

Indian Opinion

No. 44—Vol. XXV. Friday, November 4th, 1927.

Registered at the G.P.O. as a Newspaper.
Price Fourpence.

MR. SASTRI WELCOMED AT CAPETOWN

THERE was a large attendance of Europeans and Indians at the reception given by the Cape British Indian Council in honour of the Right Hon. Srinivasa Sastri, P.C. (Agent-General of the Government of India) at the City Hall on Saturday afternoon Oct. 22.

The Mayor of Capetown (Mr. A. B. Reid) presided, and among those on the platform were Sir Carruthers Beattie, Canon Lavis, Advocate Bowen, Messrs Wessels Roux, M.L.A., W. Snow, M.L.A., M. Alexander, K.C., M.L.A., and R. Stuttafford, M.L.A., Dr. Gool, Hadje Mahomed Khan, and a number of ladies. Several members of the African Indian League were on the platform, including the president of the League.

The Mayor, in welcoming Mr. Sastri to the Peninsula, said that Mr. Sastri had been one of the Indian delegation which met the representatives of the Union Government in Capetown and came to an agreement which had received the approval of the Parliaments of each country, and it was a compliment both to the Indian and European communities that he had now been sent to this country as the Agent-General of the Indian Government. Mr. Sastri's career had been a very brilliant one, and he had given his life to the uplifting of his people. His life commanded respect and admiration.

Continuing, the Mayor said he esteemed it a privilege to be associated with that gathering, and it was his pleasant duty to extend to Mr. Sastri, on behalf of the city, a very sincere welcome. They greeted him not only as a great servant of India, but as an equally distinguished representative of the Empire, and hoped his stay in the Peninsula would be a very happy one. (Applause.)

Indians' Address

Dr. Gool, on behalf of the Cape British Indian Council, then presented Mr. Sastri with an address which read as follows:

Sir,—We, the members of the Cape British Indian Council, desire to express to you, on this your first visit to Capetown as the Agent-General of the Government of India, our deepest appreciation of the sacrifice you have made in coming out to South Africa at a time of life when others have sought retirement on account of declining years.

We know also that you have undertaken this task as a sacred duty, in spite of failing health, and that it is only your devotion to the cause of the Motherland that has made you ready to bear so great a burden of responsibility at your advanced age.

We wish to assure you of our wholehearted support in all your actions, and if we can serve you in any way during your stay in Capetown we shall gladly do so.

We are proud of the fact that the city of Capetown will receive you in residence throughout a great part of each year and we are fortunate in having you in our midst as our guide, counsellor and friend.

We regard you as India's first Ambassador, and are glad that our own adopted country of South Africa has received this distinction of your appointment.

With all our prayers to Almighty God to preserve your health and strength, and to make your residence among us in Capetown happy and successful, we beg to remain, your obedient and devoted fellowcountrymen,

Hadji Mahomed Khan, president,
Hadji K. Gool, vice-president,
Daya G. Patel, treasurer,
A. Ismail, hon. secretary.

Thorny Problem Solved

Dr. Gool said that in the address they were presenting they wished to express something further, to express how thankful they were that the Round Table Conference, which took place in Capetown a little time ago had succeeded in finding the beginning of a complete solution of the thorny problem of the Indians in South Africa. It was a well known fact that it was Mr. Sastri's gentleness, his kindness, his complete grasp of the situation, and his ability to meet differences which had been the great factor in beginning to arrive at a permanent solution of the Indian problem in South Africa.

They wished also to express their unstinted admiration for the remarkable statesmanship displayed by the Prime Minister, General Hertzog, and by Dr. Malan, the Minister of the Interior. But there was a great deal to do before they would reap the benefit of the settlement, and they needed a strong man and a good man, and that man they had found in Mr. Sastri. (Applause.)

Dr. Gool referred to dissensions amongst themselves, and said that if they let matters alone they would come right. The future might give them all they wanted, including full citizenship throughout the Union.

Dr. Gool concluded with a reference to the need for education for Indians, so that they could take their places next to the Europeans in South Africa, and might produce men like Mr. Sastri. (Applause.)

Mr. Alexander, in joining in welcoming Mr. Sastri, said he rejoiced that the policy of mutual goodwill and co-operation had now definitely set in between the two great nations of South Africa and the Indians, because every man who tried to get rid of all prejudice must recognise that only through mutual goodwill and co-operation could anything be done in the way of settling the problem, particularly where matters of race and colour come in.

Almost a Miracle

Proceeding, Mr. Alexander said that by a sort of miracle the Conference altered the position with regard to this great problem. They could rejoice that the time had arrived when the Indian problem would be settled in terms of justice, which meant in terms of statesmanship.

Mr. Alexander concluded by saying that in no part of the world would Mr. Sastri receive a more sincere welcome than he would receive from the Mother City of South Africa, which was always prepared to recognise greatness in men, no matter what race, colour or creed they belong to. (Applause.)

