

Indian Opinion

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“AN OLD TRICK”

MR. GANDHI'S STATEMENT ON THE 1914 AGREEMENT

MR. C. F. ANDREWS ON THE POSITION

IN view of the controversy at present taking place in South Africa over the Smuts-Gandhi agreement, (says a Reuter's message from Bombay dated Jan. 21st), Mahatma Gandhi has issued a statement in which he emphasises that the agreement is a matter of record, closing a struggle lasting nearly eight years, and supplementing the Indian Relief Act.

His Letter to General Smuts

He mentions that he wrote to General Smuts referring to the disabilities not covered by the Relief Act and hoping that they would be removed in course of time. Mahatma Gandhi points out it is not to be supposed that, after eight years of solid suffering Indians would be satisfied with an agreement which might not lead to a further amelioration of their status, but to further degradation, ultimately resulting in their extinction.

Arbitration Offer

“But I do not wish to labour the point.” He proceeds: “There is the Indian offer—the Congress' offer—to go to arbitration. Let the Government of India ascertain the meaning of the Agreement and invite the Union Government to accept the principle of arbitration. It is not the first time that South African Ministers have repudiated their promises; they repudiated their promise made to Mr. Gokhale about the £3 tax, which the Union had ultimately to repeal. So it is an old trick now repeated. It is a matter of honour for India to insist on the fulfilment of the Agreement of 1914.”

Mr. C. F. Andrews' Letter

The Rev. C. F. Andrews writes as follows to the *Cape Times* :—

I am grateful to the Editor of the *Cape Times* for giving me an opportunity of replying to the first two articles on “Indian Accusations Against South Africa.” It seems to me to be a vital necessity that the two countries, South Africa and India, should not misunderstand each other any longer. Yet today there is a lack of mutual understanding that is positively tragic. The conviction is prevalent in India, among Europeans and Indians alike, that a terrible breach of faith is being contemplated. If there is truth in this, it should be at once acknowledged. If there is falsehood in it, it should be at once exposed. I cannot do a greater service to South Africa than to state with the utmost clearness and frankness the Indian point of view. If anything appears to me convincing from the other side, I shall seek to explain it in India on my return, and I can do so with a good hope of being heard. It is the truth and the truth only which must prevail, if a satisfactory solution is to be reached.

The Smuts-Gandhi settlement was concluded on June 30, 1914—I quote from Mr. Gandhi's speech at Johannesburg made directly after—“Gandhi,” said

General Smuts, “this time we want no misunderstanding. We want no mental or other reservation. Let all the cards be on the table.” That was the spirit of the negotiations from January to June 30, 1914. I can remember it as well as possible. The attitude of those days was a broad-minded and generous attitude.

A Gentleman's Agreement

The agreement was gradually settled in a broad-minded and generous way. It was a “gentleman's agreement.” There were the Five Points, as they were called. We knew them by heart, and I could easily repeat them from memory to-day. The first four referred to specific grievances: (1) The £3 tax; (2) the marriage question; (3) the Cape entry; (4) the Orange Free State. Then came the last safeguarding clause (5) the “just administration of existing laws with due regard to vested rights.” The vested rights mentioned were taken by us to mean the vested rights under the existing laws. The English language employed seems to me to involve that meaning, and I never once heard any other interpretation given to the words at the time. I talked over the fifth clause with Mr. Gandhi, with Sir Benjamin Robertson, and with Mr. Slater, Sir Benjamin's secretary. It was always understood in our conversations to mean that any vested rights which had grown up under existing laws would be duly regarded. It covered at that time, as the writer of the *Cape Times* articles rightly points out, such different subjects as licensing and immigration, as well as vested rights under the Gold Law. This is definitely referred to in the Solomon Commission of 1914 (p. 32).

Indian Rights

Personally, I regarded the clause as a general understanding. It implied that those rights which Indians had hitherto held would not be still further diminished. The Government of India in a memorable despatch, have put the matter thus: “The Government of India interpret this understanding as implying that no new law would be passed imposing fresh restrictions on Indians. An undertaking to administer existing laws in a just manner appears to them to be meaningless, if the rights which Indians are entitled to exercise under those laws can be restricted at will by fresh legislation.”

