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THE BEARER COMPANY

SINCE the Government sanctioned the raising of a stretcher-bearer company among the Indians, there has been (says the *Natal Mercury*) a steady influx of recruits into those detachments which are being sent from Natal, the Cape, and Transvaal. Yesterday morning (15th inst.) Senator the Hon. Mr. Marshall Campbell, who has taken a very keen interest in the movement, paid a visit to the training camp at Stamford Hill, where all those joining for the Natal corps are sent to be trained. Mr. Campbell, who was accompanied by a *Mercury* reporter, was received by Major Briscoe, who is in command, and by his direction a practical demonstration of the work that is being done there was afforded.

The men, numbering nearly 50, were indulging in a game of cricket, while others were doing routine camp duty when Mr. Campbell arrived. In response to the call of a whistle by Major Briscoe, however, the men quickly assembled on parade, and their sturdy appearance was commented upon. They wore strong black boots, khaki trousers, woollen jerseys, and their own headgear, adorned by the springbok badge, the regulation headgear not having arrived. While there were only approximately 50 present the number that have offered for service has been 78. Some of them were not suitable, and the total strength of the corps to-day stands at 64. As the full complement is 120 it will be seen that there are still plenty of vacancies, although no fear is entertained that the detachment will not soon be at full strength. Capt. Dunning is away up-country recruiting while there is also an office in Durban.

The great difficulty is the same as that which hampered the recruiting among Europeans in the early stages—the question of dependents. Most of the recruits up to the present have dependents, and the announcement made in yesterday's issue that the activities of the Governor-General's Fund extend to Indians who give their services, leaving wives or relatives, is expected to allay a good deal of hesitancy that may have existed.

One noteworthy feature in connection with the recruits in camp at Stamford Hill, is that most have dependents to consider, but Mr. Campbell has assured them in the course of conversations, an assurance which he repeated yesterday, that they need have no fear on those grounds. Some on the other hand with no dependents are making real sacrifices in order to serve. Instances of men giving up situations of £3 and £4 a month, and in one case £6, for 15s. a month are numerous, and the men seem well pleased with their choice. Some have been in German South-West on sanitary and hospital work. Two members of the corps, which is made up largely of Natal-born Indians, have seen service in different Madras infantry regiments, and their experience is proving of great assistance to Sergt.-Major Caddick, the drill instructor.

As the men marched round the ground with military bearing, Major Briscoe imparted the information that some of the men came from all over Natal, and one from East London.

In the morning the men indulge in physical exercise and first-aid work, while in the afternoon stretcher-drill is practised. The whole of those in camp look well, and the sojourn, short as it has been up to the present, has had the effect of bringing about a marked improvement in their physique.

At the close of the parade and inspection, Mr. Campbell, addressing the men, expressed his pleasure at having had the opportunity of witnessing their fitness. He was going to Capetown, he said, and he wanted to report to the Governor-General, (Lord Buxton), General Smuts, and Colonel Crewe on what he had seen. He heard that a great many were coming along, and those who had dependents he told them that they would be looked after while they, there, were away. It would be a duty that would be undertaken by those in charge of affairs. He hoped they would all obey their orders and remember that the eyes of Natal were on them. He was anxious for them to distinguish themselves. They would have plenty of trials, but he knew they would bear them manfully and he wished them every happiness.

The Officer Commanding the Indian Bearer Company desires to thank the following for gifts to the Corps:— Messrs. Gengen and Subhan, nine shads; Sun Brand Tobacco Works, 6½ lbs. shag leaf tobacco and papers; Mr. Lawrence, vegetables and case of papaws; Editor, INDIAN OPINION, copies of paper; Mr. Rajkoomar, currie paste; Mrs. Burne, papers; Mr. J. Chinniah, vegetables; Mr. M. C. Anglia, papers.

Comforts Committee

A committee has been formed with the purpose of finding comforts for the members of the Indian Ambulance Corps while they are in Camp here at Stamford Hill, and to continue its operations on their behalf while the war lasts. It is proposed to hold a meeting of the community at a later date to further the movement and discuss other matters of importance to them. Mr. Robert Somasundaram is chairman, with Messrs. L. Gabriel and R. N. Sullaphen as joint honorary secretaries. The members of the committee so far are Messrs. M. B. Lazarus, M. B. Naik, B. L. E. Sigamoney, R. Bughwan, Anand Rai, X. David, C. R. George, S. P. Pillay, B. M. Singh, L. P. David, and A. Christopher.

