

Indian Opinion

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DEATH OF SIR P. M. MEHTA

THE following Reuter telegram appeared in the South African press on Monday morning:—

London, Nov. 7.—The death has occurred of a prominent Indian, Sir Pherozebah Mehta, a member of the Viceroy's Council.

[NOTE: The late Sir P. M. Mehta was, at the time of his death, not a member of the Viceroy's Council, but of the Bombay Provincial Council.—Ed. I.O.]

A hastily-summoned meeting of the Natal Indian Association was held in order to express their sense of loss. Mr. Dawad Mahomed presided and there was a good company present. It was decided to send messages to His Excellency the Viceroy and Lady Mehta. A collection was made to defray the cost of the cablegrams.

At a special Divali meeting of the Surat Hindu Association the chairman, Mr. C. Desai, made sympathetic references to the death of Sir Pherozebah as did also Messrs. M. B. Naik, A. H. West, and others. A collection was made to assist the Natal Indian Association in sending the two cablegrams and it was also decided to send a cabled message to Lady Mehta from the Surat Hindu Association.

The Natal Indian Association sent the following cablegrams:—

"To Viceroy, Delhi.—Indian Community express sorrow India's great loss by death Sir Pherozebah Mehta. Trust other leaders forthcoming replace distinguished statesman."

"To Lady Pherozebah Mehta, Bombay.—Indian Community mourns with you in sad loss to family and whole India. Sir Pherozebah's life noble example to future leaders."

The Surat Hindu Association cabled to Lady Mehta as follows:—"Deep sympathy with your lamentable bereavement."

The Anjuman Islam cabled to Lady Mehta: "Anjuman Islam Durban sincerely sympathises in great loss.—Randeree, Chairman."

The Natal Zoroastrian Anjuman cabled as follows to Lady Mehta:—"Natal Zoroastrian Anjuman offer heartfelt sympathy. Join whole India mourning loss of her distinguished and noble son.—Rustomjee."

The Transvaal British Indian Association, the Transvaal Indian Mahomedan Congress, the Tamil Benefit Society and the Transvaal Hindu Association, have cabled to Lady Mehta messages of sympathy.

Capetown, Nov. 8 (Reuter).—At a meeting of local Indians a resolution was passed deeply deploring the

death of Sir Pherozebah Mehta and the great loss thereby occasioned to India. It was also agreed that a cable of condolence be sent to the bereaved family.

Obituary

We learn with regret of the death in Johannesburg of Mr. D. M. Seedat of Ingogo. He had been suffering for some years with diabetes but his death was unexpected. The late Mr. Seedat was greatly respected by all. He was broadminded and generous. When the historic march to the Transvaal took place during the strike, Mr. Seedat placed his stock of goods at the disposal of Mr. Gandhi and he provided refreshments to the strikers. Mr. Dawad Mahomed, Mr. Parsee Rustomjee, Mr. Covadia and others left for Newcastle by the mail train on Monday evening to attend the funeral.

The Natal Indian Association passed a resolution and sent a telegram of condolence. We offer our heartfelt sympathy to the family.

We also have to record the death of Mrs. A. B. Paul of Umizinto. Mr. Paul, who has been active in the collection of funds for the War Relief Fund, is a respected member of the Indian community of Alexandra County. A large family of young children mourn their loss in which the community join.

Death has claimed one more of the very few early Indian Colonists in the death of Mrs. Mary Peters who passed away at the residence of her son-in-law Mr. Dan. Samuel, at Lorne Street, Durban, after a short illness. The deceased was an old Indian pioneer having come to Natal by the sailing vessel *Lord George Bentwick*, which reached this Port on her last fateful voyage on the 24th December, 1860. Mrs. Peters was then about 18 years of age and during the last 55 years she has witnessed Durban and its environs undergo many changes. Her husband predeceased her some 37 years ago; since when she has lived with her youngest son Mr. Anthony H. Peters, now of the City Court, Maritzburg. In life she was unostentatious, kind to those in need and charitable in her actions. As a Christian she was a regular member of the Roman Catholic Church. She leaves behind her to mourn her death two sons, two daughters, 21 grandchildren and 9 great grandchildren. The cortege was followed by a large procession of Indians to the Emanuel Cathedral and thence to the Roman Catholic Cemetery where a large number of well-known Indians and Europeans attended.

On the death of Mrs. Hornasji Cowasjee Adenwala, of Bombay, Mr. Rustomjee, on behalf of the Parsee community of Natal, sent the following cablegram: "Natal Zoroastrians learn with sorrow your sad bereavement. Offer sincere sympathy."