Sir Benjamin Robertson was the writer of that despatch. It shows what his own impression was about the words “vested rights.” This interpretation by Sir Benjamin comes in a document well known to the Union Government, for it was written with reference to the Lange Commission and afterwards published as a Government of India paper.

When the question of interpretation came into prominence in 1920, the South African article in the March number of the *Round Table* had the

following: "It would probably be fair to say that all reasonable men at that time (i.e., 1914) recognised that new difficulties would arise and would have to be met; and that in meeting them they would be bound by no obligation except that of at least maintaining the Indian in the status which he acquired in 1914."

The 1914 Status

Let it be recalled for a moment how feeble that status was. In the Transvaal, the Indian had no franchise at all however educated he might be. He was also hemmed in on every side by such laws as the Gold Law, driving him into locations. In Natal, he had only the municipal franchise, and even that has now been taken away. But the prohibitory laws were not the worst part. It was the minor administration of those laws that gave the greatest trouble; and endless appeals had to be made to the Supreme Court, at endless expense and ruin of business.

Let it be remembered, then, that all the while, from January 21 to June 30, this assurance of the "just administration of existing laws with due regard to vested rights" stood in the draft agreement. The final agreement was concluded on June 30 by two documents: (1) Mr. Gandhi's letter, and (2) Mr. Gorges' letter on behalf of General Smuts, which contained these words: "With regard to the administration of existing laws the Minister desires me to say that it always has been and will continue to be the desire of the Government to see that they are administered in a just manner with due regard to vested rights. In conclusion, General Smuts desires me to say that it is of course understood, and he wishes no doubt on the subject to remain, that the placing of the Indians Relief Bill on the Statute Book coupled with the assurances he is giving in this letter . . . will constitute a complete and final settlement."

Foundation Laid

As the writer of the "Cape Times" article points out, General Smuts adopted Mr. Gandhi's words into his own preamble. What I here want to emphasise is the fact that Mr. Gandhi laid the very greatest stress on this assurance, and directly after the statement that he had laid the whole foundation of the future. In his Johannesburg banquet speech he told his countrymen that they would now live to see, with the co-operation of their European friends, that what was promised was fulfilled, that the administration of the existing laws was just, and that vested rights were respected in the Administration. He was entirely confident on this point, and left South Africa with a glad heart in full assurance that now at last the Indian community in South Africa, small as it was in numbers, had its foundation well and truly laid, and a hopeful future before it. He would not have left South Africa on any other understanding. It was what I have called it—a gentleman's agreement.

Telegram Sent to Minister of Interior, Capetown

From Secretary, South African Indian Congress, Durban

26th January 1926.

"To-day's *Mercury* reports introduction of Bill to amend Section 85 South Africa Act and validate acts of Public Health Committee established under Natal Ordinance No. 7 1923 and that second reading set down for to-day. Respectfully submit Bill affects Indian interests and in terms of Resolution No. 12 passed at fifth Session of Congress at Cape-

town Congress wishes to study Bill and make representations therefore respectfully pray that Bill be delayed and a copy furnished."

Telegram Received from Secretary Health, Capetown

By Secretary, South African Indian Congress

27th January 1926.

"Your telegram 26th X Provisions of Bill do not go further than indicated by title namely to empower Provincial Councils to establish bodies such as Health Committees and to legalise the existence and activities of the Health Committees in Natal and the Cape in so far as these have been declared ultra vires X Forwarding copy of Bill."