Mr. R. Stuttafford said, Mr. Sastri was not an entire stranger to Capetown, as he was one of the delegation that negotiated with the Union Government last year, and he thought all the Indians in South Africa appreciated most heartily what that body of men did for them. Mr. Sastri had now to see that what was agreed at the Round Table Conference was put into action, and that the grave difficulties which existed before the delegation came here would be

moved away, and the Indian population in South Africa would find their path very much more easy than it was before.

one to another, and possibly upon the affairs of the whole civilised world.

Education and Housing

Two points in the agreement would require and receive Mr. Sastri's particular attention, went on Mr. Stuttaford, they were education and housing. Mr. Sastri would do enormous work in this country if before he was called back to his country he would see that the education and the housing of the Indians was vastly improved. He believed Mr. Sastri had that power of negotiating which would be of inestimable value to the Indians in South Africa. In the City of Capetown, in the Colony of the Cape, they had a reputation for scrupulous fairness to the non-European races, and he thought Mr. Sastri would find that atmosphere still permeated the Cape Colony. (Applause.)

In conclusion, Mr. Stuttaford said that India's loss was South Africa's gain, and he believed that in working in South Africa, in welding the races together, Mr. Sastri would be doing even more than if he was working in India. He believed it was Imperial work which the Indian Government had initiated, and which would be of great value.

If Indians had Votes

Mr. Wessels Roux thought it would be a good thing that men of such eminence as Mr. Sastri should leave one country and go to another so that they should get to know each other. He was proud to belong to the Cape Province, where they had always given every right to every man, no matter what his colour or race. The influence of the 1,972 Indian Parliament voters in the Cape Province had been used for good. He had often wondered if things in South Africa would not be a little better if the British-Indians also had the Parliamentary vote in Natal. (Applause.)

Mr. W. Snow said he thought they were making history in South Africa, and it would take more than a few minutes to speak about the revolution which had taken place in the Indian problem. The only way to settle questions in this country, whether social or political, or whatever they were, was by a round-table conference. (Applause.)

Mr. Sastri's Reply

A PROBLEM AFFECTING THE EMPIRE

Mr. Sastri, who was received with loud and continued applause, said they had spoken of the good work that was done some months ago in Capetown. It was fortunate that Capetown should have been chosen as a place of meeting of the delegation of the two Governments, not only because of its attractions and its far-famed beauties, not merely because the Cape Province for a long time had had a reputation for broadmindedness and cosmopolitanism, but, it would seem to him, for a double reason. In Capetown, inspired by the mountain and by the ocean, people seemed to him to take broad views of things almost by instinct. It was here that one of their great men, Cecil Rhodes, exhorted people not to look at problems from the parochial or provincial point of view, but from the larger standpoint.

If they who met in December and January last had only looked at the question that came before them, each side from its own point of view they would, it seemed to him, have failed, but from the beginning they never lost sight of the far-reaching effects of the subjects which they were handling. They knew that they would have effects not merely on the relations between South Africa and India but on the relations of the various parts of the Empire,

A Common Problem

It was when men began to grasp the large nature of the topic they touched that no sacrifice seemed too great, no compromise too barren which might lead to an agreed solution. (Applause.)

One of the speakers before him referred to the Capetown Conference as an instance where mutual consultation and the principle of give and take triumphed. That was perfectly true. They looked upon the problem from the beginning as common both to India and to South Africa. It was wonderful how, after their first conference, they recognised fully that each side met in the other an ally, a friend, a true-hearted co-operator, and not a wily and cautious negotiator who carefully weighed the words he used and carefully weighed the words used on the other side, who thought always "How will this benefit me?" or "How will this injure me?" It was not in that pettifogging spirit that they came to the problem, but fully alive to the nature of the case.

Union Ministers Praised

Dr. Gool had said, preceded Mr. Sastri, that it seemed to him that General Hertzog and Dr. malan deserved praise for their courage and statesmanship. He had, himself, said that very often, indeed, both in India and in this country. He was glad to endorse with all his heart what Dr. Gool had said, but the credit was shared also by the other members of the Union Government delegation. They, too, brought to the Council Chamber a desire to study the other man's point of view, not to score petty victories at each stage, but to reach a solution that would stand the test of time, and afford a real remedy for the evil that had vexed two or three generations before.

The last time that he appeared in that place, on the eve of his departure from this country, he ventured at an entertainment, to say that the Conference had been a success, that the Indian delegation, who came with anxious hearts, were returning fully satisfied, and that if only the Indians resident in South Africa "played the game" they could hope soon to see better days dawning on them. (Applause.) When he spoke it was still understood that the agreement was to be secret. But he knew there were many who were eager to have a glimpse of the result, many of his countrymen who felt that their fate hung on the results of the Conference, and would be glad to be assured that the Conference did not leave matters worse than they were before. He thought he said the right thing.