Licences Refused

At an ordinary meeting of the Durban Town Council held on the 2nd instant, the first business before the Council was the consideration of appeals against the decision of the Licensing Officer refusing licences to three Indians to trade in Durban.

In respect of the appeal of J. S. Rajpaul in connection with a retail licence for 761, Umgeni Road, Mr. Driver appeared for the appellant. The Licensing Officer's decision was upheld, and the appeal dismissed. The Council retired for three minutes.

V. N. Naik appealed against the decision of the Licensing Officer for 155, Victoria Street. Mr. Cowley appeared for appellant. The decision of the Licensing Officer was upheld.

The refusal of the Licensing Officer to grant a manufacturer's licence for L. Ellappa at 133, Queen Street, was the subject of an appeal. Mr. Leisegang appeared for the appellant. The appeal was rejected.—*Natal Mercury*.

Finger-Prints

Before the Natal Provincial Division of the Supreme Court at Maritzburg on the 28th ulto., the case of N. B. Naik vs. the Maritzburg Corporation was heard.

The applicant asked for an Order directing the Licensing Officer for the City and Borough of Maritzburg to forthwith issue to him a retail dealer's licence, in terms of the decision of the Town Council given on the 14th day of September, 1915.

Applicant filed an affidavit to the effect that he had been in the Colony since 1904, and had passed the educational test. He had been employed as a book-keeper to merchants in Maritzburg, and was well-known to the Licensing Board.

In February of this year he made application to the Licensing Officer for a licence, and it was only in August, 1915, the licence was refused. Applicant appealed to the Town Council, who, on the 14th September, reversed the decision of the Licensing Officer, and directed that the Licence be issued.

The Licensing Officer thereupon called upon applicant to give his finger-prints or furnish his photograph for identification purposes, in accordance with Rule 17 of Government Notice 648 of 1909, framed under Act 18 of 1897.

This applicant refused to do, and through his Solicitors tendered the licence fees, and, on the continued refusal of the Licensing Officer to issue the licence, the present application is brought for the order asked for.

Mr. H. H. Janion (with Mr. Hime) appeared for the applicant.

Mr. A. O. Kufal, who appeared, informed the Court that he did not appear for the Licensing Officer, but at the request of His Worship the Mayor. He did not appear in the spirit of opposition, pointing out that the regulation which was questioned is one that had been framed by the Governor in Council, and was not of the nature of a Municipal regulation.

The Judge President: The question is an important one.

Mr. Kufal: I agree that it is so and if the Court wishes, and if time were granted, I am prepared to argue in support of the rule.

The matter was adjourned until next day to enable Mr. Kufal to prepare his argument.

The above matter was resumed the following day, the Court having given Mr. Kufal time to prepare his argument on the point raised by the applicant.

Mr. Janion, with Mr. Hime, appearing for applicant; and Mr. Kufal, at the request of the Mayor.

Mr. Kufal at the outset, before Mr. Janion opened, asked their Lordships to consider whether it was not necessary that the Crown should be brought before the Court through the Attorney-General.

Under the Dealers' Act it is laid down that the Governor-in-Council had power to make regulations.

The Licensing Officer was only carrying out the regulations by insisting upon the production by the applicant of his finger-prints.

Mr. Kufal: Section 11 of the Dealer's Act gives very wide powers, and the two points to consider at the outset were:—

1. Are Your Lordships entitled to go into this matter without the Governor-in-Council being represented? and (2) if so, the question arises whether the Court has jurisdiction to deal with an administrative act of the Governor-in-Council, such as I contend this is.

Mr. Janion pointed out to the Court that this question of the validity of these regulations had already been considered and adjudicated upon by the Court. Vide *Jeewa vs. The Alexandra Licensing Board, N.L.R.*

Mr. Justice Broome: Yes, and also in the case of *Carim vs. The Licensing Officer, Maritzburg*.

Judge President: But the point now raised by Mr. Kufal has not yet been argued, and I think this is a case in which notice should be given to the Attorney-General.

Mr. Justice Broome: Perhaps the Attorney-General may depute Mr. Kufal to argue the point.

Judge President: I understand it is conceded by counsel that the licence may temporarily issue, and in the event of the application being lost, the applicant will then comply with the regulations.