The Bishop of Pretoria's Letter

The Bishop of Pretoria has written a second letter to the *Cape Times* which runs as follows:—
To the Editor of the *Cape Times*:

Sir,—I venture to write a second time to the Press on the burning subject of the proposed anti-Asiatic legislation. I do so because it has been suggested in several newspapers, that the grounds on which I expressed my conviction that the proposed legislation constituted a breach of faith with India, were mistaken. The *South African Nation* of January 16th says: "The Bishop's reasoning on the vital points is seriously at fault, as will be apparent to anyone who attentively reads the articles appearing on another page in this issue, and also the admirable series of articles at present appearing in the *Cape Times* If he is convinced by the articles we have referred to, we have no doubt that he will be as ready to disclaim the heresies which have unwittingly crept into his letter as he was honest in admitting his one-time prejudices against the Indians." Well I have studied these articles and also gone again to the official documents on the whole subject, and I write now to assert, that the ground on which it is maintained that there is no breach of faith, as regards what was agreed upon in 1914, is utterly in the air. To vary the metaphor, the case for the defence will not hold water at all.

The argument depends on the truth or falsehood of one contention viz: that the vested rights of Indians, which South Africa in 1914 undertook to respect, were nothing more than the vested rights in connection with the Gold Law and Township Amendment Act, and that these were defined by Mr. Gandhi in his letter to the South African Government of July 7th, 1914.

An examination of the official documents shows that this is a perfectly bottomless contention.

The Smuts-Gandhi Agreement was "embodied" (to quote the Report of the Asiatic Commission of 1921) in two letters which passed between Mr. Gorges, Secretary for the Interior, and Mr. Gandhi on 30th June 1914. Mr. Gorges wrote, "with regard to the administration of existing laws, the Minister desires me to say that it always has been, and will continue to be, the desire of the Government to see that they are administered in a just manner and with due regard to vested rights." The phrasing of this sentence is taken from the letter of Mr. Gandhi to the South African Government of January 21st, 1914, in which he asked for an "assurance that existing laws, specially affecting Indians, will be administered justly and with due regard to vested rights." There is no for any doubt, in view of the date of Mr.

Gandhi's letter, that by "vested rights" was meant the general rights and interests acquired at that date by the Indian community in South Africa. That this is so, is entirely corroborated by the impartial witness of the Indian Enquiry Commission of 7th March, 1914, of which Sir William Solomon was the Chairman. On page 32 of the Report was read: "We have now reached the fifth and last of the alleged grievances, which have been formulated by Mr. Gandhi in the letter to the Minister of the 21st January 1914, in which he requires "an assurance that the existing laws specially affecting Indians will be administered justly and with due regard to vested rights." The representations which have been made to us on this subject deal mainly with the Immigration and Licensing Acts, and as already stated (p. 13), we propose to confine ourselves to these subjects." It is as clear as daylight that the Commission had no notion at all that there was any limitation of the meaning of "vested rights" to those only which referred to the Gold Law, but rather that they interpreted the words to mean the general vested rights of Indians in South Africa.

After the conclusion of the Smuts-Gandhi Agreement, on June 30th, Mr. Gandhi wrote a further letter to Mr. Gorges on July 7th 1914, dealing with a particular side issue, namely the definition of vested rights of Indians, not in general, but in connection with the Gold Law and Township Amendment Act (Report of the Asiatic Inquiry Commission p. 19). This letter was no part of the Agreement, nor was it made public for five years. The Asiatic Inquiry Commission says, on p. 20 of its Report: "It appears that the terms of Mr. Gandhi's letter of the 7th July, 1914, in which he gives his definition of "vested rights," were not known to the general body of Indians in the country, or to the Government of India, until it was disclosed in 1919 during the proceedings of the Select Committee."

It is now contended in the articles referred to (as it was by the South African Government in 1924 on the introduction of the Class Areas Bill of that year), that the "vested rights" pleaded for by Mr. Gandhi in January 21st 1914, and referred to by Mr. Gorges on June 30, 1914, are nothing more than the specifically limited rights in connection with the Gold Law and Township Amendment Act.

The contention simply breaks into atoms on investigation.

I am bound to say that such an endeavour to convert a side-issue into a main issue is unworthy of South African statesmanship.