He thought it was due to their colleagues of the Union Ministry to say that they had received from them not only hospitality and courtesy, and the reception due to allies in a difficult position, but he felt that he was paying a compliment that had been ten times deserved, and at the same time he could not help leaving a word of hope with his countrymen here whose affairs they (the delegation) had come to compose.

Thought He Did Right

"At that time," said Mr. Sastri, "it was held in certain quarters that I had been guilty of an indiscretion. After so many months in which to think it over I do not think I have come to regret what I said on that occasion. When a great act is done, when a noble step has been taken towards peace, the word of commendation and praise, the word of thanksgiving, cannot be delayed one moment. (Applause.) In my speeches subsequently—for I have made many on the agreement—I have always borne testimony to the way in which the people of every

grade and quality, every colour and religion, in this country helped our deliberations. I do hope and trust that in the fulfilment of that agreement the same co-operation and sympathy and understanding will be manifested on all hands.

An Open Mind

"I am able to say, proceeded Mr. Sastri, "from the experience of a few months in the whole of the Union that that hope and expectation will be abundantly fulfilled. Wherever I have gone I have found everywhere, even in quarters generally known to be hostile, a desire to understand the agreement with an open mind, and when its clauses have been understood, a further desire that the agreement should have a fair trial. That the agreement will have a fair trial has been guaranteed by the leader of the opposition and by the other great men belonging to his party.

Continuing, Mr. Sastri said that giving a fair trial was a somewhat elastic expression. It might only mean that they had abandoned their attitude of opposition and suspicion, that they were now prepared to stand aloof from the strife, to allow fair play to those who are engaged in it, in other words, to use a hackneyed political phrase, to adopt an attitude of benevolent neutrality. (Laughter.) That was good so far as it went but he would plead with them for more positive attitude of benevolence. To give the agreement a fair chance they must create a favourable atmosphere, not an attitude of active friendliness from all quarters.

A Fervid Appeal

"I would beseech that positive and active spirit of friendliness towards the agreement," went on Mr. Sastri. "You must not stand aside as if you had no concern in the matter, as if you thought you were absolutely unconcerned which way the results were pointed. You are all alike whether you were friends or whether you were unfriends of Indian community before; you are all alike now after the agreement, pledged through your Government to its loyal and thorough fulfilment."

The Government, continued Mr. Sastri, was actuated by that desire and not only the Ministers of the Union, but he had found in Natal the utmost friendliness displayed towards the agreement, and Natal, as they knew, was a Province which stood at the opposite end of the stick as it were.

It had been mentioned several times that day that if there was an Indian problem it was a very limited and negligible one. In Natal, however, the problem was very much alive; it engaged the deepest feelings of both communities, and perhaps of the whole Provinces of the Union it was in Natal, British as it was, that the two communities looked upon each with somewhat unfriendly eyes, but—would they believe it?—after two and a half months of intimate experience of both communities in the Province, he was now prepared to say that there was nothing more admirable than the spirit in which the European community there had tried to meet his demands. (Applause.)

The Education Commission

It must be remembered that a section of the Agreement threw obligation on the Natal Administration, the Natal Provincial Council, which it did not cast on the people of the other Provinces, for it was provided there that to rectify the grave condition of Indian education, an Education Commission should be promptly appointed to examine the matter. Considering the way in which responsible politicians in that Province had committed themselves to a somewhat anti-Indian view of things, would they not join with him in saying that it was really an act of magnanimity on their part to appoint this Education Commission straight away. (Applause.) They

would soon meet and experts appointed by the Government of India would join them in the discussion of the questions and in the enunciation of a possible solution.

The Housing Question

The housing question, too, said Mr. Sastri, would soon be taken up. That was not a state of things which one could pass as if it took place every day. People changed, they changed in politics certainly; with changed circumstances they all changed, but some people changed even when circumstances did not. (Laughter.) When people changed they were usually at immense pains to establish the fact that it was not they who had changed but all people of the other opinion. (Laughter.) It was rarely that they found people straightforwardly admit they had changed, and for that the greatest possible honour was due to the members of the Union Government.

He would, therefore, ask his fellow-countrymen to stint no praise when they judged the present Government, or—he was sure in this matter he was right when he added—the Opposition as well. The Capetown agreement was not regarded as a party question; it was the whole people of South Africa who were through the political parties, pledged to its honourable fulfilment. It only remained for him to make an individual appeal to all Europeans who in various ways exercised an influence on the shape and form of contemporary affairs.