The matter stands adjourned to the first day of December term.—*Natal Witness*

Indian Bearer Company

The following are the names which were enrolled at the beginning of this week:—

Chengalryan, Anthony Bastion Chengany, Vellapan, K. D. Moonsany, Chengadu, Khrishnan, Iyasamy Moodley, B. Peter, Manikum, Peter E. Moonsamy, Billy Gilbert, H. Roberts, Chellan, Maduray Muthu, John Ragavan, Iyasamy Gounden, J. C. Moorgase, Essop, Sucharan, P. Moonsamy, Raman, P. Sundram, P. Mubian, Govinda Moodly, Goorbakkus, P. Mubian, S. Arunda Govindan, Baldeo, R. Rampersath, Muthu, Bharu, Moonsamy Naiken, Saodian, Colandy Gounden, A. Christopher, Chris. L. John, D. C. Andrews, Samuel Narayan, S. T. Ramsay, A. Chellian, B. Bughwan, F. Raymond, N. Raman.

The Rations

We have received from the Commanding Officer the following scale of rations to the Bearer Company. Some slight changes are, however, being made:—

$\frac{1}{2}$ oz. tea or $\frac{1}{2}$ oz. coffee, Rice or Flour 1 $\frac{1}{2}$ lb., Dhall or Peas 4 oz., Ghee or Sweet Oil 2 oz., Salt $\frac{1}{2}$ oz., Chillies or Curry Powder $\frac{1}{2}$ oz., Cayenne Pepper 1/32 oz., in lieu of $\frac{1}{2}$ oz., of Chillies or Curry Powder Amchur or Tamarand $\frac{1}{2}$ oz., Goat or Sugar 2 oz., Onions or other fresh vegetables 1 oz., per day, meat three times a week 8 oz., for those who do not eat meat 3 oz. of Goat or Sugar will be issued. Fuel wood 1 $\frac{1}{2}$ lb. per day.

Mr. Rustomjee has sent a case of soap and Mr. V. Lawrence a bag of vegetables for the use of the members of the Indian Bearer Company.

Mr. A. Christopher writes to the press, asking for comforts for the Indian Bearer Company. He states that the men in camp are beginning to feel the want of little comforts to which they have been used in civilian life, and the appeal is now made on their behalf to the public. Cigarettes, cigars, tobacco, newspapers, magazines, and other literature, as also fruits, etc., would be very welcome. Gifts will be periodically acknowledged in the press.

From the Editor's Chair

DEATH OF SIR PHEROZESHAH MEHTA

We deeply regret to announce the death on Saturday last of Sir Pherozeshah Mehta, the great Indian leader and statesman. What India owes to his long life of public work can never be fully known. The services rendered by him to his motherland are incalculable. He was always proud to say that he was never a servant of the Government, but a servant of the public. His great and remarkable gifts of mind and character distinguished him amongst his fellow-countrymen, so that he was an all-India man and not merely a provincial politician. His brilliant attainments and wide knowledge of men and affairs would have given him a prominent place in the councils of any first-class European state. He was not a party politician, but a man of wide statesmanship, and his loss to India cannot be replaced. There have been many criticisms of his attitude of late years towards Indian public affairs, and even in regard to his views on Indian affairs in this country, but, after all, Sir Pherozeshah was entitled to hold his view, and credit should be given to him for honesty of purpose and sincere patriotism. We tender to his family our deep and sincere sympathy and condolence in the loss of this great son of India, who well deserved the title of "The Lion of Bombay."

PHOTOGRAPHS AGAIN

THERE seems to-day to be some miraculous efficacy in the giving of photographs that, for some unknown reason, did not appear in 1903 or in 1906 or again in 1908, or at any time up to the arrival in Pretoria of the present incumbent of the office of Principal Immigration Officer in the Transvaal. Indians were informed, in that Province, that apart altogether from other reasons for giving photographs, the finger-impression system was so infallible and invariably useful that the leaders of the Indian community would be greatly assisting the Government by explaining its beauties to the people and thereby popularising it, which, of course, they did through the voluntary registration in 1908. At that time, many thousands of Indians, through the agency of the British Indian Association, were fully identified, and the officers of the Department had numberless opportunities of familiarising themselves with the finger-print system. We now understand that Mr. Cousins desires to insist upon the giving of photographs before he will issue to an applicant a Certificate of Identity upon his leaving for India. As a matter of fact Transvaal Indians do not need to arm themselves with a Certificate of Identity. Being the lawful holders of Registration Certificates, they are entitled to go and come at any time merely upon production of this Certificate. All that they need do, if they wish, to proceed through Natal, is to obtain a Temporary Permit, for which a fee of £1 is paid, and deposit the sum of £10 repayable on board the steamer, with a similar procedure upon return. As a matter of convenience, however, and in order to avoid the necessity of making the deposit on travelling through Natal either way, Transvaal Indians were recommended to arm themselves with a Certificate of Identity, which document bears the thumb-prints of the holder. If, then, an Indian from the Transvaal desires to go to India, he will have with him his Transvaal Registration Certificate bearing his thumb-print and probably also this Certificate of Identity, likewise bearing thumb-prints. The officers at the border, and the officers at the port of Durban, are familiar with the