I have no interest in this controversy except that of peace. This local Asiatic question is intimately linked up with the world-wide issue, at once the most difficult and the most perilous which confronts the human race, namely, that of how to establish and maintain equitable and honourable relationships between the very varied sections of mankind. The Asiatic question here, in South Africa, calls out deep-rooted and passionate racial sentiments. I can quite understand the pressure of such sentiments, as they prevail in European public opinion, upon our Government. But I would plead, with my whole soul, that to aggravate a racially-passionate question by bringing forward contentions which are untrue is worse than folly. The only hope of advance through these most thorny problems is the adherence, no matter what the political drawbacks, to nothing but the truth.

If South Africa is convinced that she *must* go beyond the Agreement of 1914, then let her frankly say so. I believe that on such a basis of candour India will be ready to meet her. But for her to throw a fog over the whole matter by an unjustifiable interpretation of the Agreement of 1914, is to put herself fatally in the wrong both with herself, and with the rest of the world.

NEVILLE PRETOR.

Smuts-Gandhi Agreement Controversy

II.—The Letter and the Spirit

(Continued from page 29)

A charge of breach of faith is being brought against South Africa in respect of the Areas Reservation Bill, popularly known as the Asiatic Bill. There are three "counts" in the charge:

(1) That the segregation provisions of the measure constitute a breach of the Smuts-Gandhi agreement of 1914.

(2) That the Bill is inconsistent with the undertakings given by Union statesmen at Imperial Conference since 1917.

(3) That the restrictions imposed by the Bill on the acquisition of land in Natal by Indians break the pledges given by the Natal Government to Indians brought into Natal under the indenture system.

In a short series of articles in the *Cape Times* these "counts" are examined in the light of the available documentary evidence. The present article continues the discussion, begun yesterday, of the Smuts-Gandhi agreement.

Two other points may be mentioned which go to show that the Smuts-Gandhi agreement was far more particular in meaning and limited in scope than is now contended by the Indians.

Let us repeat once more the undertaking as given by General Smuts' Secretary:—"With regard to the Administration of existing laws, the Minister desires me to say that it always has been, and will continue to be, the desire of the Government to see that they are administered in a just manner with due regard to vested rights."

It seems a curious form of words for General Smuts to use. If they mean, as the Indians urge, and as even the Government of India argued, "that the status which the Indian community had acquired in 1914 would at least be maintained," it is extraordinary that General Smuts should have chosen so queer a manner of expression.

The words appear even more curious when the whole of the letter is read. The rest of the letter gives assurances to Mr. Gandhi on eight specific points—points so specific and so obviously referring merely to the immediate issues of the 1914 dispute, that they are never adduced by anyone as having any but their particular applications. The words we have quoted yesterday and to-day are the only ones that are ever quoted as having application beyond the circumstances in which they were uttered. Why, then, did General Smuts add this general undertaking, if so it is; and why did he choose that form of words?

Mr. Gandhi's Own Words

The answer is that he did not choose it. Mr. Gandhi choose it. The words first appeared in a letter written by Mr. Gandhi on January 21, 1914, six months before the date of the agreement. In this letter Mr. Gandhi grouped the grievances of the of the Indians under five heads. The fifth head dealt with what he declared was oppressive and harsh administration of certain laws, such as the Immigration and Licensing Acts and the Gold Law. It was under this fifth head that Mr. Gandhi asked General Smuts for "an assurance that the existing laws specially affecting Indians will be administered justly and with due regard to vested rights."

It was, then, Mr. Gandhi's own form of expression that General Smuts used, and he added it to his letter of agreement simply because Mr. Gandhi had made the question of the manner of administration of certain laws a point in the issue.

But it is evident that General Smuts thought the words rather vague, for he asked Mr. Gandhi, during the negotiations, to define "vested rights"; and, as we saw yesterday, Mr. Gandhi complied, and definitely restricted them to rights acquired rightly or wrongly, under the Gold Law.