The New Policy

He had indicated, said Mr. Sastri, that the policy was entirely different from the old policy. The Union Government had said in the agreement that it would not be possible for them to legislate or administrate very far in advance of public opinion. That, of course, went without saying. It meant that the new policy if it was to be carried out by the Government must be supported by the public opinion of the country. (Applause.) The public opinion of this country was the sum of the opinions held by the individual Europeans and Indians. The action of Parliament depended upon the will of the constituencies, and it was, therefore, in the constituencies that one would seek for the foundations this new policy to be laid. Every single voter if the Indian question was placed before him must remember that he was to be a vehicle of the new policy. If before he had not considered the repercussions of South Africa's policy on the Empire's solidarity he must no longer be indifferent to it. If he had regarded the Indian as an alien and an undesirable character who must be got rid of as soon as possible, he had now got to remember that after the migration policy had taken effect and it was ascertained that there was a definite Indian population which was assimilable to a Western Standard, he must no longer assume an attitude of lofty contempt but agree to govern his relations by the sovereign dictates of human brotherhood, human love, and one fellow-citizenship under the Sovereign of Great Britain and Ireland.

Change of Heart

This change of heart, Mr. Sastri went on to say, must be the result of much effort. It was easy to say one was going to change one's heart, but the performance, if they tried it, would be found to tax all the culture and discipline that they had ever received in their larger and deeper life. It was that great effort for which he ventured to appeal to each individual European voter in this country.

In conclusion, Mr. Sastri said: "I do trust under Providence that public opinion, which the Government requires as a *sine qua non* of its carrying out the nobler policy, is already in the making and will soon be an accomplished fact, so that the agreement, being honourably carried out we may look forward to a future when the Indian problem in its acuter phases will have disappeared from the surface of South African politics, in the same way in which I hope that even your Flag question is already yielding to the effect of mutual consultation and accommodation. (Loud applause.)

The proceedings then closed with the singing of the National Anthem.

THE LICENSING OFFICER'S AUTOCRACY

THE autocratic powers vested in the Licensing Officers have often been the subject of criticism in these columns. We have another such instance in the case of Ahmed Mahomed Peer vs. The Town Council of Ladysmith recently heard in the Supreme Court a report of which is reproduced elsewhere in this issue. The Licensing Officer in this case refused the licence on the ground that there was no necessity for it. His decision was confirmed on appeal by the Town Council and when the Supreme Court was approached for justice it said it had no jurisdiction over the Licensing Officer's authority. The Judge-President Sir John Dove-Wilson pointed out that as the jurisdiction of the Court was ousted in the Immigration Act of 1913 so was it ousted in the Dealers' Act. So the Licensing Officer is the supreme being and one has to bow to his decision whatever it may be and no power on earth can set it aside.

The Immigration Act although of general application, the main object of it is to keep the Indian out of the country. The Licensing Act, although of general application the main object of it is to deprive the Indian of his only means of livelihood. One never hears of such a refusal of a European's application.

The Licensing Officer should have discretionary powers no one denies, but if there is anything like justice abuse of such powers should under no circumstances be allowed. In the present case the Licensing Officer refused the application on the ground that there was no necessity for the licence. We maintain that the Licensing Officer has here abused his powers if he was at all acting in the interests of the public. It was not for him to say whether the licence was necessary or not. It was for the public to say that. In fact the more licences there are the more benefit the public i.e. the consumers derive. For the more competition there is the cheaper the goods they get.

The Licensing Officer has, therefore, in this instance, not only done an injustice to the applicant but also to the public. The facts to be considered by the Licensing Officer ought to have been whether the applicant was a fit and proper person to hold the licence, whether the public had any objection to his holding the licence and whether the pre-

misses sought to be licensed were suitable. But on these points he evidently could not score and so he used his Czardom and decided that there was no necessity for the licence.

This injustice has been complained of for many years by the Indian community and it was one of the important matters discussed at the Round Table Conference, as a result of which the following clause has been embodied in the Agreement arrived at between the Indian and the Union Government:

When the time for the revision of the existing trade licensing laws arrives the Union Government will give all due consideration to the suggestions made by the Government of India Delegation, that the discretionary powers of the local authorities might reasonably be limited in the following way (1) the grounds on which a licence may be refused should be laid down by statute (2) the reasons for which a licence is refused should be recorded (3) there should be a right of appeal in cases of first applications and transfers, as well as in cases of renewals, to the Courts or to some other impartial tribunal.

We see that the clause dealing with assisted emigration is being given effect to and so is the upliftment clause. It is to be hoped that the clause above quoted will also be treated as one of the vitally important ones, for neither education nor upliftment can possibly progress when a person is actually deprived of the means of livelihood.

Notes and News

MR. Dick has retired from service at the Immigration Office at Durban from the 31st of last month and Mr. H. R. Teague has assumed his responsibilities. We congratulate Mr. Teague on his promotion. It is quite a usual thing among officials to wear an air of officialdom but we are glad to note that in Mr. Dick's time we had always received a courteous and friendly hearing. We hope we could expect the same in Mr. Teague's time.

The Most Reverend Dr. Foss Westcott, Metropolitan of India, was the guest of the Natal Indian Congress last Saturday night when a welcome reception was given him at the Parsee Rustomjee Hall, Queen Street, Durban, Mr. J. W. Godfrey presiding. There was a mixed gathering of Europeans and Indians and the Very Rev. Archdeacon Harris was also present. After welcoming the Metropolitan the chairman garlanded him and presented him with a beautiful bouquet. The Very Rev. Archdeacon Harris spoke of the Westcott family who was very well known and paid a high tribute to the Metropolitan for the noble services he had rendered humanity.

