

Indian Opinion

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IMPORTANT IMMIGRATION JUDGMENT IN THE TRANSVAAL

IN terms of section 3 (2) of Act 22 of 1913 the the Immigrants Appeal Board reserved the following questions of law, inter alia, for the decision of this Court, viz:—Whether section 10 of Act 22 of 1913, as amended by section 5 of Act 37 of 1927 is retrospective in its operation so as to permit the cancellation of a certificate granted prior to the commencement of Act 22 of 1913. The facts relating to the grant of this certificate are set out in sections 1, 2, 3 and 4 of the stated case which read:—

1. On or about 1st December, 1905, Osman Essa, an Asiatic, by affidavit copy whereof is hereunto annexed marked "A," applied for permission to bring appellant, Essa Osman, an Asiatic, into the Transvaal and in the said affidavit Osman Essa declared that the appellant was his son.

2. Essa Osman, the appellant, was in or about 1906, at which time he was about 8 years of age, permitted to enter the Transvaal on the representation that he was the son of Osman Essa, but no permit under the provisions of Ordinance 5 of 1903 (Transvaal) was issued to appellant.

3. On or about 19th March, 1908, appellant made application for registration under the provisions of Act No. 2 of 1907, Transvaal, and in the said application, copy whereof is hereunto annexed, marked "B," appellant declared that the said Osman Essa was his father.

4. On or about 21st April, 1908, pursuant to the said application, Certificate of Registration No. 6063 was issued to appellant under the provisions of Act No. 2 of 1907.

The question as to whether section 5 of Act 37 of 1927 permitted the cancellation of a certificate issued was considered in the case of Principal Immigration Officer v. Purshottam (1928, A.D. 435 and de Villiers J.A., in delivering the judgment of the majority of the Court, referred to the general rule that statutes regulate future conduct and are construed as operating only on cases or facts which came into existence as they were passed. (See also *Moon v. Durden*, 154 E.R. 389). The Court, however, did not apply this rule to Purshottam's case, but held that section 5 of Act 37 of 1927 was declaratory of the proper construction to be placed on section 10 of Act 22 of 1913, and must therefore be read as having been promulgated together with section 10, with the result that it would apply to a certificate issued in 1915. It is true that at pages 442-3 of the judgment the following passage occurs: "It was under these circumstances that the legislature stepped in and enacted Section 5 of Act 37 of 1927. I confess, looking at the words of the section, which in their grammatical meaning cover all cases past as well as future and connect up the new section with section 10, it is difficult to escape the conclusion that section 5 was intended by the Legislature to cover registration certificates obtained by fraud before the amending Act was passed" which in terms may refer to the time before as well as after the date when Act 22 of 1913 was passed but it must be borne in mind that the court was concerned only with a certificate issued in 1915; indeed the con-

clusion drawn deals only with the period before the amending Act was passed and not the period before the 1913 Act. And it is relevant in this connection to refer to the remarks of Stratford J.A., (at page 450) in the same case where he says:—"The words, it is true, are clearly wide enough to cover certificates granted before the amendment, as well as those granted after it, but this fact is not decisive for it is a feature that must be present whenever there is a question of retrospectivity, for if the words used do not equally relate to the past the question of retrospective effect would not arise." Although his was a dissenting judgment I do not think that on this point it is in conflict with the views of the majority. For these reasons, it does not seem to me that the present case is governed by the decision in Purshottam's case. According to the decision in Registrar of Asiatics v. Salajee (1925, T.P.D. 71) the Court under the common law had no power to cancel a certificate of registration issued either under Act 2 of 1907 or Act 36 of 1908 unless the holder himself is proved to have been guilty of fraud in its procurement and under both these Acts such certificate was accepted as conclusive evidence that the lawful holder thereof was entitled to enter and reside in this Province, and "lawful holder" was defined as the person whose registration is certified by the certificate. The effect of section 10 of Act 22 of 1913 as amended by Section 5 of Act 37 of 1927 is not only that the Board is given the same power to cancel as until then vested only in the Court, but that it is also given the power to cancel when the certificate is obtained by fraudulent representations made on behalf of the holder. The sections must be read as a whole; if they are retrospective in relation to a certificate obtained by the fraud of the holder himself, they must be equally so in relation to one obtained by the fraud not of the holder but of some person acting on his behalf, and in this latter case it is clear that they would constitute a grave invasion of the rights vested in such holder prior to Act 22 of 1913 by sections 10 and 11 respectively of Acts 2 of 1907 and 36 of 1908. The consideration which was present in Purshottam's case, viz., that section 5 of Act 37 of 1927 was to be read as part and parcel of section 10 of Act 22 of 1913 and therefore referred to the period between the two Acts does not apply and I see no reason why the general rule that statutes regulate only future conduct should not govern in this case. This view applies whether the certificate was granted under the 1907 or the 1908 Act.

