojee came before it. The appellant had no certificate of any kind from a Magistrate in India but produced a medical certificate of age. Evidence was led and accepted by the Board, and the appeal was upheld. In the case of a boy coming from India three months earlier it was impossible to say what the Board required. The difficulty arose in regard to Mr. Chamney not certifying form D.I.91. Unless he did certify the form, the Magistrate would not sign page 4 thereof. He did not say that it was not desirable to have the D.I.91 form, but he did think that it should be made possible for the man to obtain a certificate even if it were not on the D.I.91 form. Mr. Chamney, for example, could not possibly issue form D.I.91 in the case of any appellant.

The Chairman said he appreciated the difficulty pointed out by Mr. Polak but remarked that, if the form D.I.91 were completed, there would be no necessity for the appellant to come before the Board.

Mr. Polak agreed that that was so but asked the Board to put the question to Mr. Chamney whether anything had ever been published either in the *Government Gazette* or the newspapers or any Indian Association in South Africa had been communicated with notifying the Indian Community that these forms were essential.

Mr. Chamney replied that, so far as he knew, the requirements had not been published. He believed that the Magistrates in India had been circumscribed. If the

D.I.91 form was properly completed he was bound to accept it. It was a promise. He would like to add one word more. The form was meant as a protection to the Union of South Africa against the surreptitious entry of Asiatic minors, and also as a protection of the rights of minors who desired, and who were entitled, to come in.

The Chairman pointed out that the Board could first hear the evidence and then if it were not satisfied could still require further proof. In the cases where adjournments had been granted, it was entirely in the interests of the appellants. No hardship was inflicted upon them as they were allowed to remain here on temporary permits.

Mr. Polak agreed that this was so. He was under the impression that the Board declined to receive any evidence but D.I.91 and was glad to know that it was not going to lay down any hard and fast rule on this subject especially having regard to the difficulties that he had pointed out. He would be quite satisfied if the Board would accept a certificate from a Magistrate in India other than that upon the prescribed form provided it gives the necessary particulars. It would, however, be necessary for the Board to set it down in writing otherwise the Magistrate in India might refuse to issue.

Mr. Chamney said that he was very much afraid that the appellants in whose cases adjournments had been given would require to go to India in order to obtain the required proof. The sending of a photograph had been suggested but he was afraid that it would not answer.

The Chairman announced that the appeal would be adjourned for six months to enable official evidence in support of the appellant's claims to be procured from India.

## Transvaal Gold Law

In the Transvaal Provincial Division of the Supreme Court, on the 6th inst., before Justices Curlewis and Gregorowski the appeal of *C. Sam v. Rex*, was heard. The appellant, a Chinese, was convicted of a contravention of section 137 (1) of Act 35 of 1908 in that he, being a coloured person, wrongfully and unlawfully resided on proclaimed ground, not in a bazaar, location, mining compound, or other place permitted by the Mining Commissioner. For appellant it was contended that he came within the proviso of the last sub-section in that he was in occupation of the premises in question at the time the Act came into force, and the decision of the Magistrate was inconsistent with the decision in the case of *Rex v. Tamplin*; that if the owner of the stand had the right to permit a coloured person to live thereon, such person had the right to reside there and to hire it.

The Court held there was nothing in the judgment of the case mentioned which would lead one to conclude that the Court wished to distinguish between the right which an owner of a stand had of letting for trading purposes as distinct from the right to let for residential purposes. The rights existing at the coming into operation of the Act remained in force as regards letting the property, and the coloured occupant was not subject to penalties in such cases. The appeal was upheld, and the conviction quashed.

## An Incident Recalled

Mr. J. A. Naser, M.L.A., speaking at the dinner given to Mr. Dindar of Klerksdorp, said he esteemed it a privilege to say a few words upon that occasion. The address just read stated that Mr. Dindar had come to Klerksdorp in 1887. He (the speaker) had taken up his residence here a year later and was present at the sale of stands in March, 1888. At that sale Mahomed Ismail & Co. purchased the stands now occupied by the firm and in which they have carried on an honourable and lucrative business. There was a provision in the law that Indians could not acquire

stands upon goldfields, but they were permitted to purchase. Before building they applied for a licence to trade, and this was also granted, whereupon they built premises and opened business. Shortly after a member of the firm came to him and said that the Government had ordered the business to be closed. He advised them to ignore the notice, which they did, and a policeman then visited them to enforce the order. He advised them not to resist the law, but to close, and when the police withdrew to re-open. Thus they did, and were then brought before the Landdrost, who upheld his (Mr. Naser's) contention that they had acquired the rights legally and those rights must be respected. He was strongly opposed to interfering with vested rights and held that those who had been permitted to reside here and open businesses must not be disturbed.

