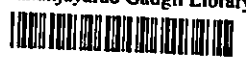


# Indian Opinion

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PHOENIX, NATAL, SATURDAY, JANUARY 4TH, 1908

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Divine assistance in the fight for life, honour, and self-respect. Our fervent prayer. Believing that their cause is a right and a just one, and that the dim, distant flicker will presently blaze forth into the full splendour of day, we wish all our readers

A HAPPY NEW YEAR.

## A Christmas Box

LORD ELCIN has presented British Indians in the Transvaal with a Christmas box in the shape of the Royal Assent to the Immigration Restriction Act, and General Smuts has presented them with another in the shape of the arrests of some of the Indian leaders who have taken an active part in the passive resistance crusade. The granting of the Royal assent has astonished many a Colonist. The *Star* wonders why Lord Elgin withheld the sanction for so long a time, and what induced him ultimately to advise His Majesty to give it.

It is a striking coincidence that the sanction was announced during the Christmas holidays and that it was followed immediately by the arrests we have referred to above. The names of 25 Indians appeared on the black list. Twenty-three of these have already been tried. Nineteen have been convicted and ordered to leave the Colony within periods ranging from 48 hours to 14 days. One has not yet been tried at the time of writing this, the cases of four have been postponed, and one, that is, Ram Sundar Pundit, has left the country.

The powers vested in the Government under the Immigration Act are admittedly arbitrary and are calculated to cause much misery. Under the Act it is possible for the Government to deport any Asiatic who may not possess a registration certificate under the Registration Act. Deportation in this instance may mean deprivation of even the barest necessities of life, and it may mean also the tearing away of husbands from their wives.

Reuter cables that the sanctioning of the Act has created deep resentment in all circles in London. Sir Mancherji, who has identified himself with the British Indian cause in South Africa, is reported to have stated that "the Asiatic legislation in the Transvaal was a calamity and one of the most unjustifiable and hideous things done in the name of the Imperial Government, which it was impossible for the most ardent friend of

rest here. We shall fight in the interest of the Imperial Government, for to give up the fight and to tell the people of India that nothing can be hoped for would be most dangerous." However, it is no use crying over spilt milk. It is as well that Indians should be tried and tested in every way possible. Their reliance in this struggle must be on self. The withdrawal of Imperial protection cannot be allowed to paralyse them. Their solemn obligation must stand self-supported; and we doubt not that the Colonists themselves when once they realise that Indians are actuated by pure and conscientious motives will themselves stay General Smuts' hands.

The Christmas box presented by General Smuts is not half so unpleasant as Lord Elgin's. Indeed, we consider that it is the right thing at the wrong moment. If he had not rushed into action during a season which ought to be that of peace on earth and goodwill amongst men, the arrests would not have been open to any objection at all. Before turning from a policy deliberately laid down by him, he was bound, in order to test the real feeling of the Asiatics, to arrest the prime movers. Engaged, as British Indians are, in a life-and-death struggle, it is not for them to cavil at the occasion General Smuts has chosen for effecting arrests. If we may use military terms, a brave foe will not ask or receive quarter. He must be prepared to face his adversary at any moment, and it is a matter of very great satisfaction that the response made by Indians has been prompt, and that the two incidents instead of weakening them seem to have nerved them for the struggle.

### RAM SUNDAR PUNDIT HAS LEFT THE Transvaal. Apparently he had not the courage

to face the lengthy term of Imprisonment that faced him on the following day. He has, notwithstanding solemn protestations to the contrary, deserted his temple, his congregation, and his brethren. Henceforth, he is dead to the Indians of South Africa, and, if his name is mentioned, it will be by way of warning. There can be no doubt of the value of such a struggle as that in which the Transvaal Indians are taking part. Its effect is to show up all the flaws in the metal, to expose all the weak links in the chain. The body of the community is healthy enough to expel impurities from the system, and the result can only be a water strengthening a greater

# The Registration Law

## Simultaneous Arrests in Johannesburg Pretoria and Pietersburg

### Mr. Gandhi Ordered to Leave the Transvaal

WITHIN 48 HOURS

[FROM OUR TRANSVAAL REPRESENTATIVE]

On Friday morning, Mr. M. K. Gandhi received a telephone message from Mr. H. F. D. Papenfus, Acting Commissioner of Police for the Transvaal; asking him to call at Marlborough House. Upon arriving there, he was informed that the arrests had been ordered of himself, Thambi Naidoo (Chief Picket, Johannesburg), P. K. Naidoo (Picket, Johannesburg), C. M. Pillay, Jamadar Nawab Khan (Picket, Johannesburg), Karwa (ex-soldier, Johannesburg), Leung Quinn (Chairman, Chinese Association, Johannesburg), John Fortoen (Chinese Picket), Martin Easton (Johannesburg); Ram Sundar Pundit (Germiston); G. P. Vyas (Pretoria), A. F. C. Beg (Pretoria), M. I. Desai (Chief Picket, Pretoria), A. M. Cachalia (Pretoria), Ismail Suliman Suj (Pretoria), Goolam Mahomed Abdool Rashid (Pretoria), B. Gangaram (Pretoria), V. U. Sheth (Pretoria), Ismail Joomia (Pretoria), Rainath Khan (Pretoria), Samandar Khan (Pretoria), Toolsi (Pretoria); M. M. Khandaria (Pietersburg), Amershi Gokul (Pietersburg), and Ambilal (Pietersburg). Mr. Gandhi gave his word that all would appear before the respective Magistrates at 10 a.m. on Saturday, and Mr. Papenfus accepted this guarantee. Sharp at 10 a.m. on Saturday last, all the Johannesburg men attended at the B. Criminal Court, where Mr. H. H. Jordan sits. They were asked by Supt. Vernon whether they held duly issued registration certificates under law 2 of 1907, and upon receiving replies in the negative, they were all promptly arrested, and charged under Section 8. sub-section 2, of Act 2 of 1907, in that they were in the Transvaal without a registration certificate issued under the Act. The Court was crowded to excess, and it seemed as if, at one time, the barrier would be overthrown.

Among those present were Mr. Geo. Godfrey, Dr. M. A. Pereira, the Editor of INDIAN OPINION, and many other friends of and sympathisers with the accused.

Mr. M. K. Gandhi, Attorney, Barrister at law of the Inner Temple, Hon. Secretary of the British Indian Association of the Transvaal was the first of the accused to be dealt with.

#### He Pleaded Guilty

Superintendent Vernon, of the T.T.P., gave evidence as to the arrest. He said the accused was an Asiatic over 16 years of age, resident in the Transvaal. At 10 a.m. that morning he called on Mr. Gandhi to produce his registration certificate, but he failed to do so, and said he had not got one.

Mr. Gandhi asked no questions, but went into the box prepared to make a statement. He said what he was about to state was not evidence, but he hoped the Court would grant him indulgence to make a short explanation, seeing that he was an officer of that Court. He wished to say why he had not submitted to this.

Mr. Jordan: I don't think that has anything to do with it. The law is there, and you have disobeyed it. I don't want any political speeches made.

Mr. Gandhi: I don't want to make any political speeches.

Mr. Jordan: The question is, have you registered or not? If you have not registered there is an end of the case. If you have any explanation to offer *ad misericordiam* as regards the order I am going to make that is another story. There is the law, which has been passed by the Transvaal legislature and sanctioned by the Imperial Government. All I have to do and all I can do is to administer that law as it stands.

Mr. Gandhi said he did not wish to give any evidence in extenuation, and he knew that legally he could not give evidence at all.

Mr. Jordan: All I have to do with is legal evidence. What I want to say, I suppose, is that you do not approve of the law and you conscientiously resist it.

Mr. Gandhi: That is perfectly

Mr. Jordan: I will take the

Mr. Gandhi when he came to the fact that British India Mr. Jordan how that affected Mr. Gandhi I simply ask the Court for Mr. Jordan case in which any indulgence the law.

Mr. Gandhi have nothing Mr. Jordan the accused the accused which to the accused and therefore Court show in which must apply to leave the Mr. Jordan said the extremely that none that none Colony at that the step, H. H. Jordan's Act to of Colony days; in the to adopt man in regard should make reas must give Mr. Gandhi time to collect chattels. A then not put out the under the law of provide. The nu the order were imp. one month with the hour; and if they in the colony lay-sentence exprimi- tence sich clidic six mths. hope little amount be in the matter the population of would that could play the Germany did would it individ schilself uwill of Steje Sta than d n the more satisf Mr Gandhi's Maiss- te, skeche or 4 hould ofer not give it more satisf Mr Jordan case should be wof to dippo Cold with 48 Mr Jordan's de Mr. Jordan's

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of arrest and age had been given, he gave evidence on his own behalf, being examined by Mr. Gandhi.