No New Policy

Moreover, if the sentence General Smuts used is looked at closely it will be seen that the only important words in it that are not Mr. Gandhi's but General Smuts, are contained in the phrase "It always has been, and will continue to be, the desire of the Government. . . ." These words, if the emphasis be placed upon them, amount to a denial of Mr. Gandhi's allegations that the Indians had been unjustly treated by administration in the past. They are, thus looked at, more a repudiation than a promise.

In any case, they show that General Smuts was promising no new departure, no adoption by the Government of an entirely new policy in the shape of an undertaking that the status of Indians would for ever remain unaltered. He merely said: "It always has been, and will continue to be, the desire of the Government" to do what Mr. Gandhi alleged the Government in the past had failed to do—namely, to administer "existing laws specially affecting Indians" justly and with due regard to vested rights.

This examination of the agreement and its attendant circumstances has shown:

1. That the agreement referred to the administration of existing laws and not to the Union's right to legislate in future.

2. That Mr. Gandhi himself restricted the meaning of "vested rights" to certain rights acquired by Transvaal Indians under the Gold Law.

3. That the agreement was "a complete and final settlement" only of those points which had been in issue between Mr. Gandhi and General Smuts, and on account of which the passive resistance movement had been launched.

4. This is shown by the additional fact that Mr. Gandhi himself contemplated the re-opening of the Indian question "some day or other" when it should suit the purposes of the Indians.

That is the Smuts—Gandhi agreement according to its strict letter. It is too obvious to require arguing that, thus interpreted in the letter, the agreement is in no particular broken by the segregation or other provisions of the Areas Reservation Bill. Indeed, so obvious is it that that is so, that a breach of the letter of the agreement is not very seriously put forward by the Indians and their supporters. They add, and place their emphasis on the addition, that it is rather the spirit of the agreement that has been broken.

A Liberal Interpretation

What, then, on a liberal, but reasonable interpretation, may the spirit of the agreement be said to be apart from its letter, and apart from the restrictions placed upon it by Mr. Gandhi himself?

It cannot be stretched further than this: that General Smuts undertook that whatever laws there might be on the Statute-Book of the Union, then or at any future time, having particular reference to Indians, would be justly administered, and that both in making and administering such laws individuals who had acquired and were exercising vested rights would not be dispossessed.

In other words, to be a breach of the spirit of the Smuts—Gandhi agreement any action of the Government must be either 1. Unjust or oppressive administration of a law specially affecting Indians, or

2. Dispossession of an individual Indian or body of Indians of any right he, or they actually possess and use.

By neither of these criteria is the Areas Reserva-

tion Bill a breach of the agreement. It dispossesses no one. On the contrary, it respects fully all vested rights. No Indian who to-day has a piece of land or a house or a business, or a lease of any of these, or the right to a renewal of a lease, is deprived by the measure of a single one of these rights. It is only the future acquisition of land or licences or leases that are affected. That is quite clear.

Administration

Whether the administration of the measure is unjust or oppressive is a question that does not arise, for the simple reason that, not being an Act but only a Bill, it has not yet been administered.

If the Government were to administer it unjustly, oppressively, or harshly, that would be a breach of the spirit of the agreement. Or if its provisions were such that its fair and just and considerate administration was patently impossible, that too would be a breach of the spirit of the agreement.

But it is evident to anyone who reads the Bill that (except in one particular, to which we shall come later) the provisions of the Bill can be administered so as to confer great material benefits on the Indians, and so as to make the conditions of life of the whole community, and particularly of the poorer sections, very much better than at present.

As it stands the Bill is not a breach, either in letter or spirit, of the Smuts—Gandhi agreement. It might become a breach of the spirit of the agreement if it were oppressively and unjustly administered. But there is at present not the slightest ground for believing that it will ever be so administered, though the Indians have every right to ask for assurances on that point from the Government.

(To be Continued.)

Sir Deva Prasad Sarvadhikari.