The committee will not confine its operations to Durban and district alone, but, with the co-operation of volunteer workers, hopes to be able to reach the Indians and also the European sympathisers throughout the Union.

Mr. A. H. Peter has volunteered to form a sub-committee in Maritzburg, and the Indian ladies also, in the course of the next few days, will be forming a sub-committee to co-operate with the committee now formed.

Mr. N. B. Singh has kindly placed premises No. 209, Grey Street, Durban, for the sole use of the committee as a receiving depot in town, where the committee will also meet. Gifts may be sent direct to the Indian Ambulance Camp at Stamford Hill, or to the depot, just as it may suit the convenience of the donors. All gifts will in due course be periodically acknowledged in the Press.

The following is an additional list of recruits for the Indian Bearer Company: Abbu Peraija, Kuendhie Spider, Moonsamy, K., Gabriel, A. R. W., Paul Peter, Joseph Moses, Naidoo, R., Kamah, Chinaphen, P., Malrabel R. Singh, Gounden N., Ramsamy, Lal. Kanhai, Ramlal, M., Naidoo, Aranchela, Soobiah C. Padayachee, Iathiah, N., Joseph G. Dubardars, Chinniah, Narasiah, N., Perumal Arson, Kisson Singh, S. R., Budhoon, Mahadeo, K., Armugam, M., Vengatsamy, G. C., Narainsamy, G. C., Velloo, T. N., Muthu Pillay, C., Isaac, J. C. R., Ramberan, R., Enasmuthu, A., Moonsamy, R., Naiker, Gopaul, Doorasamy, S., Kunthasamy, R., Phillip, S. M., Burrows, B., Gopaul Moodley, R., Ramsamy, A., Goorden, D., Ruogasamy, Mahabier Soodyar, Manpalsing, P., Chengan, K., Veerasamy, V.

The above list is the last issued. There are a few other names which have been announced and these we hope to include in the final and complete list. In all 121 men have been recruited, but some of these are, for various reasons, unsuitable, and recruiting is still going on.

(The late Sir Pherozechah Mehta's Career (Concluded.)

Perhaps the best work done by the late Sir Pherozechah Mehta was that in connection with the Bombay Corporation. It has been likened to the great work of Mr. Chamberlain for the city of Birmingham. One might even say that it is rather an underestimate inasmuch as it is to Sir Pherozechah's exertions, that the Bombay Corporation owes its present constitution and the reputation which it has acquired as the premier Corporation in India, if not in Asia. Consisting of seventy-two members, only sixteen of whom are nominated by Government direct, the Corporation is a miniature Parliament in itself and generally conducts its proceedings in a spirit of harmony, co-operation and mutual good-will.

Sir Pherozechah's Municipal life commenced so early as the early seventies and under circumstances of exceptional character. For the first time in his public career, he tasted the rule of mobocracy when at the Framje Cowasjee Hall he came forward to defend Mr. Arthur Crawford's administration. Mr. Crawford's fault was that he happened to have very high notions of the sanitary and æsthetic requirements of a city like Bombay which is the Gate of India and he threw himself heart and soul into effecting considerable improvements. Only he forgot to attach due importance to the financial side of his well-meant and brilliantly executed schemes. When a period of deficit commenced, public opinion, that fickle voice of democracy, called for a victim and Mr. Crawford had to be offered up as a sacrifice. The blame of course did not entirely lie on him; part of it stuck to the Bench of Justices. It was as a supporter of Mr. Arthur Crawford that Sir Pherozechah's active participation in the civic life of Bombay commenced. He vindicated him amid the hisses and yells of an angry mob.

What is known as the Municipal Act of 1872 was largely brought about by the able advocacy of Sir Pherozechah, and was passed on the lines suggested by him.

The citizens of Bombay owe to him not only the Act of 1872, but the Act of 1888, which they rightly regard as their Magna Charta of Municipal freedom. They owe it mainly to his indefatigable exertions in common with those of the late Mr. Telang. The draft Bill was conceived in a most illiberal and reactionary spirit. It naturally evoked considerable protest and public feeling was so much irritated and such strong representations were made to the Bombay Government that Lord Reay thought it wise to leave it into the hands of Sir Pherozechah and Justice Telang to amend it as they might. The Bill was so considerably changed that the father of it could not recognise in it his own child. It is short by the Act of 1888, Sir Pherozechah was principally instrumental in making the Corporation the superior administrative body—the ultimate tribunal whose decision must be final and binding.