Are you a British subject?—I am.

Were you in the Transvaal before the war?—Yes; since 1888.

Did you pay the Dutch Government £3?—I paid nothing.

You have not taken out a registration certificate under the law?—No, not under any law.

Why not?—I thought it was not fit for me to take out a permit under that law, it would be very degrading.

Mr. Jordan: Why?—If I had the Act in front of me I would point out some of the processes which I think it is not right for a British subject to submit to. The law clearly says that we should give our ten fingers' impression and then our eight fingers' impression separately, and besides that our thumb impressions. Then we have to give our fathers' and mothers' and children's names.

Cross-examined by Mr. Schuurman: How long have you been here?—Since 1888. I left in 1899, on October 18, and came back in 1902. I went to Natal and returned in July of 1907.

You have held meetings in reference to this Act?—After I came back there were meetings held.

Have you persuaded the Indians not to register?—I took an oath not to register.

Where?—It was taken at a meeting at Burgersdorp, in the Independent School, if I am not mistaken.

You do not intend to register?—I do not.

Mr. Jordan: Had you a permit to enter the country?—No, I had an authorisation from the Registrar of Asiatics.

Mr. Schuurman asked for the same order, which Mr. Jordan granted.

The cases of Nawab Khan and Samadar Khan were postponed till January 3, because there was no interpreter present.

The case of C. M. Pillay was next taken. He stated that he came to the Transvaal in 1883, and previous to the war he was inspector of Asiatic passes and licences. During the war he was a commissariat officer and messenger of the Court.

Mr. Gandhi: Why do you not register?—I consider that any self-respecting man would not comply with the provisions of the Act, as it simply places our liberty in the hands of the Registrar of Asiatics, who in my humble opinion, is not a fit and proper person to hold this post.

The Magistrate interrupted, and said he would not listen to nonsense of that kind. He thought it was a piece of gross impertinence for a person to come there and abuse an official of the Government in that way. He was not going to have his time wasted and the dignity of the Court lowered in that way. It was most improper.

Mr. Gandhi said that he agreed with the Magistrate as to the impropriety of the accused's remarks. He

had no intention of leading evidence as to the Registrar's fitness for his position. (To accused.) Do you object to the officer or to the Act?—Mainly to the Act.

A similar order was made at the request of the Prosecutor.

Thambi Naidoo objected to registration as it placed him lower than a Kaffir, and it was against his religion. He was a married man with five children, the eldest of whom was 13, and the youngest about 18 months. He carried on business as a cartage contractor.

Mr. Gandhi asked that forty-eight hours' notice only should be given. That was all accused wanted.

Mr. Jordan said that it was not what the accused wanted but what he (the Magistrate) wanted. The accused was a man of business, and the period would be fixed at fourteen days.

Karwa stated that he had been in the Transvaal since 1888, and during the war was a military contractor, being with Sir George White at Ladysmith. He had entered the Transvaal with a military column by way of Harrismith. He had just placed a thumb impression on a registration certificate under Law 3 of 1885. He refused to give his finger impressions as it was against his religion.

The Magistrate: But you have put on one?

Accused (waving his hand deprecatingly): One is all right, but ten is against my religion. (Laughter.)

The Magistrate: As a matter of fact I suppose you don't care whether you put on ten or five. You only have to be told to do it.

M. Easton, the first of the Chinese accused, said that he was a British subject from Hong Kong. He had also been here before the war and had paid his £3 to the Dutch Government for his certificate. By occupation he was a store assistant, and objected to registration because it was too degrading and was against his religion. He was not permitted by his religion—Taoism—to give any impressions. He was ordered to leave within 48 hours.

Leung Quinn, Chairman of the Chinese Association, stated that he was not a British subject, but had come to the Transvaal in 1896, and obtained a permit from the Dutch Government. In 1901 he left and returned in 1903, obtaining a permit under the Peace Preservation Ordinance. He was a storekeeper. He did not take out a permit because it was a Law that was disgraceful to himself and his nation. He had translated the law to his countrymen and had been expecting some such prosecution all the time. He would be quite contented with 48 hours' notice; he had made all his preparations.

The Magistrate insisted on giving Quinn, as he had given the Indian storekeeper, 14 days' notice.

John Fortoen, the last of the accused to go into the witness-box,

stated that he had been in the Transvaal for about thirteen years before the war, having arrived in the Transvaal with his uncle as a child. He did not know where his uncle was, nor whether his parents were alive or not. He was a student, and had just come back from the Hankey Institution (near Humansdorp) in Cape Colony, where he had been since 1904. He considered that South Africa was his home, and he knew no one in China. He did not want to take out the registration certificate because it was degrading to his country and his honour. His age was 21.

Mr. Gandhi, pointing out that this would be his last opportunity of addressing the Court, said that he would like to make a few general remarks. He had deliberately advised all his clients to plead not guilty, so that the Court could hear from their own lips what they had to say. They had all said something more or less with reference to the finger print system. He asked the Court to dismiss from mind the idea that these men did not know what they were doing. He knew that what he was about to say could not affect the decision of the Court, but he thought it his duty to himself and his clients to make this explanation. There were certain things in this world which one could not explain, and there were certain things in this law which men felt but could not express, and he left it to the Court to interpret the feelings of the accused with regard to the finger print system.

Mr. Jordan, in the course of his reply, pointed out that a deputation of Indians had gone home to the Imperial Government on the very matter before them. That deputation had, however, been in vain. The Act to which such exception was taken had been passed by the present Legislative Assembly of the Transvaal, and the King's assent had been obtained. And, all sentimentality apart, he had nothing to do but to administer the law, which he had sworn to do to the best of his ability. These people (the accused) had deliberately defied the Government and had taken up a very serious position—one which he was sorry to see any resident in this country adopt. It had been a mistake, he had no doubt, which had been copied from the passive resisters at Home in connection with the Education Bill, and that was an attitude which had never appealed to him in any shape at all. The laws of a country must be complied with by the people resident there, and if they could not do that there was but one alternative—such people must go somewhere else. He could not, however, for the life of him understand, if a man put his thumb print on a registration certificate—as had been done in years past—where the offence against his religion came in when he had to put the print of the four fingers of each hand on this certificate. Proceeding, he referred to the practice

under the Peace Preservation Ordinance, and urged that had they objected then to the thumb print their position would have been stronger at the present time. The registration certificates which required the thumb print had been the only mode they had for identification. That was in the days of the old yellow pass which had been issued by the former Government; but all at once, when it came about that they had to register in the new form, the Asiatics simply defied the law. Mr. Gandhi must be aware that he (Mr. Jordan) had more experience under the Peace Preservation Ordinance in the Transvaal than any other Magistrate, and Mr. Gandhi must know also the big traffic that was done by the sale of the yellow certificates which rendered it difficult to trace the owner and caused an enormous amount of trouble and expense. Coming back to the case of the youth then before the Court, he would make an order that he (the accused) must leave the Colony in seven days.

In a brief reply, Mr. Gandhi said that a distinction had always been drawn between the thumb print on the old permit and finger prints under the new law. The one was compulsory and the other was a voluntary act. The Court, he said, was well aware that in cases where a clear thumb impression was taken the man could be spotted and trafficking in permits had been impossible. He thanked the Court, the Public Prosecutor and the Police for the courtesy which had been shown throughout the trials.

#### Copy of Notice

The following is the copy of the Notice to leave the Colony addressed to Mr. Gandhi:

In the Court of the Assistant Resident Magistrate, for the Witwatersrand District, at Johannesburg.

Before H. H. Jordan, Esq., Assistant Resident Magistrate.

In the matter of Rex *versus* M. K. Gandhi, an Asiatic over the age of sixteen years, charged with contravening Section 3 (3) of Act 2 of 1907.

It is ordered:—

That the said M. K. Gandhi having failed to satisfy me, the said Assistant Resident Magistrate, that he is the lawful holder of a certificate of registration, do leave this Colony within 48 hours from the date hereof.

Given under my hand at Johannesburg in terms of Section 3 (3) of the said Act this 28th day of December 1907.

(Sd.) HARRY H. JORDAN,  
Assistant Resident Magistrate.

At the conclusion of the Court proceedings, on the open space of Government Square, Mr. Gandhi addressed a large crowd of Indians, Chinese and Europeans, detailing to the former in Hindustani what had transpired in Court.