Broadcasting Speech

Sir Deva Prasad Sarvadhikari delivered the following speech last week from the Capetown Broadcasting Station:—

It is a great opportunity and honour to be permitted to speak to the South African people who may be listening in. As an Indian one cannot help remembering how incidentally the Cape, which has been one of *storms and hopes*, alike, came to be discovered by united European talent and enterprise, after homeric struggles, extending over many scores of years, by those determined to discover India and her fabled treasures and how for a long time it was the half-way house for those bound eastwards. One also remembers how the liberty loving British and Dutch and a dauntless band of Huguenots that for the sake of principle and religion gave up home and ease, found their haven here and how they struggled, strove and grew. Behold to-day as a result the mighty sub-continent with its limitless but unexplored resources, its magnificent scenery and climate, its growing problems and its studied isolation upon which it hopes to thrive and grow from more to more. In the days of its earlier struggles near upon a century ago the Cape was visited by a mighty Indian pioneer—Raja Ram Mohon Ray, then on his way to the British Court to obtain justice for his suffering people. In his ardent anxiety to land and salute the tri-colour flag of France just hoisted, to celebrate its re-found liberty, this great Indian broke his leg and enjoyed enforced South African hospitality. He then proceeded on his journey from which he never returned home and he died in far away Bristol after faithfully fulfilling his mission. And he was the maker of modern India in whose mighty wake we but feebly try to tread.

India and South Africa have since been bound by many bonds—economic and otherwise, and we have many a common name great in the history of both the countries. But we have gone our common as well as different ways without frank mutual understanding without which no two people can grow in real friendliness. One of your great statesmen speaking of one of our great statesman, Mr. Gokhale, said that he had no real conception of Indians, till he had met Mr. Gokhale. Some of you in your writings and speeches have been good enough to admit that India had a civilisation of its own fairly ancient and good from the Indian point of view. Not much seems to have been known, however, of what modern India has been doing and trying through its Keshub Chandra, Dayananda, Ram Krishna, Surendra Nath, Sayed Ahmad, Gokhale, Gandhi and Chittaranjan, Rabindranath Nath, Bankim Chandra, J. C. Bose, P. C. Roy, Ramanjan and Rahmans. While she has thus been living her own life and attempting to build up her own nationhood, India has in spite of many a handicap been giving freely to South Africa right across the sea help in her economic struggles. Not the least of her contributions to the West has been the early training and nurturing of the poet—"If and "recessional" for whom South Africa keeps an open house and whose ideals of the "Far Flung" Empire will undoubtedly appeal to it once again, he will resent the injustice of misquotations that the East and the West shall never meet.

The East and the West have to meet and have met for the best of purposes. The Divinity that shapes our ends and nothing else could have guided the steps of Vasco-da-Gama, whose pilots were agestrained mariners from India. Artistic, spiritualistic and idealistic East with its traditions of high thinking in spite of plain living, has to harmonize itself with the materialistic West and to evolve an undreamt of balance of power by which and which alone and not by constant clash and clamour can the salvation of the East and West be attained. It was in the fitness of things therefore and almost by Divine ordinance that the East and the West have met in a South African half-way house, after stupendous efforts of the West to irradiate traffic in "Black Bullion" and meet was it that Ram Mohon Ray, the man of Eastern thought and Western action, should have visited it at the dawn of its modern era.

I am here as one of the Government of India deputation to enquire and report upon the condition and views of our fellow-countrymen and therefore precluded from referring to anything of a political nature. His Excellency Lord Reading urged upon me to join the deputation, which for various reasons I could ill-afford to do. I am glad however that I was able to obey His Excellency's command, for it has helped me in the removal of many misapprehensions. As an Indian I came and lived among Indians to study their needs and troubles.

Wherever we have gone not only our own people but also Europeans have been remarkably kind, courteous and hospitable and we thank them one and all. And so we do thank the Union Government for considerate arrangements for our travels.

Artists, musicians, journalists, publicists, churchmen, literarymen, scientists, lawyers, industrialists and commercial men have individually extended to us the right hand of fellowship and wished us God-speed in our difficult and delicate work. Rotarians have met me in right Rotarian spirit. Freemasons in the truly masonic manner and University men in genuine academic style, I thank them all.