Sir Pherozechah strongly opposed the Vernacular Press Act and his utterances on this subject were prophetic:—

If the Native Vernacular Press is licentious and scurrilous, the system of licensing will but aggravate and intensify its mischievous tendency, and annihilate nothing but honest and useful criticism. Such a consummation would take place more quickly in India than elsewhere, just because the Press is here only beginning to rear its head and is only in its infancy. Moderate and respectable men, their function not yet hardened into habits, would retire from the field without even a struggle. Violent and unprincipled agitators would thrive on the persecution which would furnish the very nourishment necessary for their existence. And while thus the sound and healthy political growth of the people would be indefinitely retarded, the Government would be deprived of all trustworthy sources of keeping itself well informed of the real inner feelings and thoughts of the people towards it. Deprived of free and sincere criticism, it would hardly know how to steer its way through servile adulation or scurrilous abuse.

Sir Pherozechah took an active part in the affairs of the Indian National Congress and he was honoured by being elected President.

His work on the Bombay Legislative Council, in the Viceregal Council and the Bombay Senate showed him to be a statesman of the first order. The Corporation elected him successively in 1884 and 1885 as its President, an honour which none else has received at its hands, and it was recognised that he made the best Chairman, which was the appellation prior to the passing of the Act of 1888. He was once more elected by acclamation in 1905, the year which witnessed the visit of H.R.H. the Prince of Wales. Further His Majesty made him Knight Commander of the Indian Empire. He enjoys therefore the rare approbation not only of his own countrymen, but of the Government.

Sir Pherozechah believed that British rule in India was a thing which was not merely to be endured, but regarded as the will of an all-wise Providence. So early as during the Ilbert Bill controversy, he said "if I entertain one political conviction more than another, it is that this country in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity.

Sir Pherozechah's interest in South African affairs was keen. He held the view, shared by others, that the Passive Resistance struggle should have had for its object the open door policy, but in this he failed to understand the true position here. This was a thing which India and not South Africa could fight for.)

(Important Cape Immigration Case

(Concluded)

A Charge of Intimidation

A point was taken in support of the application that the Immigration Act of 1913, section 4 (1), only refers to persons who are found within the Union having entered it after the promulgation of this Act. But that does not appear to me to be a correct reading of the section, which clearly includes persons already in the Union prior to the promulgation of the Act, although they may only have been found within it after its promulgation. When, therefore, the petitioner was notified that he was considered and deemed to be a prohibited immigrant, and would be deported, his course of action, if he disputed the right of the Minister so to deal with him, was plain. If he relied on the exemption afforded him by section 5 (1), viz; that he is domiciled in Cape Town since the year 1902, his duty was to have appealed to the Immigration Board established by the Act. He did in fact appeal to the Board, and according to his presentment of the case, he withdrew the appeal, giving as his reason for so doing that his witnesses hesitated to come forward to give evidence on his behalf, owing to the fact that numerous arrests had been made of Indians by the Immigration Department. Be this as it may, the reason why the appeal to the Board was withdrawn by the petitioner has no bearing on the question. The withdrawal of the appeal left the decision of the Minister and of the Immigration Department in regard to the petitioner unaffected. In view of the clear and definite language of section 3, this Court cannot now intervene, for the matter has not come before it in the only manner in which it could be brought on, viz; that prescribed by the section. No question of domicile or other point of law in regard to the petitioner has been reserved by the Board for the decision of the Court, and I have consequently no jurisdiction to enter into the question of domicile. The Act has not deprived the petitioner of the opportunity of establishing his rights to remain within the Union: it has only directed how such a right is to be established, and has provided special machinery and procedure with respect to it. This Court possesses no power or jurisdiction to undo that. As he has withdrawn his appeal to the Board, the position is the same as if he had not appealed to the Board, so far as this Court is concerned.