In *Soobath Khan v. Principal Immigration Officer* (T.P.D. 14, 10, 29) Barry J. in the course of his judgment (with which I concurred) said that the application for registration was made two years after Act 22 of 1913 came into force, but that the language of the majority judgment in Purshottam's case covered all past as well as future cases. The question with which the learned judge was dealing was whether the immigrant had acquired a domicile in terms of Act 22 of 1913 and in so far as his remarks

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THE SUPREMACY OF THE WHITES

EVER since the publication of the White Paper by the British Government on the East African constitution the music of White Supremacy is heard in four corners of East and South Africa. The white settlers of Kenya are greatly agitated and their deputation is busy in London. Messrs. Hertzog, Grobler, Sir Abe Bailey and company have also run amok and are busy preaching sermons on the supremacy of the whites over non-whites. The latest outbursts of Sir Abe Bailey have no parallel. In an article in the *Morning Post* he severely criticises the set out policy of the British Government. He writes:— "It is insulting and humiliating to all white residents of Africa to have to go down before Indians and Natives and if this fatal course is pursued, the Empire will lose East Africa and deserve to lose it." If Indians and Natives of Africa have to go down before a handful of white residents, if the policy of white supremacy is pursued, will it not be equally insulting and humiliating to Indians and Natives? Have not the Indians and Natives sense of self-respect and honour just as the Europeans have? He further writes that "Africa is closely and fatefully linked up with India. The Indian in Africa is the sleeping cobra of racial strife in Africa." In East Africa Indians are the pioneer settlers. They have not gone there yesterday like the white settlers. They are there from hundreds of years. They have built up the railway there at great risk. They have developed the country. They have built up trade with Indian capital. When the European settlers came on the scene they started to create trouble. As a matter of fact the European settlers in East Africa are the awakened cobras of racial strife. A handful of white settlers want to have political and economical dominance over Indians and Natives so that they can conveniently exploit them. Sir Abe Bailey and his company want the policy of White South Africa to prevail in East Africa and Sir Abe Bailey gives threat that if the policy of the White Paper is pursued the Empire will lose East Africa and deserve to lose it. We believe Sir Abe Bailey is a lover of the British Empire. That Empire covers about one fifth of the land surface of the globe and about one quarter of its population. Only sixty-six and a half millions out

of its total population of 450 millions are white. If the policy of white supremacy is pursued by a handful of Europeans over a vast majority of non-whites in the Empire the very existence of that Empire is bound to be threatened sooner or later. The very foundation of the Empire is based on the toleration of equality and justice. Take these two basic principles away from the Empire and it will soon fall down like a house of cards. Those who are preaching the supremacy of the whites over non-whites are really the enemies of the British Empire. They are the cobras of racial strife in the Empire. Let not Sir Abe Bailey pretend to be a friend of the British Empire and at the same time trying to pull down the Empire by preaching doctrines that are full of racial strife and hatred. We hope that Sir Abe Bailey will realise that the Indian people and the Government of India will never tolerate the supremacy of a handful of Kenya white settlers over Indians. India will defend the rights of her nationals in East Africa.

Interview With The Minister Of The Interior

A Deputation of the South African Indian Congress will interview the Hon. the Minister of the Interior at Pretoria on the 7th November, 1930, in connection with Immigration, Domicile and other matters arising out of the resolutions passed at the Emergency Conference recently held at Johannesburg.

Asiatic Tenure Bill

Cape Support For Rand Indians

Capetown, Wednesday.—Under the chairmanship of Mr. Adam Ebrahim Buksumia, a meeting of Indians was held in Capetown under the auspices of the Cape British-Indian Council recently.