Speaking afterwards in English, and addressing himself specially to the European lookers-on, he stated that they were going on with the struggle no matter what happened to him or to anyone else. He would certainly not change his views, and he urged the Asiatic communities to strive against the Registration Act even if it meant deportation from the Colony. He might have been mistaken all along. Or they might afterwards curse him. At the present time, he held no other views but those that he had indicated. If God's message came to him that he had erred, he would be the first to acknowledge his fault and beg their forgiveness. But he did not think that he would ever receive that message. He held that it was better to leave the Colony than to lose their self-respect and honour by remaining as slaves. This was a religious struggle, and he gave them the advice he had always given them—to fight to the bitter end.

Sheaves of telegrams expressing indignation and sympathy were received at Court Chambers from all over South Africa on Saturday. Cables were despatched to the Indian National Congress and the South Africa British Indian Committee.

#### At Germiston

Ram Sundar Pundit, the Hindu priest of Germiston, who was also ordered to appear before the Magistrate there on Saturday last, failed to do so, having left the Colony for Natal the previous evening.

#### At Pretoria

The British Indians who were ordered to appear before the Magistrate at Pretoria on Saturday, attended the Court, with the exception of two of them, one of whom appeared before Mr. Jordan in Johannesburg, and the other was temporarily absent in Behoni and had not received the warning.

The first to be charged was Ismail Suliman Suj. When asked to plead, he said "I have not registered, but I have a reason for not doing so." After police evidence as to the failure of the accused to produce a registration certificate when called upon to do so, Suj made a statement. He said he had been in the Transvaal for fifteen years. When the war broke out he went to the Cape, returning after the war on a fresh permit. It was impossible for him to submit to the Registration Act, as it would degrade his caste and lower him in the estimation of his fellow men. He had discussed matters with his countrymen, and they all agreed as to this. He was a married man with children, and had lost all the money he had. He would comply with the law in all things except that he would not register.

The Magistrate said: The law is that he must register, and if he does not it is my duty to administer the

law; whether it is good or bad does not concern me. I shall have to issue an order for you to leave the colony within a stated time. I do not wish to be harsh, but if you do not intend to register at all there will be no objection in extending the time. How many days do you require to enable you to leave.

Suj said he would need six months whereupon the Magistrate said that if he had lost everything as stated he could not need such a long time. The order of the Court would be that the accused should leave the colony before January 7, 1908.

The rest of the accused followed, and were dealt with in a similar way, with the exception of two, V. U. Sheth and Toolsie, who asked for and obtained a remand until the 30th inst., to enable them to prepare their defence.

A. F. C. Beg, the secretary of the Pretoria Committee, described himself as a solicitor's clerk, and said he could not register as the law violated his religion.

Goolam Mahomed said he came in under a certificate, and therefore did not mean to take out a new one.

B. Gangaram described the Act as a law not for human beings, but for dogs. They could send him to prison or cut him to pieces with the "cat," but he would not register.

A. M. Cachalia said he was a merchant, and could not leave because of his business, but he had not registered.

M. L. Desai, the chief picket, who was described as a general dealer, said he had not registered under the new Act because he had a certificate under the old law.

G. P. Vyas pleaded "guilty by law but not by conscience," and said he had been twelve years in the Transvaal.

#### At Pietersburg

Messrs. M. M. Khandaria, Amershi Gokul, and Ambalal appeared before the Magistrate at Pietersburg on Saturday last. Bail had been fixed at £50 each, but they had declined to be bailed out. They were all ordered to leave the Colony within 4 days.

#### A Meeting at Vrededorp

On Friday evening a packed meeting of British Indians was held in the hall of the Hamidia Islamic Society at Vrededorp to discuss the new phase of the struggle. The hall was crowded, and large numbers were unable to find a place and were obliged to remain outside. There must have been at least 1,000 people present. Mr. Essop Mia, Chairman of the Association, presided, and amongst those who supported him were Mr. M. K. Gandhi and his fellow-prisoners on parole, G. P. Vyas and M. L. Desai (Chief Picket, Pretoria), also on parole, Syed Edrus, Mouvi Ahmed Mukhtiar, Imam Abdool Cadir, Chairman of the Hamidia Is-

lamic Society, and many other leaders of the community. Mr. H. S. L. Polak was also present, as well as one or two European sympathisers and members of the Press. With the exception of Mr. Gandhi's and Mr. Polak's speeches, the proceedings were conducted in the vernacular. Amongst the others who addressed the meeting were Messrs. G. P. Vyas, M. L. Desai, Thambi Naidoo, Imam Abdool Cadir, Moulvi Ahmed Mukhtiar, Syed Edrus, Omarjee Sale, and C. M. Pillay.

Mr. Gandhi said, when he read the announcement with reference to the Immigration Restriction Act that morning, the first thing that voluntarily came to his lips was that Lord Elgin had put an undue strain on Indian loyalty. Lord Elgin, an ex-Viceroy of India, had forgotten altogether Indian traditions. When he advised His Majesty to sanction this legislation he forgot altogether that he was trustee for the millions of India. He forgot altogether that India was to-day on the brink of a departure which had been unknown in Indian annals. India has never been revolutionary, but to-day they found that the revolutionary spirit had crept into the minds of some Indians. It would be a bad day for India when that forcible revolutionary spirit gained a substantial footing, but he could not help saying that Lord Elgin had sown the seed. If this had been confined to the student world it would probably never grow in Indian soil; but he found to-day that the merchant, who did not know a word of English, was steeped in the new spirit with reference to the Asiatic Act. He did not conceal from himself the fact that he had been partly instrumental in educating his countrymen with reference to the Act and its evil. He felt proud of the fact that he had taken so much part in the matter. But he coupled with that the statement that his thoughts had been their thoughts, and in expressing them he had, if anything, moderated them. It was for this reason that he expressed the feeling that Lord Elgin had put an undue strain on Indian loyalty by sanctioning this Immigration Restriction Act. That Act, to his mind, was a barbarous Act. It was the savage Act of a civilised Government, of a government that dared to call itself Christian. If Jesus Christ came to Johannesburg and Pretoria and examined the hearts of General Botha, General Smuts, and the others, he thought He would notice something strange, something quite strange to the Christian spirit. He (Mr. Gandhi) recognised that in proceeding under the Act General Smuts had selected those men who had been in the public eye, and had not laid his hands on the poor people. And he had not the slightest doubt that if those men who had to appear before the Magistrate were imprisoned or deported those who remained behind would be firm in opposition to the

Registration Act. But this Registration Act gave powers which would press hardly on the poor husbands. They might be taken away from their families, and he instanced the case of Mr. Naidoo, who had shown brilliantly throughout the campaign. He had a wife and five children, who had been in the Colony for five years. What was to happen if he were deported, and who was going to take care of his wife and children? He could not find a single section in the Act which was to protect the families of those deported. What was it the Government wanted to do? Why had it not the honesty to tell the Indians they were not wanted in the country? And why this indirect method of enforcing its powers? He had called some sections of the Act savage, and he said they were only worthy of an uncivilised Government. If those powers were so used and if all of them were deported or imprisoned, that were an honour for them rather than that they should forsake their solemn obligations and bid good-bye to their manhood and self-respect only because they were earning a few miserable pence or pounds. He would never be sorry for the advice he had given them, and he also said, with reference to their 15 months' fight, that it was well done. This was legislation which no self-respecting nation and no self-respecting man could accept—not because of its regulations, but because it was class legislation of the worst type, based on entire distrust of the community and based on charges flung against them without any proof. They had asked Lord Selborne and General Smuts that these charges should be proved before an impartial tribunal. They were brought by a man steeped in prejudice and incapable of judging facts. Why should the Government not acknowledge that the least due to them was a fair trial. He did not dwell on the fact that the Indians had no representation, but he did dwell on the fact that the Government should be so callous in reference to the feelings of the people who had no representative. It seemed to him that they had come to the parting of the ways. The Imperial Government must hesitate if it meant to retain its hold on the people of India through their affections and not at the point of the bayonet. England might have to choose between India and the Colonies. It might not be to-day or to-morrow, but he felt the seeds had been sown by Lord Elgin's action. It had not been possible for him to choose soft words or to strain his comment when he found the Asiatic Act with the Immigration Act super-added. There was a story of how Mahomed and three fellows were sheltering in a cave, being pursued by a large hostile force. His companions began to quail, and asked what they three could do against such heavy odds. "You say 'We three,'" said Mahomed. "I say

'We four,' for God is with us, and with Him on our side we shall prevail." God was with them, and so long as their cause was good he did not mind a bit what powers the Government were given or how savagely those powers were used. Even then he would give the same advice that he had ventured to give them for the last 15 months. (Applause.)