The Metropolitan after thanking the Natal Indian Congress for the honour they had done him spoke of the growth of India and advised Indians in this country to work unitedly and to educate their children and to develop not only their mind but their body, mind and soul and thus make them fit to be good and useful citizens of South Africa. To adopt the western standard of living, the Metropolitan said, did not mean that they should dress as the Westerners did or eat what they ate. In fact Indian women, he said, should never discard their beautiful dress. But the adoption of Western standard really meant that they should observe the rules

of hygiene and sanitation as the western people did, and be neighbourly as the western people were so that Europeans may not have reason to complain of their Indian neighbours being objectionable.

Mr. V. Lawrence moved a vote of thanks to the Metropolitan for the kindness he had done in coming to South Africa to study the Indian question and for the very useful advice he had given and also to the European guests for their kind presence that evening and the meeting terminated with three hearty cheers for the Metropolitan.

A tea party was given in honour of the Metropolitan by Mr. E. A. Tye at his residence at Prince Edward Street on Saturday afternoon where His Lordship was introduced to prominent Indian merchants.

On Sunday afternoon the Metropolitan addressed a mass meeting at Clairwood held under the auspices of the local branch of the Natal Indian Congress.

The many friends of Mr. B. M. Patel of Durban will learn with the deepest regret of the heavy loss sustained by him by the death of his dear mother which took place last Sunday in India. We extend to Mr. Patel our heartfelt sympathy in his very sad bereavement.

The Rt. Hon. Srinivasa Sastri is expected to arrive at Durban from the Cape on Sunday the 6th instant.

Licensing Officer's Arbitrary Powers

Supreme Court Refused to Interfere

The case of Ahmed Mahomed Peer v. Town Council of Ladysmith was heard in the Supreme Court (Natal Provincial Division) on October 28 before Sir John Dove-Wilson (Judge-President), Mr. Justice Tatham, and Mr. Justice Mathews.

Applicant applied for a new retail dealer's licence in respect of premises known as 132, Murchison Street, Ladysmith. The Licensing Officer refused the application on the ground that there was no necessity for the licence. His decision was confirmed on appeal to the respondent Town Council.

Application was now made calling upon the Town Council to show cause why the decision of the Licensing Officer should not be set aside, it being contended that (a) there had been a licence for the premises for many years, and it was not competent to consider the necessity for the licence; (b) that no objections to the licence had been lodged; (c) that in any case the licence was necessary; and (d) that the refusal was arbitrary and contrary to natural justice.

Mr. H. H. Janion (instructed by Mr. E. R. Rawlinson, Ladysmith) appeared for applicant.

Mr. F. N. Broome (instructed by Mr. James Macaulay, of Ladysmith) appeared for respondent Town Council.

The Judge-President, in giving the judgment of the court, said that it seemed to him that the case could not depend upon any decision of this Court given prior to 1923. The jurisdiction of the Court was limited by Section 5 of the Dealers' Act of 1897, to which his Lordship referred. There was a provision ousting the jurisdiction of the Court in the Immigration Act of 1913, Section 3, which defined the extent to which the Court could adjudicate upon the decisions of the Immigration Board.

In *Union Government v. Fakeer* (1923, A.D. 466) and *Nayansamy v. Immigration Restriction Officer* (1924, A.D. 573) the Appellate Division had considered the binding effect of this provision in the Immigration Act, which was couched in terms similar to those of Section 5 of the Dealers' Act. The decisions referred to showed that fraud or absence of jurisdiction were the only grounds upon which the Court could interfere with the decision of the Immigration Officer or Board. These decisions, applied to the circumstances of the present cases, raised the question whether there was fraud or absence of jurisdiction. His Lordship said that there was no suggestion of mala fides or fraud, nor any manifest absence of jurisdiction, and the application must be refused.

His Lordship added that these reasons had already been stated by Mr. Justice Tatham in the case of *Zululand Cotton Fields v. Ndumu, Ltd.*, (1926, N.P.D.), and he had not, at the time, dissented or acquiesced in those views as he had not had an opportunity of considering them fully. Having now had that opportunity, he concurred in the reasoning of Mr. Justice Tatham in the case referred to.

Application accordingly refused with costs.

Registration of Indian Births

In the Supreme Court (Natal Provincial Division) the case of *ex-parte Suleman Cassim Badat* in connection with registration of birth was heard before Sir John Dove-Wilson, Judge-President, Mr. Justice Tatham and Mr. Justice Mathews.

On Aug. 31 last, the Court granted an order authorising the Registrar of Births to register the birth of the applicant's daughter, Amina Bibi, which took place at Old Esperanza, Umziato district.