examination of thumb-prints, and have no difficulty—or have complained of none up to now—in identifying the holder therefrom. What useful purpose can be served by making a demand for photographs in addition to thumb-prints we are completely at a loss to understand. The nett result of this demand, if insisted on, will undoubtedly be to impel Transvaal Indians to refrain from applying for Certificates of Identity, which they are not legally compelled to take. Why a Government department should go out of its way to place unnecessary impediments in the way of the travelling Indian public, we cannot imagine. One would really think that Immigration Officers did not have enough to do, that they should burden themselves and the community with these new requirements. We trust that the new demand will not be complied with, and that the British Indian Association will take immediate steps to protest against undesirable innovations of this kind.

A PUBLIC SERVICE SCANDAL

We understand that the Department of justice is seeking an interpreter for the Magistrate's Court at Pretoria who, in addition to being a fluent English speaker, must have a thorough knowledge of no less than three Indian languages—Hindustani, Gujarati, and Tamil. Obviously, a man possessing these qualifications must be a very useful acquisition to the Department, and he will hold a position of the utmost responsibility and trust. He must be a person of outstanding character and considerable ability. The Department recently advertised for a European to occupy the office, at an absurd rate of pay, upon which we commented not long ago. Having been, as was confidently anticipated, unsuccessful in securing the services of a European with the necessary qualifications and character, the Department has now offered the position to an Indian official already in the Natal division of the service, at a salary of £10 per mensem, with an annual increment of £9, up to a limit of £160. In other words, for a position of much greater trust and responsibility than that at present held by him, he has been offered what is in reality a lower salary, as against a considerably increased cost of living. This information has come to us from several sources, and we accept it as correct. What, in fact, the Department is doing is to invite corruption and treachery of a peculiarly insidious type by offering a salary upon which it is impossible for a man, be he European or Indian, to live an honest life, if he would live honestly and with the respect of his countrymen. There are several Indians in the Transvaal engaged in clerical pursuits, but who do not possess the qualifications demanded of a Court interpreter and are not called upon to shoulder his serious responsibilities, who are earning considerably more than the salary now offered, merely by the keeping of commercial books. The incident reflects the utmost discredit upon the Department. We have no desire to see the experiment attempted, and, when it failed by reason of its inherent incapacity to succeed, held up to the discredit of the Indian community, and used as an excuse to exclude qualified Indians from the public service.

THE INDIAN BEARER COMPANY

We are glad that, unofficially, members of the Indian community are coming forward to join the Indian Bearer Company that is now in progress of formation, but there is one point that we would like to make quite clear. It is suggested that, owing to the fact that the South African Indian Company will be in contact with Indians recruited from India, it would not be possible for the Imperial Government to differentiate between rates of pay, and thus give the South African Indian Company Imperial rates. Those who advance this argument are, perhaps, unaware of the fact that a number of Indians in England have enlisted as volunteers in the Imperial Territorial Regiments, and are receiving the Imperial rate of pay. There is no reason, so far as

we can see, why the same rate of pay should not be granted to Indian volunteers. We are aware that, whilst it is the Union Government that is recruiting the Company, they are merely acting as agents of the Imperial Government. Up to the time of their departure from these shores the Company will be maintained at the cost of the Union Government. The moment it sails, the Imperial Government assumes responsibility and pays the men. There is a possibility of the Union Parliament voting funds for the payment by the Union of all troops from South Africa, but where the Indian Bearer Company will stand is a matter for speculation and it will remain with the members of the House to see that equality is upheld. As we have before stated, there is a question of principle involved which cannot be removed by even a liberal maintenance allowance from the Overseas Contingent Fund. Those responsible for recruiting are disappointed with the response made. We publish the names of 42 men who have enlisted and these all belong to Natal except one man from Pretoria. Most of these men, too, are ex-indentured Indians and some of them perhaps do not come up to the standard of intelligence required for the duties they will have to perform. It seems to us an absurd policy to make distinctions between an Indian and a European or a Cape Coloured man when it is remembered that the Imperial pay is only 1s. 1d. per day and that in most cases it will have to be supplemented by maintenance allowance from the voluntary funds now being raised. It is very much like cutting a piece off the top of a sheet to sew on the bottom. Surely it is open to the Union Government to make further representations to the Imperial Government, pointing out the conditions prevailing here, and so secure equal treatment, so far as the daily pay is concerned, of all South African troops. If that were done, those who are now holding back, would have no reason for doing so any longer.