Mr. Gandhi's speech, as were the speeches of others, was punctuated with loud shouts of "shame," and the feeling of bitterness and anger that animated the audience was intense. A resolution was unanimously agreed to protesting against the Immigrants' Restriction Act. Instructions were issued that a copy of the resolution should be forwarded to Lord Selborne, for transmission to the Imperial Government.

#### A Chinese Meeting

The same evening, a meeting of the Chinese Association was held for the same purpose, Mr. Quinn presided, and announced the appointment of an Acting Chairman during his absence, and that Mr. H. S. L. Polak had been appointed Honorary Advisor to the Association. Mr. Polak subsequently addressed the meeting and explained the position of affairs. Great enthusiasm was shown, and an earnest determination to prosecute the struggle to the bitter end.

On Monday, at Pretoria, the cases of V. M. Sheth and Toolsi were further remanded until the 4th inst.

Amongst those arrested or ordered to leave the Colony are 4 Surti Mahomedans, 1 Memon Mahomedan, 2 Pathans, 3 Madrassis, 3 Bannias, 1 Lohana, 1 Brahman, 2 Desais, 1 Calcutta, 1 Parsi, 1 Panjabi, and 3 Chinese.

"H" writing from Pretoria to the *Transvaal Leader*, says:

I confess to an uncomfortable feeling that we in the Transvaal are not "playing the game" in this Indian question. Our avowed object is to restrict their immigration, but the effect of our legislation is something quite different—it is wholesale expulsion. This will please those who grudge the Asiatics their trade; but is it just? Are we not taking doubtful advantage of an ignorant prejudice to get rid of the whole lot? Is this the way we help to consolidate our Empire, which includes India? I have heard it said in more than one quarter that if the old law were faithfully administered it was sufficient for the purpose; but that it is, as a matter of fact, not so administered, owing to the prevalence of bribery. Personally, I would have been against any but very restricted immigration right from the first; but now these people have acquired rights I doubt whether it is worthy of this country as a British Colony to manoeuvre them out in this slim fashion.

## Indians on the C.S.A.R.

### Denials and Counter-Denials

[SPECIAL TO INDIAN OPINION]

Last week we published certain correspondence relating to the alleged ill-treatment of the dismissed Indians at Standerton. The *Transvaal Leader's* local correspondent telegraphing on Thursday, the 26th inst., says:

The statement in a letter which appeared in a contemporary yesterday, officially denying that the Indian gangers employed at Standerton on the C.S.A.R. were evicted, is incorrect. The Indian community at Standerton are indignant at the letter and state that the engineer does not know the facts. This morning I was approached, and asked to deny the statements made. The following are stated to be the facts:—In the Standerton district about 22 Indians were employed as gangers. On December 18 these men, without their usual notice, were discharged, and they were asked to leave at once. Four of the men were forced to return their rations, and one of these four Indians, named Rangaan, on hesitating to return the rations, it is asserted, was struck, and was not only deprived of his rations but of his fuel.

The letter states that 15 out of the 20 Asiatics concerned and their families are occupying their old quarters. I have been informed that this is not so, and that only four who are working up to the end of the month are staying on the premises. The statement that five of the men voluntarily returned 20 lbs. of rice is also incorrect; Only four men returned their rations, which amounted to 48 lbs. of rice, and then only when they were asked to return them, and not voluntarily. They assert that it is impossible for them to have returned their rations voluntarily, as they are all poor people, and have no further means of obtaining food. They add that, through the kindness of the local committee, they and their families were housed and fed.

### Official Communique

With reference to the Standerton telegram appearing in yesterday's issue, repeating the charges of alleged ill-treatment of Indian employees of the C.S.A. Railways administration, the railway authorities have had the impression that the testimony of the district engineer, however trustworthy it might be, might be disputed on behalf of the Indians concerned. The General Manager therefore arranged on Tuesday to send to the district an officer, wholly unconnected with the matter previously, to make an independent and impartial investigation into the facts, seeing that the General Manager was unable to proceed to Standerton himself. The officer selected was Mr. H. W. Lloyd, the

Native Labour Superintendent of the Administration, who is widely known in the Transvaal and in Natal. Mr. Lloyd proceeded to Standerton, and the Administration has received from him the following telegram:—

"I have already interviewed every Indian concerned, including Rangaan. I investigated each individual case. Rangaan's complaint of assault is apparently most trivial, and practically groundless. Have closely questioned ganger, and am proceeding to spot to question independent witnesses. Statement made by District Engineer that 15 Indians were still occupying quarters was quite correct. Indians had not moved when he wrote, but did so subsequently and quite on their own accord, no compulsion whatever being used. As matter of fact, five are at present moment in railway's quarters: Others could, if they so wished, still live there. Correct number Indians concerned is 20, not 22. *Mail's* statement that 40 had been paid off absolutely incorrect. *Leader* correspondent saw me last evening, and in my presence questioned each Indian concerned, and is to-day sending up withdrawal of his yesterday's statement. Indians stated most emphatically to him in my presence that they had received no ill-treatment whatever. All also in his presence begged of me to try and get them re-employed by railway."

### The "Leader" Man Explains

In connection with the case of the Standerton gangers, I have now gone fully into the matter, and find that the local committee are alone responsible for the information which has lately appeared in the Press. They it was who incited the men to leave their quarters at the railway, and they were also responsible for the statements sent to Mr. Gandhi, who in turn informed a *Rand Daily Mail* representative.

I have no hesitation in saying that the railway authorities have acted in a most considerate manner towards these people. In the first place, the discharged men were duly warned that unless they registered they would have to leave the railway employ, and, secondly, they were paid up to the end of the month. The climax came on the 18th inst., when half of the 20 men employed were paid off, and as there were insufficient funds in hand to pay the balance of the men, these were paid the next day. These men, being daily-paid servants, were not entitled to claim any further consideration after the day on which they were discharged, and it is a matter of grace on the part of the railway authorities that they allowed them the full amount of money up to the end of the month.

The statement made in the *Rand Daily Mail* to the effect that everything was taken away from them, and their rooms were unroofed and even

the children turned out, is incorrect. The Railway Department have sent a special officer (Mr. Lloyd) to make full enquiries into these statements, and in conjunction with him I investigated the matter. With the exception of the man Rangaan, who is employed under a ganger named Coetzee, each one stated that he was very well satisfied with the treatment meted out to him by his employers. Asked whether they were forced to leave quarters, the Indians stated that such was not the case, as the P.W.I. who is in charge told them they could remain in their quarters until new men were sent to occupy them. They also state that the local committee approached them and told them to live in town, and that they would feed them. There seems to be more in this than meets the eye, as each man stated he owes an amount of money to Indian storekeepers in town. The question of the compulsory return of rations is of such small importance that out of practically half a ton of rice issued only 20 lbs. at most was handed in. This alone disproves any charge of undue harshness on the part of the railway authorities.

The following further letter from Mr. T. R. Price, the General Manager of the C.S.A.R., to the British Indian Association under date 27th ulto. has been forwarded to us for publication:

With reference to your letter of the 20th instant, I have to inform you the Administration is advised that the Indians to whom you make reference are not entitled to more than has already been paid to them; nor indeed could they have properly claimed such consideration as has already been extended to them, in view of their refusal to obey a lawful requirement of the Administration as their employers to the effect that if they desired to continue as servants of the Administration they must register themselves in terms of Act No. 2 of 1907 of the Transvaal.

The Administration is further advised that the Indian Employees in question have still less justification for the representations they have made inasmuch as the attention of each of the employees concerned was directed in September last to the terms of the Act and the fact impressed upon them that non-compliance therewith would place them beyond the jurisdiction and help of the Administration.

CHINESE IMMIGRATION IN NEW ZEALAND. An amendment of the Chinese Immigration Act, introduced by Sir Joseph Ward, prevents Chinese from entering New Zealand unless they can read a printed passage of not less than 100 words of English. An immigrant has the right to appeal to the Magistrate, whose decision is final.—*Transvaal Leader*.

**Immigrants' Restriction Act**

**Royal Sanction**

**Already in Force**

A Notice in the *Government Gazette* of the Transvaal dated the 27th ulto. announces in regard to the Immigrants' Restriction Act No. 15 of 1907, "that it is His Majesty's pleasure not to disallow the same." A further Notice proclaims that the Act was to take effect on the 1st inst. It is, therefore, already in force. Mr. Montford Chamney has been appointed Chief Immigration Restriction Officer under the Act.