## From the Editor's Chair

### A SOUTH AFRICAN VOLUNTEER INDIAN BEARER CORPS

As will be seen from another column in this issue, the Imperial Government have invited the services of two companies of Indian bearers. The numbers called for approximate 250, within certain limits of age, and, as will be seen, the terms of service are to be on the Imperial scale, as also the maintenance rates for families. Exactly what these are will be announced in due course, and those desirous of availing themselves of this invitation may do so in any of the ways set forth in another column. These Bearer Companies will be recruited for service overseas, but where they will be sent is a matter of which we have no knowledge. It is unlikely that the men will be sent to Flanders; they will either go to the Dardanelles or to East Africa, or to some other fighting front where their humanitarian services will be made use of. South African Indians have always expressed themselves as being anxious to do what they could to serve the Empire in whatever capacity they might be called upon to act. We know that many will be disappointed that they are not to be recruited for the fighting line, but, when it is a question of service, there must be no question as to how that service is to be rendered and the Imperial Government are the best judges of the kind of service that they most require. We are certain that South African Indians will not feel that they can have a better example than that set to them by Mr. Gandhi and the Indian community resident in England at the time of the outbreak of war. South African Indians feel that they have a duty to perform to the Empire, and now that they are called upon to perform this duty in a special way, we are sure they will offer their services at the earliest possible moment and maintain themselves in a condition of health and discipline for the work that has to be done. They will be under war conditions, and upon their conduct and ability will depend very much the attitude of others towards the Indians of South Africa. Whether the volunteers are of Indian birth or South African, we are sure they will do their best to maintain the prestige of the Motherland and the honour of the Union of South Africa, which is now their home. To those who would say that Indians seek some future benefit from such service we assert that there cannot be any question of bargaining in this matter. We are confident that the entire Indian community of South Africa will do its utmost to support their efforts in every possible way and will co-operate with the authorities to ensure the success of this movement, which is no longer a matter of experiment but merely one of emulation of a past great example.

## Germiston Bazaar Regulations

At the meeting of the Germiston Town Council on the 2nd instant, the Health Committee reported that an objection to the Bazaar By-laws had been received from the British Indian Association (copy of which appeared in our last issue).

As stated in a previous report, the Committee reported that this further amendment was suggested by the Registrar of Asiatics.

It was resolved: (a) That the further amendment to the draft Asiatic Bazaar By-laws, as detailed in the printed Minutes of the Council dated 12th August, circulated to members and laid on the table, be adopted; (b) that the communication above quoted received from the British Indian Association be forwarded to the Provincial Secretary with the draft By-laws.

## A Farewell Gathering

We have received a copy of *The Record* giving a report of a dinner given in the Tivoli Hotel, Klerksdorp, in honour of Mr. Haji Ebrahim Haji Ahmed Dindar, who is leaving for India on retiring from the business of Mahomed Ismail & Co., merchants of that town. Over 100 guests assembled, including Mr. J. A. Naser, M.L.A.; Mr. W. Campbell, Mayor; Mr. S. W. Soyman, Magistrate; Dr. H. Scott Russell, Messrs. R. M. Williams, J. H. van Ryneveld, F. C. Donald (Town Clerk), and most of the influential men of the town accepted the invitation and were present.

An address was presented to Mr. Dindar expressing the esteem, respect and affection of the Indian community.

Mr. Dindar made a donation of £10 10s. to the funds of the Klerksdorp Amateur Athletic Association and placed £15 25s. in the hands of Mr. H. Bramley to be spent for the benefit of the nurses of the Klerksdorp Hospital for their splendid services to the sick or in any other way he thought desirable in the interests of the Hospital.

## The Labour Party and Colour Questions

Capetown, Sept. 7 (Reuter).—A meeting of delegates from the Cape Peninsula branches of the South African Labour Party was held to-night, to define the attitude of local adherents on the colour question. Resolutions were passed pledging members to fight for extension to the other Provinces of the franchise for all civilised men, irrespective of race, creed or colour, also protesting against the interpretation placed by the Press on Senator Ware's motion at the Johannesburg Conference.

A speaker urged that the time had come for the Cape and Natal to say definitely whether they were going to stand by their objective, or were going to have their future marred by the north. The logical course was to sever connection with the north, and declare that as a party they were prepared to fight for the Socialist objective in season and out of season, until the Transvaal members were convinced that the Cape point of view was rational.

The Chairman said it should be left to the Transvaal to say whether the resolution was in order, and then the question would arise whether they were to be dictated to by the Transvaal or separated from that Province.

## The Ten Commandments in South Africa

Our protest against the Government's refusal to permit the aged mother of Mr. F. A. Cajee to return to South Africa with him and share his home in Durban, has been widely quoted in the Indian Press. Perhaps the most scathing comment upon this cruel decision is the following from the *Indian Social Reformer* :—

"It would appear that those who administer the law relating to Indian immigrants into South Africa, do not recognise the second of the ten Commandments, which enjoins that one shall honour his father and his mother. An old lady has been refused permission to spend the evening of her life with her only son who is settled in that Colony and on whom she depends for her maintenance. What is to become of her left alone, in her old age, in India, is apparently no concern of the South African authorities. This divorce of considerations of morality and humanity from laws relating to coloured races, is a disgrace to nations which profess to be Christian and civilised, and, in the immanent Justice of things, it will be their ruin, if they do not repent and return betimes to the path of rectitude."