The Registrar of Births raised the question whether such registration was competent, in view of the fact that, under Sec 42 of Act 17, of 1923, nothing in the Act was to apply to the registration of births of Indians in the Province of Natal; until a date fixed; and that such date had not been fixed.

The applicant was a Mahomedan storekeeper, who had come to Natal, but was not under the jurisdiction of the Protector of Indian Immigrants.

Upon argument on this point, Mr. J. O. Smythe (of Messrs. Smythe & Co.) appeared for the applicant.

Mr. E. W. Thrash (instructed by the Attorney-General) appeared for the Registrar of Births.

In giving judgment, the Judge-President said that the Registrar of Births had regarded the word "Indians" as including other Indians besides Indian immigrants, known as such. It was, no doubt, a canon of construction that the plain meaning should be given to words, if that meaning were intelligible, but it was also a canon of construction that where there was anything in the nature of ambiguity regard might be had to the context of the Act as a whole, in order to ascertain in which of two or more possible meanings the words were used.

His Lordship referred to section 42 (3) which showed that the word was used as meaning Indian immigrants under the jurisdiction of the Protector. The purpose of the Act was not to cure any defect which existed in the case of the registration of births of Indians who were not Indian immigrants. Those Indians had been registered in precisely the same way and in the same register as Europeans.

His Lordship referred to the confusion and absurdity which would follow if the interpretation put on the section by the Registrar were given effect to. Until a date had been fixed, Indians, who were not Indian immigrants, would continue to be registered under the system in force prior to the Act. One could understand why differentiation had been made in the case of Indian immigrants, since so far as they were concerned there was a complete and independent system of registration.

His Lordship also referred to the schedule of laws repealed by the 1923 Act, and pointed out that all Natal Acts existing prior to 1923, which provided a system of registration for those Indians who were not Indian immigrants, had been repealed by the new Act.

His Lordship also referred to the marginal note to section 42, which bore out the conclusion that the word "Indian" was intended by the Legislature to mean "Indian immigrants."

Mr. Justice Tatham and Mr. Justice Mathews concurred.

The order of Aug. 31 was accordingly directed to stand.

Indian Immigration into Union

Statement Issued from Agent's Office

The following statement has been made by the Agent of the Government of India at Capetown and has been transmitted by Reuter to the Press:

"Under the provisions of the Capetown Agreement, minor children born in India of fathers domiciled in South Africa can only be introduced into the Union if they are accompanied by their mother, if alive, or come to join their mother already in the Union.

The position under the new law is as follows: A minor child who is the holder of a Transvaal registration certificate, or of a certificate of identity, may return to the Union unaccompanied by the mother, if its absence has not exceeded three years. If its absence has exceeded three years, the child loses its own domicile, and can only be brought into the Union in accordance with the provisions of the Capetown Agreement.

Cape and Natal

In the Cape Province and in Natal, where a child born in India may acquire domicile by three years' residence, but where no registration certificate is issued, a minor child who has so acquired domicile can return within three years in his own right, that is without his mother. After three years absence, if still a minor, the child can be brought in under the terms of the Capetown agreement.

Complaints have been made to the Agent that the security deposits demanded from would-be immigrants during the pendency of their cases before the immigration authorities have been fixed at an excessive figure. The figures obtained from the department for the last 100 Indian cases in the Transvaal are as follows: 65 of £10, 19 of £15, 8 of £25, 1 of £30, 5 of £50, 1 of £75, 1 of £100. The last case was that of a person who, on arrest in the Transvaal was found to have entered illegally. The cases where the £50 deposit was demanded were cases of children arriving without their mothers, and a heavier deposit was taken to meet the risk of such children being smuggled into the Union and becoming untraceable before the decision of their cases.

Holders of registration certificates in the Transvaal have complained that the certificates of identity issued to them recently have been limited in their validity to three years. The previous practice was

to make such certificates valid for an indefinite period. The form of the certificates is being changed to meet this grievance.

Durban Town Council's Proposal

To Oust Indian Market Gardeners

CRITICISED BY CHAIRMAN OF MARKETS AND
ABATTOIR COMMITTEE

For the reason that the supply of vegetable produce to the Durban Borough and Indian Markets is likely to be very seriously affected, with a consequent increase in price to consumers, the town Council's proposals in connection with the Springfield Estate have evoked adverse criticism. Recently, in a report on the Council's policy in respect to land outside the Borough, a special sub-committee recommended that the portion of Springfield Estate, now leased to some 500 Indian market gardeners, should be leased to Chick's Sugar Company for sugar cane growing, and this proposal the Council-in-committee, in principle, agreed to. This, of course, means the abandonment of the existing market gardens, which, it is stated, contribute 75 per cent. of the vegetable supply of Durban.