I fervently believe that due fruition of our labours will not only be our own reward but will also be the avenue of supplementary co-ordination without which this vast country with its illimitable resources can hardly achieve its true and legitimate expansion. Cape to Karachi ought to be as im-

portant a route, properly handled as Cape to Cairo. To be able to occupy a worthy place in this all important work of co-ordination, which must be the anxious and prayerful care of successive generations of South African statesmen, our own people must strive to their uttermost for their educational and social uplifting.

And where for such noble and remarkable purposes could the East and the West better meet than under the vaulted blue sky of Africa, with the Southern Cross shining bright, at the sacred junction of the warm waters of the Indian Ocean with the cold Atlantic waves. Let the new era of comity of peoples, nations and races fearlessly commence on this auspicious soil and let the Almighty be at the head of things.

Transvaal Indians' Mass Meeting

Chairman's Speech

The following is the Chairman's speech delivered at a mass meeting of Indians held recently in Johannesburg:—

Gentlemen,—We have met today not because there is anything new to say concerning the anti-Asiatic Bill or because anything has been left unsaid, but because we feel it to be our duty to endeavour to strengthen the hands of our dear friend the Rev. Mr. Andrews and the small band of Europeans who are so bravely fighting side by side with him in the hope of ultimately defeating this reactionary and un-British measure. Of Mr. Andrews' labour of love we can but speak with reverence; lines of gratitude could never adequately repay or acknowledge what he has done and is doing for us. But we want him to know, and our other European champions and friends to know that weak as we are, we at least do appreciate.

We have reached or are rapidly reaching the crisis of our lives as a community. The Asiatic Bill, if it becomes law, will be our death sentence, nothing less. With all the vehemence of men on the threshold of death, of men unjustly sentenced, of an inarticulate people stripped over long years, of nearly all the rights British subjects have been taught to consider their natural heritage, and now finally condemned to the sacrifice, to make a rival traders' holiday, we protest, and protest, and protest. If we are to die, as seems possible, let us, brethren, die with protest still on our lips so that the shame—not our shame, but the shame of those responsible for this crime against liberty and justice—may live. Let our sacrifice at least ensure other and future generations against a repetition of this violation of liberty.

That we are the victims principally of a conspiracy engineered by rival European traders is conclusively shown by the action of the Licensing Committee at Balfour, only this very week. There European shop-keepers unblushingly refused every Indian application on the fictitious ground of unsuitability; not applications for new licenses but applications for renewals of old established businesses and, gentlemen, it is just this that the Asiatic Bill is designed to do for us throughout this country. It is the old story of Naboth's vineyard, and the Indian trader is, collectively, Naboth.

Much oppression is said to make its victims desperate. Trading rights are almost the sole possession left to us. We were poor before; now we are to be beggered indeed. But, gentlemen, a people may be stripped of every worldly possession and yet be richer than their despoilers. Clearly, our oppressors place small value upon honour; That is evident

enough from the word-jugglery-by which the Smuts-Gandhi agreement is to be treated as a scrap of paper. But if honour still means anything of value to us, if the honour of our dear Motherland of which we are in a measure guardians and trustees is still precious to us, then, no matter what our fate in other respects, we are richer men than our oppressors. I do not want to talk of retaliatory steps, of Passive Resistance, and the like at this stage. We still hope and pray that saner, honest counsels will prevail and that the temptation to perpetuate this sordid wrong will yet be finally resisted. But, gentlemen, I would remind you, if you still need to be reminded, that if the Bill becomes law, save honour we shall have nothing more to lose; nothing more that can be taken from us. We are sometimes accounted a timid fearful people, though I think we have an occasion somewhat given the lie to that impeachment. We have certainly proved ourselves capable of suffering for our convictions. I believe, gentlemen, that we still cherish convictions, and, if I am not entirely mistaken, we have not wholly and completely changed in spirit since 1914. No people, gentlemen, love peace more than the Indian. Gentlemen, we want peace, but we want justice with peace and above all peace with honour. This is the message I ask you to send to Mr. Andrews and to our supporters throughout South Africa and to the Raj whose seemingly abandoned children we are.