The Cape delegates to the recent Indian Conference in Johannesburg, Messrs. Ismail, Hadje and Khan Gool, said that the feeling at the conference was so strong against the Asiatic Tenure Bill that unless it was withdrawn those affected would adopt passive resistance.

The following resolution was passed: "That this meeting is accepting the report of the South African Indian Conference held in Johannesburg on October 5, and pledges itself to support the conference in whatever steps may be taken to oppose any further oppressive measures particularly singled out to Indians, and further places on record the thanks of this meeting for sacrifices made by the delegates in attending the conference."

It was agreed to hold a conference of the South African Indian Congress at Capetown in December. —Reuter.

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apply to the right given to the Board by Section 5 of Act 37 of 1927 to cancel certificates issued before Act 22 of 1913 came into force they were unnecessary for the decision as the certificate in that case was issued after that date. As regards the retrospectivity of the 1913 Act in relation to the question whether the immigrant had acquired a domicile, I think different considerations would apply. It may well be that an immigrant who claims that he is exempt by virtue of the provisions as to domicile contained in the 1913 Act must show that the entry on which such domicile is based was not fraudulent, and in this respect the Act may be regarded as retrospective. This was the point in issue in Soobath Khan's case, as also in the cases of Parter v. Principal Immigration Officer (1926 C.P.D. 225) and re Feeda Hoosen (1915, N.L.R. 381), on which Barry J. relied. But it is a different question where we are dealing with rights vested in the person concerned before Act 22 of 1913 came into force. I do not think therefore that we are bound by this decision to hold that Section 5 of Act 37 of 1927 gives the Board the right to cancel a certificate issued before Act 22 of 1913 came into force. For the reasons already given, I do not think that it does, and the question reserved must be answered in the negative. It was common cause between counsel that it was sufficient for the purposes of this case if any one question was answered in appellant's favour and it is therefore unnecessary to deal with the other points reserved. The appellant is entitled to his costs against respondent.

(Signed) LEO. GREENBERG,
Judge of the Supreme Court.

Pretoria,

15th October, 1930.

Mr. Justice De Waal and Mr. Justice Krause delivered concurring judgments.

New Councillor Of Durban

Ward II. By-Election Result

Captain J. Rainnie is Durban's new Town Councillor. The result of the Ward II. by-election held on the 22nd instant, and occasioned by the resignation of Mrs. E. L. Knight, was announced in the Town Hall by the Mayor, the Rev. A. Lamont. It was:—

CAPTAIN JOHN RAINNIE	...	...	...	1,736
Mrs. B. M. MASON	...	...	...	699
Majority	...	...	...	1,037

There were 21 spoilt papers.

There was only a handful of people in the Town Hall when the Mayor, with Colonel G. Molyneux, the Acting Town Clerk and Returning Officer, walked on to the platform. Captain Rainnie briefly thanked his supporters and assistants. Mrs. Mason, in giving her thanks, declared that Captain Rainnie had had two shies for his penny (he stood unsuccessfully for the Council at the last election) and she hoped to have a second shy at no very distant date.

Captain Rainnie was Port Captain of Durban for 17 years and hitherto has not served on the Council. Mrs. E. A. Benson—the first woman to receive the freedom of the Borough—is now the only woman Councillor.

[We congratulate the Captain on his splendid success.—Ed. I.O.]

La Rochelle - Ward Meeting

Asiatic Encroachment On Township

There was a large attendance at the half-yearly meeting of the La Rochelle Ratepayers' and Vigilance Association held recently. Mr. A. Cook presided.

Asiatic Tenure

The following resolution, moved by Mr. B. J. Maud (hon. secretary) and seconded by Mr. Swartz, was carried unanimously:—

"That this further meeting of the La Rochelle Ratepayers' Vigilance Association fully supports the Asiatic Land Tenure Bill, as the encroachment in our township by the Asiatic trader has assumed such proportions that the value of property has greatly depreciated, while the coloured population is encouraged to occupy rooms in yards, leading to a mixture of races against the best interests of the white residents."

No Toleration Of Equality

London, Oct. 23.—In an article in *The Morning Post*, Sir Abe Bailey severely criticises the policy set out in the White Paper on the East African Constitution. His object in writing the article being, firstly, to impress upon the people of England the necessity of realising what the policy really means to Africa and the British Empire, and secondly, to tell the permanent officials in the Colonial Office what the public will not stand.