In a statement to the "Natal Mercury" on Saturday, Mr. Martin Cornelius, Chairman of the Markets and Abattoir Committee, said he did not think the members of the Council realised fully what the effect of the proposal would be, and he intended to raise the matter again immediately. With that object he has forwarded a memorandum to the Town Clerk, in the course of which he says:—

"Following up representations made to me by an influential deputation from the present tenants of the portion of the Springfield Estate which it is proposed to lease to the Chick's Sugar Co. for sugar cane growing, I have ascertained that this area supplies Durban, through the Indian and Borough Markets, with approximately 75 per cent. of its vegetables. I view with great concern the possibility of the stoppage, even for an indefinite time, of this source of supply, which must take place if the sub-committee's recommendations are adopted.

High Cost of Living

"The cost of living in Durban is high—abnormally high—and if the Council decides on a policy in regard to this Estate which will still further add to that cost, then I for one intend entirely to dissociate myself from that policy. An essential to our everyday food supply is the vegetable, and any increase in the cost of that commodity, which must result from a shortage, will add a tax on an already overtaxed community.

"I am reliably informed that approximately 500 Indian Market garden farmers are tenanted on a portion of the Springfield Estate; that their tenancies have extended over periods varying from 40 years downwards, and that only by their systematic tilling and manuring of the soil for many years are they able to-day to regularly supply our vegetable markets with the town's requirements. (It is probable that this systematic fertilisation of the soil over a number of years makes the area in question valuable for sugar cane growing, and therefore an attractive proposition for the sugar cane planter). If these farmers are removed, a period of from 18 months to two years will be required adequately to replace this source of supply of vegetables. In the meantime, a serious and costly inconvenience will be imposed on our burgesses, and the legitimate trade of those of our townspeople who cater for our season's visitors by hotel and boarding-house accommodation will be restricted.

"There are other aspects. Vegetable supplies to shipping and to up-country districts are produced to a very considerable extent in the area in question, and a cessation in the supply of this commodity for a period of at least 18 months must divert this enterprise from Durban.

An Injustice

"Apart from the points which I have mentioned above, I feel that we should be doing a grave injustice to the tenants of this land in arbitrarily cutting off their means of livelihood. Many of the tenants on the estate were born there, and have since earned their existence there by the production and supply of an essential commodity to Durban. Others again have devoted many years of labour and expended their capital to develop a means of subsistence, and to take from them the results (which will be the case if the sub-committee's recommendations are carried into effect) will be manifestly unjust. There are other features which I could present in opposition to the adoption of the sub-committee's report, for example, the direct effect on the revenues from the Indian and Borough Markets, but I feel confident that the Council will appreciate the reasonableness of the arguments now put forward and permit the present tenants to remain undisturbed and our market garden supplies unrestricted."

The Story of My Experiments With Truth

[BY M. K. GANDHI]

Part III. Chapter XVI.

LORD CURZON'S DURBAR

The Congress was over but as I had to meet the Chamber of Commerce and various people in connection with work in South Africa, I stayed in Calcutta for a month. Rather than stay this time in a hotel, I arranged to get the required introduction for a room in the India Club. Among its members were some prominent Indians and I looked forward to getting into touch with them and interesting them in the work in South Africa. Gokhale frequently went to this Club to play billiards, and when he knew that I was to stay in Calcutta for some time he invited me to stay at his own house. I thankfully accepted the invitation but I did not think it proper to go there by myself. He waited for a day or two and then took me personally. He discovered my reserve and said: 'Gandhi, you have to stay in the country and this sort of reserve will not do. You must get into touch with as many people as possible. I want you to do Congress work.'

I shall record an incident in the India Club, before I proceed to talk of my stay with Gokhale.

Lord Curzon held his Durbar about this time. Some Rajas and Maharajas who had been invited to the Durbar were members of the Club. In the Club I always found them wearing fine Bengalee dhotis and shirts and scarfs. On the Durbar day they put on trousers befitting *Khansamas* (waiters) and shining boots. I was pained and inquired of one of them the reason for the change.

'We alone know our own unfortunate condition. We alone know the insults we have to put up with, in order that we may possess our wealth and titles, he replied.

'But what about these *Khansamas* turbans and these shining boots?' I asked.

'Do you see any difference between *Khansamas* and us?' he replied; and added, 'they are our *Khansamas*, we are Lord Curzon's *Khansamas*. If I were to absent myself from the *leves* I should have to suffer the consequences. If I were to attend it in my usual dress it would be an offence. And do you think I am going to get any opportunity there of Lord Curzon? Not a bit of it!'

I was moved to pity for this plain spoken friend. This reminds me of another Durbar.

At the time when Lord Hardinge laid the foundation stone of the Hindu University there was a Durbar. There were Rajas and Maharajas seated at

course, but Pandit Malaviyaji specially invited me also to attend it and I did so.

I was distressed to see the Maharajas bedecked like women—silk *pyjamas* and silk *ackhans*, pearl necklaces round their necks, bracelets on their wrists, pearl and diamond tassels on their turbans and besides all this, swords with golden hilts hanging from their waist bands.