**Extracts from the Act**

We extract the following sections which apply to Asiatics:—

1. The Peace Preservation Ordinance 1903, shall be and is hereby repealed; provided that no such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act 1907 conferred for the purpose of carrying out such Act; but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect.

2. In this Act and in any regulation made thereunder unless inconsistent with the context;

"prohibited immigrant" shall mean and include any of the following classes of persons desiring to enter or entering this Colony after the date of the taking effect of this Act:

(1) any person who when asked whether within or outside this Colony by a duly authorized officer shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require; provided that for the purposes of this subsection Yiddish shall be accepted as an European language;

(4) any person who at the date of his entering or attempting to enter this Colony is subject or would if he entered this Colony be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions; provided that such

conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon;

(8) any person who the Minister has reasonable grounds for believing would be dangerous to the peace order and good government of this Colony if he entered therein;

but shall not include

(c) the wife or minor child of any person who is not a "prohibited immigrant";

(g) any Asiatic who is eligible for or has obtained a certificate of registration under the Asiatic Law Amendment Act 1907 and who does not come within the scope of sub-sections (3) (4) (5) (6) (7) or (8) of the definition of "prohibited immigrant";

4. The Governor may from time to time enter into agreement with the government of any colony or territory in South Africa for the doing of such acts or things as are necessary or expedient for the carrying out of the objects and purposes of this Act.

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction

(1) to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(2) to be removed at any time from the Colony by warrant under the hand of the Minister and pending such removal to be detained in such custody as may by regulation be prescribed; provided that

(a) such prohibited immigrant may be discharged from such detention if he find two approved sureties in this Colony (each in the sum of one hundred pounds) for his leaving the Colony within one month;

(b) if such prohibited immigrant be sentenced to imprisonment such imprisonment shall terminate as soon as he is removed from the Colony.

6. Any person who

(a) is convicted after the date of the taking effect of this Act of a contravention of sections *three thirteen or twenty-one* of the Immorality Ordinance 1903 or any amendment of such sections; or

(b) is deemed by the Minister on reasonable grounds to be dangerous to the peace order and good government of this Colony if he remain therein; or

(c) having been ordered under

any law to leave this Colony fails to comply with the terms of such order;

may be arrested and removed from this Colony by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation; provided that no such person as is in paragraph (b) hereof described shall be removed from this Colony except on the order of the Governor; provided further that every such person arrested shall be discharged from custody unless an order be made by the Governor for his removal from this Colony within ten days after the date of his arrest.

7. Any person who

(1) wilfully aids or abets a prohibited immigrant in entering or remaining in this Colony; or

(2) wilfully aids or abets a person ordered to be removed under section *six* in remaining in this Colony; or

(3) enters into or purports to enter into a contract as employer with any person outside this Colony with intent that the provisions of this Act be evaded or at the time of entering or purporting to enter into such contract shall be unable to fulfil his part thereof or has no reasonable expectation of being so able; or

(4) uses or attempts to use any certificate issued under paragraph (1) of the classes of persons excluded from the definition of "prohibited immigrant" unless he be the lawful holder of such certificate; or

(5) forges or uses knowing the same to be forged any document purporting to be such certificate

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. No prohibited immigrant shall be entitled to obtain a licence to carry on in this Colony any trade or calling or to acquire therein any interest in land whether leasehold freehold or other interest; and any such licence (if obtained) or any contract deed or other document by which such interest is acquired in contravention of this section shall on conviction of such immigrant under section *five* of this Act be null and void.

9. Every person found in this Colony who is reasonably suspected of being a prohibited immigrant may be arrested without warrant by any magistrate justice of the peace police officer or officer of the department and shall as soon as possible be brought before a court of resident magistrate to be dealt with according to law.

10. No prohibited immigrant shall be exempt from the provisions of this Act or allowed to remain in this Colony by reason only that he had

not been informed that he could not enter this Colony or that he may have been allowed to enter through oversight or owing to the fact being undiscovered that he was a prohibited immigrant.

11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted under section seven of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificate of an officer of the department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a judgment of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Treasurer who after deduction of the amount of expenditure aforesaid and the costs of execution shall remit the balance to the person so liable or to any person appointed by him to receive same.

13. The burden of proving that a person has not entered or remained in this Colony in contravention of this Act or any regulation shall in any prosecution for such contravention lie upon the accused person.

14. Every court of resident magistrate shall have jurisdiction to impose the maximum penalties for all contraventions of this Act or of any regulation.

### Counsellors' Opinion

IN RE IMMIGRATION RESTRICTION ACT, 1907.

We have considered the case submitted and are of opinion that no Act of the Transvaal Legislature could authorise the Government to "regulate or control the movements of people without the border" of the Colony. It is quite clear that the laws of a colony cannot extend beyond its territorial limits. In 1879 the Supreme Court of New Zealand decided that the New Zealand Foreign offenders apprehension Act, 1863, was *ultra vires*, on the ground that "the Colonial Legislature had no power to authorise the conveyance on the high seas to another Colony, and the detention outside its own jurisdiction, of any person whatsoever. Such power must be exercised—or expressly conferred on the local legislature—by Imperial enactment." The power to enact and remove persons, which is conferred on the Governor by Sec. 6 of the local Act, cannot, in our opinion, be challenged as unconstitutional or *ultra vires*, but it can only autho-

rise the removal of persons to the borders of this colony. The moment they are across the border they would be subject only to the laws of the territory in which they might find themselves and the operation of the Act would cease. The Courts would not interfere in any way with any action taken by the Government in removing persons to the borders of the Colony.

(Sd.) J. W. LEONARD,  
" ARTHUR D. HOME.

Chambers,  
Dec. 30, 1907.

### Mr. Gandhi's Protest

Mr. Gandhi has addressed the following letter to the Johannesburg Press:—

The Government are to be congratulated on boldly and honestly taking proceedings mainly against those only who have led the passive resistance movement against the Asiatic Act. That, indeed, is the only method of testing the reality and universality of Asiatic feeling. But among those arrested are some who have never taken an active part in the agitation, and there are also remarkable omissions. Both these facts tell their own tale. Some have even suggested that one or two arrests are due to private grudge. However, it is not my purpose, in trespassing on your courtesy, to deal with this phase of the question.

The arrests have synchronised with the announcement of the Royal Assent to the Immigration Act. This shows that the Government intend to use their newly acquired power. They have now three strings to their bow, viz., imprisonment, the stopping of trade licences, and deportation. All these powers have been taken or given in order to enable the Government, not to stop an influx of Asiatics, because no one wants it, and the Registration Act cannot stop it; not to avoid trade competition, because every Indian submitting to the Act can have as many licences as and where he wants: but, to enable them to bend Indians to their will, to force them to do violence to their conscience; in short, by delivering a crushing blow, to unman them, so that they may become as wax in their hands.

Do the colonists know that deportation under the Immigration Act is worse than ordinary deportation? If I committed murder and were sentenced to transportation for life I should be sent to a place where I should be housed and fed even as the few native rebels sent from Natal to St. Helena are. But if I do not submit to the Asiatic Act I am deported, that is, put across the border or sent to India without a penny on me, if I do not possess private property, to shift for myself as best I can, the cost of deportation to be paid by me. And if I have a family in the Transvaal, so far as the Government are concerned, they will be allowed to die of starva-

tion. And this, mind, is to happen to men to whom the Transvaal is their adopted home and India a foreign country for purposes of earning a livelihood. Some of the Indians arrested are traders of nearly fifteen years' standing, with wives born in South Africa and living in the Transvaal. One Chinaman came to South Africa a mere lad, knows China only in name. He was born and bred in Western institutions. All the Asiatics arrested are lawful residents in possession of documents entitling them to remain in the country. These men, because they do not violate their conscience, but violate the Asiatic Act, may not only be imprisoned, but deported, in the above fashion under a warrant signed by the Colonial Secretary! I do not say that those who do not comply with the law, even when non-compliance is due to the dictates of the conscience, should not be punished at all, but I do say that when the punishment is disproportionate to the offence it savours strongly of barbarism. And if the powers under the Immigration Act are exercised in respect of the Asiatic Law, an act of barbarism will have been committed in the name of the electors of the Transvaal. Will the people of this country chuckle with delight over such ruination of a whole people? What will the Guild of Loyal Women say regarding wives being kept without their natural protectors? I consider myself a lover of the British Empire, a citizen (though voteless) of the Transvaal, prepared to take my full share in promoting the general well-being of the country. And I claim it to be perfectly honourable and consistent with the above profession, to advise my countrymen not to submit to the Asiatic Act as being derogatory to their manhood and offensive to their religion. And I claim, too, that the method of passive resistance adopted to combat the mischief is the cleanest and safest, because, if the cause is not true, it is the resisters, and they alone, who suffer. I am perfectly aware of the danger to good Government, in a country inhabited by many races unequally developed, in an honest citizen, advising resistance to a law of the land. But I refuse to believe in the infallibility of legislators. I do believe that they are not always guided by generous or even just sentiments in their dealings with unrepresented classes. I venture to say that, if passive resistance is generally accepted, it will once and for ever avoid the contingency of a terrible death struggle and bloodshed in the event (not impossible) of the natives being exasperated by a stupid mistake of our legislators.