Indian Marriages in Surinam

The Editor of *The Indian Emigrant* quotes the following from a memorial submitted by the members of the Surinam Immigration Union to the Commissioners from India for their consideration:—

Immigrants arriving in the Colony who declare to have been married in India, are recorded in registers kept for that purpose, and are regarded as married couples.

Marriages, however, contracted after Indian notions and customs, are not acknowledged as legal by the Colonial Government. A fact it is that especially those marriages are in favour with the majority of British Indians. Many do not wish to marry otherwise. The consequence is that children born from these marriages are regarded by the Government as to be born out of wedlock, hence illegitimate. This condition is therefore, detrimental to the civic relation which should exist between members of the same family. It is an undesirable condition.

The undersigned express their desire that through your influence an end might be put to it, and the great deficiency filled, whereby, according to our ancient notions marriages contracted and solemnized by an acknowledged Indian priest may be declared legal.

While the undersigned fully understand that it is not always easy to frame different laws for each class of the community they at the same time find it justifiable that an exception should be made in this special case, inasmuch as Hindu and Mahomedan marriages are institutions totally based on their religions.

On the other hand it is desirable that in regard to the above question the contracting of marriages between children should be prohibited, since the parties concerned do not keep their marriage vows abroad.

A limitation of age at which Indian marriages may be contracted is therefore much needed.

News in Brief

We hope to give in our next issue a brief sketch of the life of the late Sir Pheroze Shah Mehta with portrait.

The Divali Festival and Hindu New Year were celebrated by the Surat Hindu Association by social gatherings at their premises in Victoria Street, Durban. Refreshments were served to all comers and music and singing were interspersed with religious ceremonies and speeches. On the occasion of the New Year, Mr. Sheikh Mehtab and one of his pupils sang an original Divali song in Gujarati, specially composed for the occasion, and in which reference was made to the work of the Surat Hindu Association. A company of "Village Singers" entertained the audience with spirited selections accompanied by Indian instruments.

In response to an appeal from the South African Gifts and Comforts Organisation Committee at Capetown, of which Sir James Rose-Innes is chairman, asking if the Durban Patriotic League could secure a free gift of "gwaai" (tobacco) for the Natives fighting for the Empire in Northern Rhodesia the League took the matter in hand with most gratifying results. The free gift of a ton of "gwaai" was obtained from the Indian community in Durban, and they are furthermore cutting and packing it ready for shipment.

An old former resident of Natal, Mr. Ahmed Essack, who has for some years been residing in Mauritius with relatives, recently returned to Natal with a party who came to attend a wedding. By a misunderstanding, a temporary permit was taken out on his behalf and when later he decided to stay here, he found that he was to be treated as a prohibited immigrant. This case was one of those mentioned at the Mahomedan meeting held on the day of the Id Festival. Since then representations have been made which proved fruitless and this old and respected colonist, 77 years of age, has received a final order of deportation. As a last resort a few friends who have known him for very many years in this country, have sent a petition to the Minister of the Interior praying that the technical mistake may be overlooked and that he may be allowed to remain with his family in Natal. We have before us a copy of the petition which we shall print together with the reply, which we trust will be favourable.

We understand that the unusual delay in landing the passengers from the s.s. *Kathiawar* on Monday was caused very largely by the fact that the steamship company had run short of passengers' declaration forms. These forms are obtained from the Immigration Department and it is the duty of the officers of the steamer to issue the forms and see that they are filled in prior to the arrival of the ship in port. Seeing that the ship called at Delagoa Bay, it is difficult to imagine why the forms could not have been obtained in time. Passengers have quite enough unavoidable delays without unnecessary obstacles being placed in their way. Perhaps the steamship company will make a note of this.

We have received a copy of a small brochure containing Reminiscences of the late Hon. G. K. Gokhale, by Mr. D. E. Wacha. The writer had an intimate knowledge of the great leader. The incidents related show what a sensitive, fine-spirited man Mr. Gokhale was, and his little weaknesses are set forth in a humorous vein. As we all know, the late Mr. Gokhale was not only great, but human. The booklet is published by Mr. H. T. Ankleswar, The Fort Printing Press, Bombay. It is nicely printed and contains a portrait of Mr. Gokhale and a poem by Sarojini Naidu.

Information has been received from Sir Chas. Crewe that the strength of the Coloured battalion is to be raised from 600 to 1,000.