Evidence of Prohibition Required

But now, at the conclusion of his argument in reply, counsel for the petitioner raised the point that, if the Minister possesses the power contended for on his behalf in this case, it must be shown that he has exercised such power in terms of the Act, and as there is no direct evidence to prove that the Minister has in fact exercised the power given him, there is no proper legal proof before the Court justifying the steps which are being taken by the Immigration Department for the deportation of the petitioner. It is indeed true that section 3 only excludes the direct or ordinary jurisdiction of the Court where the Minister has acted legally, that is under and in terms of the Act. This must first be established in some higher legal manner. It is obvious that, where such unusual and special powers are created by the Act, and given to the Minister, it must satisfactorily appear that he has acted under and in terms of the statute, before it can be held that the ordinary jurisdiction of the Court has been tested, and cannot be invoked in protection of the petitioners. The mere allegation by the Immigration Officer in the concluding paragraph of his affidavit, and also in his letter to Mr. Baxter, the attorney, that he has been instructed, is not enough. An affidavit by the Minister, or a certificate under his hands verified by and attached to an affidavit made by the responsible head of the

department, or some other legally admissible means of proof must be laid before the Court to show that the Minister has, under section 4 (1) (a) of the Act declared or determined that the petitioner is an undesirable immigrant and is to be deported. The objection now raised, as it were, at the last moment, was not taken either by the petitioner or his attorney upon the affidavits before me, and it does not appear on the record. Had that been done the defect would in all probability have been cured. As the point has only been taken at the conclusion of Counsel's argument in reply, it seems to me that, under the circumstances the proper course will be for the Court to defer making any order in this application, so that the respondent, if he has as Minister under the Act decided and declared, prior to the making of this application, that the petitioner is to be regarded as a prohibited person and to be deported, may have the opportunity of showing that to the Court by evidence in some legal and proper manner. The matter will, therefore, be postponed for 14 days, when the Court will make a final order.

On October 19th, evidence of prohibition required by the Court was furnished, when Mr. Justice Kotze dismissed the application with costs.)

From the Editor's Chair

IN MEMORIAM

It is with extreme regret that we learn from our contemporary *India* of the death, at the advanced age of seventy years, of Sir Henry Cotton, K.C.S.I., on the 22nd ultimo. The names of Sir Henry Cotton, Sir William Wedderburn and Mr. A. O. Hume stand out foremost amongst those of Englishmen who have devoted, during the last quarter of a century, so vast a proportion of their energies to the welfare of India, and, of this great trio, Sir William Wedderburn alone remains among us to-day. Sir Henry Cotton came of a family connected with India for several generations, and, until the year 1902, was a member of the Indian Civil Service. The circumstances of his resignation from that service are still fresh in our memory. He had taken up, as Chief Commissioner of Assam, an extremely strong attitude in regard to the indentured labour system prevalent in that province; not only because he believed himself to be right, but also because he thought he had the support of his official superior, the then Viceroy, Lord Curzon. Unfortunately, in the face of the strong opposition of vested interests, Lord Curzon, at the last moment, flinched, but Sir Henry Cotton refused to go back upon his principles, though he knew that it would cost him the honoured position of Lieutenant-Governor of Bengal that was already within his grasp. He has since been justified by the stoppage of the indenture system for Assam. Two years later he presided over the twentieth session of the Indian National Congress, at Bombay, when he laid pointed emphasis upon the hardships that were being imposed by the then Crown Colony Government of the Transvaal, upon British Indians resident in that Province, and since then, as one of the most prominent members of the British Committee of the Congress in England he had, on many occasions, worked hard to remove the grievances under which Indians in South Africa laboured. Indians wherever resident will grieve at the loss of this great servant of India, and, on behalf of the Indians of South Africa, we tender respectful sympathy to the bereaved family.

The Case of Mr. Ahmed Essack

The following is the letter, referred to in our last issue, conveying the Government's decision in the case of Mr. Ahmed Essack:—

Mr. Ahmed Essack is informed in reply to his letter of the 2nd inst. and in response to representations which have been made on his behalf, that the Government has treated his case as a special one, not to be taken as a precedent, and has consented to allow him to remain in Natal, and that the previous decision conveyed in his case is only reversed on account of his advanced age and the present state of his health.

The deposit on the temporary Permit issued to Mr. Ahmed Essack on the 11th May, 1915, has accordingly now been returned to Mr. Suliman Ebrahim of Grey Town who lodged the same.

(Signed) G. W. Dick,

Principal Immigration Officer, Natal.

Natal Coloured Men's Offer

Maritzburg, Nov. 23.—This morning the Mayor (Mr. P. H. Taylor) received a deputation from the coloured community, whose request was to be allowed to serve the country in any capacity whatever. They expressed their willingness to join as bearers, or as fighters, or in any other way, and stated that to their knowledge some 30 or 40 men would join at once, and others would probably follow.

The Mayor replied that the decision did not rest with him, but he would approach the authorities on their behalf.

A few minutes later a wire was on its way to Col. Crewe, informing him of the deputation and its purport, and asking for a reply. The reply has not yet been received.—*Natal Mercury*.