It has been said that those who do not like the law may leave the country. This is all very well, spoken from a cushioned chair, but it is neither possible nor becoming for men to leave their homes because they do not subscribe to certain laws enacted against them. The uitlanders of the Boer regime complained of harsh



laws; they, too, were told that if they did not like them they could retire from the country, but they thought better and did not go. Are Indians, who are fighting for their self-respect, to slink away from the country for fear of suffering imprisonment or worse?

No, Sir, if I could help it, nothing would remove Indians from the country save brute force. It is no part of a citizen's duty to pay blind obedience to the laws imposed on him. And if my countrymen believe in God and the existence of the soul, then, while they may admit that their bodies belong to the State to be imprisoned and deported, their minds their wills and their souls must ever remain free like the birds of the air, and are beyond the reach of the swiftest arrow. General Smuts, who puts trust in the tyrannical laws sanctioned by an obliging Secretary of State, forgets that those Asiatics who are fighting for conscience sake will not be bent by any machinery he may put in force. If, when the leaders are withdrawn, my countrymen succumb, we shall have deserved the law. Then, too, the cleanness of passive resistance, that is Jesus' teaching "resist not evil" will have been justified.

**Meetings in Johannesburg**

Several meetings were held in Johannesburg this week. On Monday afternoon, a meeting of the Chinese Association was held at their premises in Marshall Street, one of the purposes of which was to thank Mr. Gandhi for the advice given and services rendered to them in the crisis through which the Asiatic communities were passing. Some 400 Chinese permanent residents were present, and were presided over by Mr. J. L. Wengsee, the newly elected acting Chairman. Mr. Gandhi and Mr. Polak attended on behalf of the British Indian Association. In the course of a brief address, Mr. Gandhi said: All who considered this was not a religious struggle, that this was not a religious cause, did not know what religion meant. He believed he had acquired some knowledge of most religions, and every religion taught that if a man did anything that degraded his manhood there was no religion in him. If religion meant communing with God, trusting in God, then he had no hesitation in saying that it was absolutely irreligious to degrade themselves in order that they might be able to earn a few pounds or pence in the Transvaal. Even then they considered the position was not right, and proper, and just. If the Asiatics of the country had blindly followed their leaders and immediately the leaders were withdrawn they were going to accept the Act, then he believed they would have deserved the Act. The key to the situation therefore lay in their own hands. If they believed in the righteousness of their cause, and if they believed they were going forward, no matter what happen-

ed, nothing that General Smuts might do in this Colony—nothing that the Imperial Government might sanction in the name of His Majesty could deter them one little bit from the step they had already taken:

In his own mind he had great doubts as to the ability of the Government to put domiciled Asiatics across the border, but he was now fortified in that belief by a well-reasoned opinion from the best lawyer in the Transvaal.

"But once more," concluded Mr. Gandhi. "I request you not to pin your faith to Mr. Leonard's opinion, or any other legal opinion that may be obtained. In this struggle the only opinion to which you can possibly pin your faith is that of your own conscience and communion with your God. If you rely upon any other thing whatsoever, you will be relying upon a broken reed."

Mr. Gandhi and his fellow "undesirables" having intimated their determination to disobey the order of the magistrate, had been informed that they should present themselves at the Court on the following Tuesday, at 10 a.m. Ten minutes before the appointed time, however, a message came from the Commissioner of Police, informing them that they need not appear until further notice. An enormous throng of Indians and Chinese, who were waiting in the neighbourhood of Court Chambers, hastened to congratulate the heroes of the occasion. A *Leader* man insisted upon photographing them and the crowd. Subsequently, Mr. Gandhi mounted a chair and addressed the people, in Hindustani and English, much in the terms of what has previously been reported. Just as Jamadar Nawab Khan was about to speak in his turn, the police appeared and declared that no meeting could take place without permission of the Municipality. The crowd, numbering at least 1,000 Asiatics, with a fair sprinkling of Europeans, accordingly slowly dispersed.

Mr. Wm. Hosken, M.L.A., just before Mr. Gandhi's speech, addressed a few words of sympathy with the Asiatics in their struggle. He sympathised greatly with the Indians, regretted their extremely difficult position, and personally thought the action taken by the authorities was contrary to British Administration.

Several European friends, in the course of the day, called upon Mr. Gandhi to express their sympathy with him, as also did not a few European gentlemen who were strangers to him. Obviously, public opinion is gradually veering round.

An able special article appeared in *Wednesday's Mail*, summing up the

legal possibilities of deportation, and generally deciding against such a procedure on the part of the Transvaal Government.

**Mass Meeting at Pretoria**

At the Asiatic Location, Pretoria, on Monday afternoon a mass meeting of British Indians was held, under the auspices of the British Indian Association. About 300 persons were present, amongst them being Mr. M. K. Gandhi, of the Johannesburg Association, and four Chinese, two of whom were officials of the Chinese Association. Three British Indians who had been ordered to leave the Colony yesterday were also present. Mr. Hajee Habib presided, and speeches were made by the Chairman, Mr. M. K. Gandhi, Mr. Suleman Suj, Mr. Desai, Mr. Beg and others. All were firm in their determination to resist the new Act.

**Kimberley**

A mass meeting of British Indians and Chinese was held at Kimberley on the 29th ult. Resolutions of sympathy and protest were passed. Cables were sent to Lord Elgin and His Excellency the Governor of Cape Colony.

**Cape Indians**

The following resolutions were passed at a meeting of the South African Indian Association at Capetown on Sunday last:—

Intelligence conveyed in Reuter's telegram of 28th has alarmed entire Asiatic Community in Cape Colony, who are deeply grieved and shocked at the arrest of those patriots Gandhi, Leung Quinn and others. Asia's sons must applaud and admire the courage and dignity of these martyrs to a degrading, barbarous and unchristian law. Transvaal Government's action is a stain upon the honour of this great Empire. Even if our temporal King forsakes us, lose not faith in the King of Kings who will recompense the sufferers tenfold for their righteousness."

Indians of South Africa are sorely alarmed at the inactivity of the British Government in not disallowing the Transvaal Immigration Act, which empowers the Transvaal Ministers to deport Asiatics as undesirables without any discrimination whatever. We appeal to our national leaders to raise their voices in protest against this indignity and insult, and to save our Transvaal brethren from their degradation.

**Messages of Sympathy**

The following cables and telegrams, among others, have been received by the British Indian Association:—

- Surendranath Banerji, Surat Congress Camp—
- "All India Conference sympathises; promises support. Courage!"
- Miss F. Winterbottom, London (Secretary of the Union of Ethical Societies)—"Intense sympathy."
- S. A. British India Committee, London—"Courage!"

## Mass Meeting

In Johannesburg

To Protest against Immigration  
Restriction Act

And Registration Law

[SPECIAL TO INDIAN OPINION]

A Mass Meeting of British Indians was held in Johannesburg, at the Surti Mosque, Fordsburg, last Wednesday. Amongst those present were the members of the committee of the British Indian Association, representatives of the Chinese community, and delegates from Pretoria and other of the chief towns of the Transvaal, besides a number of interested Europeans. Telegrams of acquiescence in the resolutions were received from a large number of distant places which did not send representatives. Altogether, there must have been well over 2,000 people present, or nearly one third of the present adult male population of the Transvaal.

Mr. Essop Mia, Chairman of the British Indian Association, who presided, delivered an eloquent address, which was rendered into English, as follows, by Mr. N. A. Camay:

Gentlemen and Delegates, we have latterly had what might be called almost a surfeit of meetings and mass meetings, but these are not of our seeking. They cost us, especially those who travel from distant parts of the country, a great deal; and, yet, in a movement such as the one we inaugurated in September of last year, frequent meetings, conferences and intercommunication are absolutely necessary to ensure success.