I discovered that these were insignia not of their royalty but of their slavery. I had thought that they must be wearing these badges of impotence of their own free will, but I was told that it was obligatory for these Rajas to wear all their costly jewels at such functions. I also gathered that some of them had positive dislike for wearing these jewels and that they never wore them except on occasions like the Durbar.

I do not know how far my information was correct. But whether they wear them on other occasions or not, it is distressing enough to have to attend Viceregal Durbars in jewels that only some women wear.

How heavy is the toll of sins and wrongs that wealth, power and prestige exact from man?

Liquor Bill Postponed Till Next Year

The *Cape Argus* understands that Mr. Tielman Roos has definitely decided to postpone the introduction of the Liquor Bill until after the Christmas recess.

European Employees Support Restrictions

The Johannesburg correspondent of the *Natal Mercury* states that a mass meeting of European employes was held last Sunday under the auspices of the Witwatersrand Liquor and Catering Trades Union to discuss Clauses 104 and 105 of the Liquor Bill regarding the employment of Natives or Asiatics in the Liquor Trade, and the employment of women and certain other persons in the restricted portions of licensed premises.

Mr. J. Pollock, secretary of the Union, referred to the unfair competition that the European hotel employe had to meet and the low wages paid to Indians. It was a menace to the health of patrons that Indians, who often lived in slums, should be employed. The intention of the Liquor Ordinance of 1902 was that Europeans only should be employed in the sale and distribution of liquor. There were at present Government schools where Europeans could be trained in the catering service, but these would have to be closed if the present state of affairs were to continue.

The Government had introduced Clauses 104 and 105 into the Liquor Bill, he contended, not as an outcome of suggestions by white employes, but no doubt in consideration of the necessity (1) of improving the standards of hotels; (2) of ensuring better control of the sale of liquor; and (3) of providing employment for Europeans, the trade in the Transvaal being trade amongst Europeans only.

A resolution strongly approving of the clauses was unanimously passed.

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Hindu-Muslim Dissensions In India

Peace Conference

A conference at which prominent Hindu and Muslim leaders from all parts of India assembled, under the auspices of the All-India Congress, at Calcutta passed resolutions allowing the Muslims to sacrifice cows anywhere but in a public thoroughfare, or in the neighbourhood of a temple, and allowing Hindu processions with music, provided they would refrain from anything calculated to annoy the worshippers in the mosques.

The conference also passed a resolution in favour of the prohibition of forcible conversion and reconversion between the two communities, and that all complaints arising therefrom should be investigated by arbitrators.

Begum of Bhopal's Appeal

Her Highness the Begum of Bhopal has expressed her anxiety at the rioting and discord prevalent in India, and in the course of an appeal to the leaders of public opinion says:-

"As an old woman, I devoutly appeal to your highest sense of patriotism to have no stone unturned and no avenue unexplored to remove this ugly blot from the fair face of our common motherhood.

"I should like my feeble but none-the-less sincere voice to reach the hearts and homes of my unfortunate countrymen.

"I am old and infirm, yet ready and willing to come out of my retirement and to place my service cheerfully at the disposal of the country for what they are worth, and in whatever way all those who are working to achieve unity amongst the warring sections of the two great communities may deem fit to utilize them.

"This is a sacred objective as dear to my heart as it is, I am sure, to the heart of every well-wisher of the country."

પ્રત્યાગ્રહ

નવા વરસના હોદ્દા પચાગે આવી ગયા છે. કીમત શી છે? બહાર ગામથી મંગાવનારાઓએ પાસ્ત્રીની પેની કે વધુ મોકલવી. ડરમનમાં કેપી-રન બાલકની વી રૂમ અને મકાનના અન્ન સંસ, કે દારૂમાં મળી શકશે.

અમેમ્સ "ઇન્ડિયન ઓપિનિયન"

South African Indian Congress PRELIMINARY NOTICE

The Eighth Session of the South African Indian Congress will be held at Kimberley on the 30th and 31st December 1927 and 1st and 2nd January 1928.

A. I. KAJEE,
HON. GEN. SECRETARY

સાઉથ આફ્રિકન ઇન્ડિયન કોંગ્રેસ

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કાર્યક્રમ હવે પછી જાહેર થશે.

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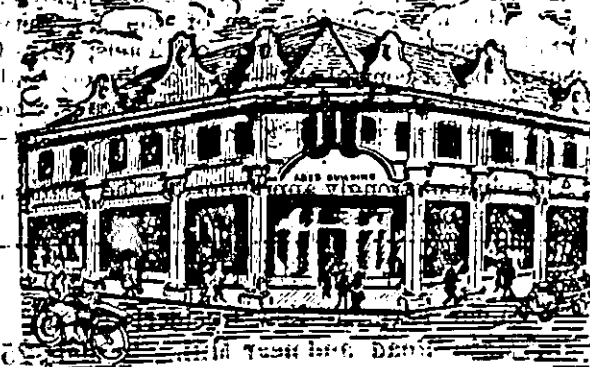
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