Regarding Visiting Passes

We have had enquires of late from residents in other Provinces of South Africa regarding the question of visiting passes to enable persons to travel from the Cape and Transvaal Provinces to India *via* Durban. There seems to have been no clear idea as to the procedure to be adopted in securing these passes or permits and complaints have reached us of persons being charged a fee of £1 where they expected to be charged only 2/6. In order that all may understand, we give below a statement, which can be relied upon as being correct, setting forth the position as it exists to-day. If anyone has been treated contrary to the procedure here stated, we should be glad to be informed of all particulars:—

(a) Holders of Transvaal Asiatic Registration & Certificates can obtain from the Immigration Officer, Pretoria, before leaving, a Certificate of Identity, carrying a Revenue fee of 2/6 which will conduct them through Natal for embarkation at Durban;

(b) Holders of Certificates of Identification (Cape) can before leaving secure a Visiting Permit at a charge of 2/6 for the same purpose or if arriving from the Cape by sea obtain from the Office of the Immigration Department, Durban, a Visiting Permit enabling them to remain ashore until the sailing of the India-bound steamer;

(c) Those who do not secure themselves as above when presenting themselves at a border station for admission may be required to take out a Temporary Permit on which a fee of £1 is exigible; and,

(d) In all cases of Visiting and Temporary Permits issued at the border a minimum deposit of £10 is required, refundable if and when the terms of the Permit have been complied with.

Pietersburg Indians' Address to General Botha

On the occasion of General Botha's recent visit to Pietersburg, Transvaal, the local British Indian Committee presented an address, signed by the chairman, Mr. Tar Mahomed Tayob, and Mr. Goolam Rasool, secretary. The text is as follows:—

"On behalf of the British Indian community of the town and district of Pietersburg, we desire to tender you a cordial and respectful welcome.

"It is the desire of the Indian community to offer its best assistance to the Government of the Union in the interests of our common Empire.

"We trust that the better feeling that now exists between Indians and Europeans within the Union will grow, and that by this growth, and their loyalty, industry and thrift, the Indian community will be enabled to help towards the welfare of South Africa.

"Wishing you and yours long life and happiness."

In reply, General Botha sincerely thanked the British Indian community for their address and expressed his pleasure that the difficulties of the past had now been solved and that a satisfactory state of affairs had now been attained. He greatly appreciated what their country and countrymen had done for the Empire.

News in Brief

Mr. Polak delivered a lecture to the members at the Johannesburg Lodge of the Theosophical Society of South Africa, on Thursday the 11th instant on "The Religious Thought in India."

We are indebted to the excellent little booklet on the life of the late Sir Pheroze Shah Mehta, published by Messrs. Natesan & Co., Madras, for much of the data contained in the sketch which we are publishing.

Mr. R. R. Smith, of Johannesburg, who is well known as a well-wisher of the Indian cause, and is personally known to many Indians in the Transvaal and Natal, has been granted a commission and attached to the special reserve of the Royal Field Artillery. He is now in London awaiting instructions from the War Office.

We should have mentioned last week that the Vrededorp Tamil community cabled their sympathy to Lady Mehta in her sad bereavement.

The Sanatan Dharam Sabha, Ladysmith, has decided to open a Hindi school. Baboo Rupsingh has offered his services as teacher. The chairman has placed £12 in the hands of the Committee and other donations have been made.

Mr. Parsee Rustomjee has received the following reply from the Hon. Dadabhai Naoroji, dated at Vesava the 16th ultimo:—"Please excuse delay. I thank very much Natal Zoroastrians for their kind telegram of hearty congratulations on my 91st birthday. With best wishes. Yours sincerely, Dadabhai Naoroji."

Messrs. Vadinelloo and Candasamy Bros. and their sisters, Mrs. V. R. Namsoo, Port Elizabeth, Mrs. R. R. Naidoo, Port Elizabeth, and Mrs. S. V. Lingaam, Naauwport, have donated one guinea to each of the undermentioned institutions in memory of their late father, Mr. N. Appavoo, on the occasion of the first anniversary of his death, held at De Aar:—Durban Hindu Tamil Institute, Durban Hindi Ashram, Phoenix Settlement, Young Men's Hindu Association's Tamil School, Maritzburg, Young Men's Hindu Association's Tamil School, Mauritius, Mr. Gandhi's Ashram, India, The Gurukul, Bombay, and also contributed the cost of sending complimentary copies of *INDIAN OPINION* to four prominent men in India.