When notices were issued inviting you to attend this meeting, no one thought that the peace which everyone in this Christian county should be entitled to during the time marking the nativity of Jesus of Nazareth would be rudely and suddenly disturbed. We were to have met to consider the situation that was to arise in view of the refusal of trade licences during the year to those who have refused to submit to the Asiatic Act. But it was reserved for Lord Elgin and General Smuts to throw a bomb-shell into our midst during the last week of the year that closed upon us yesterday. So great was our faith in British justice that we had taken it for granted that Lord Elgin would not repeat the mistake made by him in sanctioning the Asiatic Registration Act by advising His Majesty the King-Emperor to give his assent to the Immigrants' Restriction Act. We had begun to believe that it was as dead as the dodo, but, on the 27th day of December, Indians throughout the Transvaal were rudely awakened from their illusion and informed that there was no such thing as British justice for them. The Immigration Act had received the Royal assent, and the strong General Smuts had been made

stronger still. Let us hope that, for his sake and for the sake of the Empire, his very strength will prove his weakness, and save the Colony from what must be, in the opinion of thoughtful men, a very undesirable situation.

The announcement was quickly followed by the arrest of the Honorary Secretary of the Association and of other Asiatics, some of whom had taken an active part in this struggle. We had so used ourselves to the thought of being arrested that, though the event came as a surprise, it did not see us unprepared. I am glad that all here manfully discharged their duty and are prepared to suffer the penalty provided by law for non-submission to the Act. In this connection, I cannot but express my regret that Ram Sundar Pundit, who had suffered one month's imprisonment, left the Transvaal on learning that he was to be tried again for remaining in the country. Let his cowardice serve as a warning to us all, lest we, too, in a weak moment, succumb and violate our oath. The only manner in which we can hope to succeed in this struggle is to suffer, and to continue to suffer, until we have reached our goal. There can be no turning back for a man who fights on relying only on God. He must either win or perish in the fight.

We have already undergone much silent suffering. Hundreds of merchants have been obliged to reduce their stock, and are, to-day, living on their capital. Many Indian employees of the Government have been dismissed from employment for non-registration. I venture to call this intimidation. The Railway Department has deprived Indian labourers of their employment because they would not register. The Postmaster-General has dismissed Indian postmasters for the same reason, one of them, Mr. Camay, being a servant in that department of over 14 years' standing. Many, reckoned at nearly 6,000, have left the country, being unable to stand the stress. But this is not visible suffering. The time has now come for facing gaol, deportation, or any other punishment that the Government may choose to award us.

Mr. Gandhi and others are with us to-day only by chance. He and his fellow-prisoners were to have been lodged in gaol yesterday. Whilst you may, therefore, hear them at this meeting, we have decided to carry on the proceedings without their assistance and show to the Government that, on the leaders being removed, every Indian will become a leader. The meanest among us can show the courage of his convictions and cheerfully go to gaol. In our struggle, which is so simple, nothing but bravery and trust in God are required. We have no reason to complain of the arrests made by the Government. Having got the powers, they were bound to exercise them, if only for the sake of testing your real feelings.

It rests with-us to show whether we have been blindly following a few leaders, or whether we have prepared ourselves to sacrifice all for the sake of a holy conviction. If, in spite of such demonstration, the Government continue to send us to gaol, to deprive us of licences to trade, they will have demonstrated that it is not identification that they want so much as our expulsion. But, expulsion or no expulsion, our determination must be fixed and unshakable. The Government may, in the knowledge that they possess arbitrary power over us who are totally unrepresented, take any high-handed measure they choose. We, conscious of our faith in the justice of our cause, must offer resistance equal to the extent of governmental oppression.

Several resolutions will be submitted to you at this meeting. I need scarcely review them. One of them, however, I shall venture to refer to, but briefly. Those who are engaged in trade have to take out licences. In order to circumvent us, the Asiatic Act provides that we cannot receive them unless we submit to it. What shall we do? Register we never will, so long as the sting of compulsion is there. This is the country of our domicile. We cannot earn our bread anywhere else. There are two alternatives, therefore, open. To steal is one of them, but that is foreign to the nature of most of us. To trade without licences is the other. It may be considered an imprudent step to take, but British officials have set us the example. Before the war, it was under the advice of British Consuls and Vice-consuls that, when the late Government refused to issue to us trade licences except in locations, we traded without licences for years, and, whenever there was the threat of a prosecution, it was checked promptly by a protest on our behalf by the British Government. We were then under a foreign flag and accepted and treated as British subjects. Under our own, to-day, we hardly know that we are British subjects. We, therefore, propose to carry on our trade without licences, and, if we are prosecuted for a breach of the licensing law, we suffer the penalty for that breach. In this, we show defiance, but we show to the Government, in all humility, that we are unable to accept conditions which deprive us of our self-respect and do violence to our conscience.

Ours, let me repeat for the hundredth time, is a struggle for securing an honourable position for those who have a right to remain in the country. We want to offer no unfair competition. This can be regulated wherever it exists. Future immigration can always be controlled. This is common cause. But, after we obey the general laws of the Colony regarding trade, sanitation, and good behaviour, we claim the same personal freedom as the other inhabitants of the colony, a

claim which, in my opinion, is irresistible.

Before resuming my Seat, I would venture to thank on your behalf, the Chinese gentlemen who are present to-day and who represent the Chinese Association. It is a great pleasure for me to know that the action that has been taken by the British Indian Association throughout the struggle has met with the approval of the official body representing the Chinese community of the Transvaal, and that, on all occasions we have been able to co-operate heartily with one another with a view to bringing about a solution favourable to us all.

Mr. H. S. L. Polak, Assistant Honorary Secretary of the British Indian Association, and Editor of **INDIAN OPINION** moved the first resolution. It was seconded by Mr. N. Gopal (Pretoria) in Tamil and afterwards in English, and supported by Mr. Abdool Ganie, ex-Chairman of the British Indian Association, who spoke in Urdu. Owing to a sudden heavy down-pour of rain, it was found necessary to bring the proceedings to an abrupt close. The resolutions were accordingly formally put *en bloc*, and carried unanimously.

**The Resolutions**

I.—In the opinion of this meeting, the Imperial Government by sanctioning the Immigrants' Restriction Act have surrendered their right and their duty of protecting the interests of weaker and unrepresented parties.

II.—This meeting resolves to carry on trade without licences, should the Government decline to accept licence monies without production of certificates under the Registration Act.

III.—This meeting congratulates the Transvaal Government on the arrest of some of the leaders of the passive resistance movement, viewing the arrests as a test of the reality of the Indian sentiment as to the Registration Act; and earnestly hopes that the remaining Indians will adhere to the solemn oath taken by the community not to submit to the Act.

**Late News**

[SPECIAL TELEGRAMS]

Johannesburg, Friday.

Jamadar Nawab Khan and Samandar Khan, the hearing of whose case was postponed from the 27th ulto., on account of there being no interpreter available, appeared before the Magistrate to-day. They were charged with being without new certificates and ordered to leave the Colony within 14 days.

The Rev. Mr. Doke, Baptist minister in Johannesburg, writes to the *Leader*, urging due regard for religious susceptibilities of the Asiatics, and asking for a reconsideration of the whole question.

**Registration Notes**

**Attempt to Sell False Permits**

Mr. M. K. Gandhi, under date the 31st ulto, writes to the Registrar of Asiatics, as follows:—

I have just received a letter from Delagoa Bay informing me that certain two Indians from the Transvaal are at present in Delagoa Bay representing to the people that you will be prepared to grant to those Indians who may want permits to enter the Transvaal such permits at Delagoa Bay, on payment to these men of £12 : 10s. per head.

I need hardly say that I consider the above statement to be a libel so far as you are concerned; but it is certain that the Indians in question have been making such statements with a view to preying upon gullible people. May I, therefore, ask you kindly to inform the British Indians in Delagoa Bay, in any manner you consider fit, that they are not to accept statements made by any such people, and that permits or certificates are obtainable only at your office at Pretoria? On my part, I have taken every precaution to warn the people through the columns of **INDIAN OPINION** and other channels.

The *Daily Graphic* in a leading article says:

No Englishman can read without a feeling of shame the news telegraphed from Johannesburg that a large number of Indian soldiers, many of them wearing medals for fighting Britain's battles, are threatened with starvation for refusing to comply with a law which was intended to humiliate them and their fellow countrymen. . . More than a hundred of these men have been dismissed from their employment for refusing to register. They have not the means to return to India, and are virtually outlawed in a British Colony for the crime of having a coloured skin. When President Kruger attempted to interfere with the full freedom of British Indians, his action constituted part of our *casus belli*. Yet nothing that President Kruger did will for a moment compare with what is now being done under the shadow of the British flag and under the authority of a Liberal and Free Trade Government.