## News in Brief

Dr. Abdurahman, M.P.C., has been returned unopposed to the City Council, Cape Town, on which body he previously served so well for nine consecutive years.

Eleven years ago, when the doctor fought his first election, he created quite a furore (says *A.P.O.*), being the first Coloured man to aspire to municipal honours. One of the Councillors declared that rather than sit by the side of a Black man he would take his hat and leave the Council. When the poll was declared that night the doctor was returned second on the list, but, needless to say, none of the sitting members resigned. But the fates were rather unkind to the gentleman who threatened to hand in his resignation. His turn to appeal to the ratepayers came the next year, and he found himself at the bottom of the poll.

As a means of granting relief to those out of employment, a Committee of the Durban Town Council says it is now necessary to commence a further area of reclamation on the Beach, but as the area to be further reclaimed is restricted, and the work will largely consist of levelling and top-dressing, it is proposed, as a trial, 25 coloured men be offered 3s. 6d. per diem on street repairs and maintenance, which is lighter work than that of reclamation, and which latter is largely done by task. These coloured men will take the place of natives and Indians, and 1s. per diem per man will be charged to the grant-in-aid vote, being the difference between the pay at 3s. 6d. per day, and the daily pay of natives.

Mr. Samuelson concluded a letter to the *Natal Mercury* as follows :—

I close by expressing my heartfelt congratulations to the Indian community who have been honoured by being allowed to supply an ambulance corps for Europe, and have been the first to break through that evil and mischievous colour bar in South Africa, and I earnestly hope that the spirit of common sense and wisdom that has prompted the granting of this honour to the Indians may shortly prompt—yea, impel—the Government of the Union to honour our natives and other of our coloured races in the same way.

Crowds of Coloured men thronged around the City Hall, Capetown, this week, anxious to enlist, but the arrangements were not completed and they had to go away disappointed.

## અક્વાટીક પંચાંગ

વાર	ખ્રીસ્તી	હિંદુ	મુસલમાન	પારસી	સુર્યોદય	સુર્યાસ્ત
	૧૯૧૫	૧૯૭૧	૧૩૩૩	૧૨૮૪	ક. મી.	દ. મી.
	સપ્ટે	ભાદરવા	શુભકાદ			
પુક	૧૭	સુદ ૬	૭	૧૧	૫-૫૭	૫-૫૦
શની	૧૮	" ૧૦	૮	૧૨	૫-૫૫	૫-૫૧
રવી	૧૯	" ૧૧	૯	૧૩	૫-૫૪	૫-૫૧
મોમ	૨૦	" ૧૨	૧૦	૧૪	૫-૫૩	૫-૫૨
મંગળ	૨૧	" ૧૩	૧૧	૧૫	૫-૫૧	૫-૫૩
બુધ	૨૨	" ૧૪	૧૨	૧૬	૫-૫૦	૫-૫૩
ગુરુ	૨૩	" ૧૫	૧૩	૧૭	૫-૪૮	૫-૫૩

## Indian Opinion

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### આફ્રિકાને વિનંતિ

હવેથી ૫. ઓપીનીઅનનું લવાજમ ૬. આફ્રિકાના યુનીઅનને માટે એક વરસના પોસ્ટેજ સાથે ૦-૫-૬ રાખ્યું છે. યુનીઅન બહારનું લવાજમ પોસ્ટેજ સાથે ૦-૬-૬ છે. જેમનું લવાજમ અમારી પાસે જમા છે તેમને આ નવા લવાજમના દર પ્રમાણે સુદતમાં વધારો કરી આપવામાં આવશે. આ જાહેર ખર્ચથી અમારા આફ્રિકા કે જેનું લવાજમ અમારી પાસે જમા હશે તેમણે સમજી લેવું કે અમે તેમને સુદતમાં વધારો કરી આપ્યો છે.

છુટક નકલ એક પેની, પોસ્ટેજ અરધી પેની.

### હિંદુસ્તાનની સ્ટીમરો અને ટપાલ

સ્ટી. અમકુશી - તા. ૨૦ ઓગસ્ટના રોજ કલકત્તાથી આ તરફ આવવા ઉપડી છે. કાલ આવી ગઇ છે.

સ્ટી. પાંડુઆ - તા. ૨૦ સપ્ટેમ્બરના અરસામાં જંગબાર રસ્તે મુંબઇ જવા ઉપડશે. તા ૧૬ મીએ આવવા વધી હતી.

સ્ટી. સુરત - તા. ૬ અક્ટોબરના અરસામાં આવવા વધી છે.

સ્ટીમર કેકોન માફ - તા. ૩૦ સપ્ટેમ્બરના અરસામાં આવવા વધી છે.

સ્ટીમર અમપુલી - તા. ૧૭ સપ્ટેમ્બરના અરસામાં કોલમ્બો થઇ કલકત્તે જવા ઉપડશે.

સ્ટીમર દીલવારા - તા ૨ અક્ટોબરના અરસામાં જંગબાર રસ્તે મુંબઇ જવા ઉપડશે.

સ્ટીમર ગુજરાત આજ કાલ આવવાની વધી છે.