Resolutions

The following resolutions were then passed:—

1. That this Mass Meeting of Transvaal British Indians repeats its abhorrence of the Asiatic Bill, and once again enters the community's emphatic protest against the threatened outcasting of the Indian people and the deprivation of the last few shreds of their rights that as civilised British subjects they are entitled to claim to retain.

2. That this meeting of Indians once again appeals to the Union Government to reconsider matters and pending further investigation, preferably by the holding of a round-table conference, to withhold the presentation of the Bill to Parliament.

3. That this meeting further protests against the disabling legislation—the Liquor Amendment Bill and the Colour Bar Bill in so far as it discriminates against Indians and expresses as its decided opinion that such legislation is a further violation of the spirit of the Smuts-Gandhi agreement of 1914.

4. That this meeting of Indians as a last resort pleads for the support and help of the Government of India and of sympathisers in India and Britain.

To Let 60 Acres Farm AT INANDA

About 25 Acres Bananas, also planted with Madumbies, 2 Wood and Iron House and Stables, Water well on Farm.

For further Particulars Apply :

786 INDIAN OPINION, Phoenix.

Englishman, with capital, lately arrived, speaks Hindustani, desires Indian partner with capital to purchase Store or Poultry farm near Johannesburg. With experience preferred. Other propositions considered. Bank references.

Apply:

Indian Opinion, Phoenix.

IN THE SUPREME COURT OF SOUTH AFRICA

(Witwatersrand Local Division)

5s. Revenue Stamp
cancelled 20th
January, 1926.

Before the Honourable Mr. Justice de Waal.

JOHANNESBURG, Tuesday the 19th day of January, 1926.

In the matter of the Ex parte Application of:—

VALLI MAHOMED NOOR MAHOMED.

Upon the motion of Mr. L. Blackwell, of Counsel for the Applicant, and upon reading the Petition filed,

IT IS ORDERED:—

1.—That the SURATEE MAHOMEDAN ESTATE COMPANY be, and it is hereby placed under Provisional Liquidation.

2.—That a Rule Nisi be, and is hereby, issued calling upon all the Shareholders of the Company and such other person or persons whom it may concern, to shew cause, if any, in this Court on the 1st day of March, 1926, (a) why the said SURATEE MAHOMEDAN ESTATE COMPANY should not be wound up in terms of Section 203 of the Transvaal Companies Act 1909, on the ground that it has now ceased to carry on business in terms of its original objects, (b) why LESLIE PATRICK KENT shall not be appointed Liquidator of the said Company, with power, (i) to wind up the Company as an unregistered Company consisting of more than seven members, (ii) to obtain, recover and collect from ESSOP MIA and/ or MOOSA MIA and/ or SULIMAN ISMAIL MIA & COMPANY as may be found necessary or expedient, all the books and records of the Company, and to recover from them either jointly or severally, all such rentals as they may have collected from tenants on behalf of the Company, (iii) to institute action, if necessary, against the said ESSOP MIA and/ or MOOSA MIA and/ or SULIMAN ISMAIL MIA & COMPANY for a statement of account and for the recovery of such moneys as many be found due to the Company after debatement of the account, and to recover, if necessary, such damages as may have been suffered by the Company or its shareholders by reason of the failure of the said ESSOP MIA, MOOSA MIA or SULIMAN ISMAIL MIA & COMPANY, jointly or severally, to protect the interests of the shareholders in the said Company, and (iv) to make such claim against the insolvent Estate of LEWIS WALTER RITOH as may be found to be due by the Trustee to the said Company, and (c) why the costs of this Application should not be paid out of the funds of the Company.

3.—That service of this Order be effected on Essop Mia, and by one publication in the *Union Gazette* and in an Indian Newspaper circulating in Johannesburg.

BENSON & SMITH,
91/3 Cullinan Buildings,
Johannesburg.

BY ORDER OF THE COURT,
(Sud.) J. O. HINSBROCK,
REINSTRAR,