**Sir William Wedderburn's Appeal**

Sir Wm. Wedderburn, Bart., chairman of the London Committee of the Indian National Congress, has addressed a letter to the *Daily News* from which we extract the following:

May I ask for your benevolent influence on behalf of some eight thousand of our Indian fellow-subjects, permanent residents in the Transvaal, who, since the 31st of October, have become "passive resisters" against the insulting Transvaal Registration Act of 1907, and have thereby become liable to im-

prisonment, confiscation, and expulsion from the Colony?

Surely it behoves the British public to inquire whether these men, admittedly docile and industrious, have done anything which deserves that they and their families should be driven from their homes, and whether there is any ground for this persecution except trade jealousy and race prejudice.

For the sake of our national credit some *modus vivendi* should be discovered by the Colonial Office before measures of severity are allowed against this inoffensive community.

I would remind your readers that under the London Convention of 1881 British Indians had "full liberty" to enter and reside in the Transvaal, to own houses and shops, and to trade in person or by agent. And the withdrawal of such privileges and the enactment of differential laws by the Boer Government were put forward by Lord Lansdowne and Lord Selborne as an important part of the *casus belli*.

The New Reform Club, London, has written to Lord Elgin, protesting against the disabilities imposed on British Indians in the Transvaal.

**A Churlish Refusal**

The following letter addressed to Mr. M. M. Joshi, of Pretoria, by the Town Clerk of Pretoria, speaks for itself. The second paragraph is of especial interest:

In reply to your letters of the 4th and 19th inst. applying on behalf of an Indian named Rattanjee Makan for the lease of the above two stands in the Asiatic Bazaar, I have the honour to inform you that:—

1. Stand No. 530 is already under lease to another Indian.
2. Rattanjee Makan not having registered himself in terms of the Asiatic Law Amendment Act 1907, is illegally resident in the Transvaal.

My Council are therefore unable to grant him the lease of Stand No. 527.

**Alleged Durban Registrations**

The Durban correspondent of the *Transvaal Leader* telegraphed on Monday that the steamer *Kaiser* arrived from India to-day with 80 Indians, 33 of whom have proceeded to the Transvaal. All have taken out visiting passes, but those going to the Transvaal were especially examined by the Transvaal Government Immigration Agent here, and were registered under the provisions of the new Act. We have ourselves made careful inquiries, and are quite unable to obtain confirmation of the allegation of registrations in Durban. A representative of **INDIAN OPINION** has interviewed most of the passengers by the *Kaiser* who declare that no registrations have taken place, and that the allegations are . . .

The Port Elizabeth Indian Association has forwarded to the British Indian Association the sum of £25 in view of the heavy strain upon the resources of the Transvaal Indian community.

At a private meeting of the Mad-rassi community in Johannesburg over 50 persons agreed to re-place those of their leaders who should be kept in durance by the Government.

### News from London

#### Lord Ampthill's Proposed Action in Parliament

Reuters sends the following cables:—  
London, Jan. 1.—Lord Ampthill, who was for many years Governor of Madras, will preside at a non-party meeting in London, called for this evening, to protest against the Transvaal Immigration Act. It is further stated that Lord Ampthill's intention is to bring up the matter upon the re-assembly of the House of Lords, and it will also be introduced in the House of Commons in the form of an amendment to the address.

London, Jan. 1.—The *Morning Post*, reverting to the Indian question in the Transvaal, suggests that the Transvaal Government should give voluntary registration another chance; also that the Imperial Government should instruct the Indian Government to refuse in future to allow the emigration of indentured labourers to Natal.

London, Jan. 1.—The *Daily Chronicle* welcomes the suggestion of *The Times* that the question of Indian Immigration should be considered at the next meeting of the Imperial Conference, and that, in the meantime, a Commission be organised by the Imperial Secretariat to investigate the whole problem. The *Chronicle* considers that such treatment of the question would be the means of explaining to the Colonies the desirability of effecting the restriction and regulation of Asiatic immigration, with due regard to Imperial interests and responsibilities.

London, Jan. 2.—*The Times*, in a leading article, remarks that if the present situation shows the way in which Colonials have heeded Imperial aspects of the question, the Mother Country must show that she could comprehend the local aspects, but, while not denying what was substantial in local prejudices and fears, she was entitled to claim that things involving the Empire in immense responsibilities and perils, of which she had to bear the brunt, would not be decided exclusively by local prejudices. *The Times* adds that the Transvaal Government's attitude towards Indians is provocative and harsh. It

hopes that the delay in effecting the re-arrests of Mr. Gandhi and others is due to counsels of moderation from the Imperial Government.

### The Press on the Immigration Act

#### A Few Choice Clippings

The Imperial Government, we are informed, was persuaded to acquiesce in the Immigration Act on the plea that if the Transvaal Administration were placed in a position to deport or imprison one or two of the leaders of the agitation the resistance of the Indians as a body would collapse.—*Pretoria News*.

Is not the root-question, Do we wish the Asiatics to be removed or not? If we do, let us say so straightforwardly. There is nothing to be ashamed of in that attitude. It is not immoral, though it may in the end prove unsound economically. It would simply be a measure of Protection, where at least there would be this to be said for it, that it was an attempt to protect a race and a civilisation, and not merely a few individual fortunes. Most of us say we do not wish to go this length. We say we are willing that Asiatics who have been here for a certain period should have the right to remain, on conditions. But if we find practically the entire community concerned rejecting these conditions and preferring imprisonment and deportation to compliance with them, must we not, as reasonable people, amend the law in a sense favourable to the complainants' views, or admit that our object is to expel them? But if this be the object—even if the other party persist by his actions in making this the effect—must the State not in justice compensate for disturbance?—*Transvaal Leader*.

They have to fight clever, and not very scrupulous opponents, who will mark their leaders and imprison or expel priests, lawyers, and doctors, who are keeping the commoner people together. The agitation will then languish and come to an ignoble end. The most valuable and intelligent members of the Indian community will find themselves permanently expelled from Transvaal, and the lower classes remaining, after having registered, will be at the mercy of those white traders—chiefly of foreign descent—who are insisting upon their being refused the ordinary rights of citizenship.—*Pretoria News*.

The new Act simply puts an end to a grotesque situation by giving the citizens of the Transvaal the power to

enforce a claim which has already been admitted, and as such must be welcome from every logical and constitutional point of view. Whether it means an equally simple end to the practical Asiatic difficulty is a very different question. The enthusiastic meeting of Indians held last night in Vrededorp certainly showed no signs of weakening in the campaign of passive resistance and the Government will have to exercise its new powers with considerable patience and tact if it is to succeed in winning the day without losing credit in the eyes of the world.—*Star*.

Even at this late hour the position of the Indians should appeal to that sense of justice and fair play, to that sympathy with the weaker cause, which is so essentially a characteristic of the British nations and which is shared by our newly adopted Dutch-speaking fellow colonists. It is not too late for the Government to offer to the Indians some concession which while not affecting the spirit and practical usefulness of the Registration Act, will remove the religious objections to the Act. "O, it is excellent to have a Giant's strength; but it is tyrannous to use it like a Giant."—*Pretoria News*.

The deportation policy might easily lead to friction of an undesirable kind between the Transvaal and its neighbours. There are some difficult questions of law involved, or likely to be raised, in the event of deportation of Asiatics from the Transvaal—questions that might be awkward for the Transvaal Government itself, and not less awkward, say, for Natal, if we were forced to thrust back again into the Transvaal such deported Indians as the Transvaal authorities might dump amongst us. It is of special interest to us to note the suggestion of one important London Newspaper, to the effect that the reply to the Transvaal's policy might be an instruction from Downing Street to the Indian Government to refuse in future to allow the emigration of indentured labourers to Natal. No doubt, there are people in Natal who would be delighted at such a prospect, not realising the extent to which our industries and social arrangements would be dislocated. Such a contingency may be improbable or fantastic, but the mention of it serves to illustrate how far-reaching are the questions raised in connection with the Asiatic crisis in the Transvaal whatever may be the cause of the delay in forcing the crisis to extremes, the breathing space may be useful, if it is used for the purpose of deliberately and calmly weighing all the factors in the problem, and making one more effort to see whether Imperial, Indian, and Colonial interests cannot be reconciled and the threatened Imperial dangers averted.—*Natal Mercury*.