"If the White Paper's policy, which does not spare the feelings of the Kenya settlers, and which is a yielding and not a guiding policy, is carried out," writes Sir Abe, "then the doom of the White settlers, who are the security of the Empire's interests in East Africa, is spoken."

It is insulting and humiliating to all the White residents of Africa to have to go down before Indians and Natives. If this fatal course is pursued, the Empire will lose East Africa and deserve to lose it.

"The desire of the settlers to have a greater share in the exercise of the function of trusteeship of the Natives and to increase and maintain their prestige among the Natives needs no justification," he proceeds. General Hertzog opened the gate through which the Native policy of Africa has definitely passed. That policy, with the honest and effective fulfilment of the duties of trusteeship, does not tolerate any idea of equality. It is a policy which allows the economic and the political development of the Whites and Blacks to take place on parallel lines, with consideration and justice to the Natives. Bluntly, it stands for the supreme power of the Whites, so that they shall not be made to walk the plank.

Music Of Future

"The supremacy of the Whites must be the music of the future throughout Africa and that the civilisation built up by the pioneers and the Voortrekkers—and with it the very existence of Whites—may be protected by the paramountcy of the Natives, which will mean Indian dominance, is an insult to the White races."

Sir Abe Bailey then declares that Africa is closely and fatefully linked up with India.

"The Indian in Africa is the sleeping cobra of racial strife in Africa," he says. "As tariffs and surplus populations will be the cause of future world troubles, the closer union of the East African territories from the economic, trade and defence

point of view, is wise and necessary and will found a new and great Dominion for the Empire."

Criticising the Colonial Office policy, Sir Abe says: "If the Colonial Office, which hangs up all development by private enterprise, had had the administration of Northern and Southern Rhodesia, those countries, with a White population of 70,000 and capable of giving homes to millions, would today be mere cemeteries for the Whites."

His advice in conclusion is: "The window is open, take a view of Africa with its illimitable wealth and great possibilities of development, and do not let future generations say that this was a tragedy of wasted opportunity."—Reuter.

British Policy In Palestine

London, Oct. 20.—The Government has issued a statement of policy on Palestine, in which it makes plain its intention to administer Palestine in accordance with the terms of the Mandate, as approved of by the League Council.

The statement says:

It must be realised that it is useless for Jewish leaders to press the Government to conform its policy as regards—for example—immigration and land to the aspirations of the more uncompromising sections of Zionist opinion. It is equally useless for Arab leaders to maintain their demands for a form of constitution which will render it impossible for the Government to carry out its double undertaking to Palestinian Jews and non-Jews.

Legislative Council

The Government declares that its aim is to promote the interests of both sections in a manner consistent with the obligations which the Mandate imposes.

The Government, reaffirming generally the policy outlined in the statement by Mr. Winston Churchill in 1922, states that it now intends to establish a legislative council on the lines indicated in that statement. The Council will consist of the High Commissioner and 10 official and 12 unofficial members.

More methodical agricultural development is necessary and that alone will enable additional Jewish agricultural settlement consistently with the Mandate, the statement goes on. It is impossible to forecast when it will be possible to reduce the severely felt expenditure on security forces in Palestine, which has reached a critical moment. Only closest co-operation between the Government and the Arab and Jewish leaders can prevent it from drifting to a situation imperilling the interests of both parties.

The Government therefore appeals to the Arabs to recognise the facts and to the Jews to recognise the necessity for making a concession as regards the independent separatist ideals, which have developed in some quarters in connection with a Jewish home in Palestine.—Reuter.

Palestine Jews Protest

Jewry in many parts of the world has been aroused by the British Government's statement of policy for the future control of Palestine, in which it was made clear that the balance would be held evenly between Jews and Arabs and that the extremists on both sides must realise that their demands were impossible.

A Reuter message from Jerusalem states that the Jewish National Council held a meeting which lasted eight hours and, it is understood, unanimously decided to submit a statement to the Government declining to participate in the new Legislative Council or to have any share in Parliamentary in-

stitutions, on the ground that they were calculated to arrest the establishment of a Jewish national home.

According to the Jerusalem Press, all sections of Jewry are adhering to this decision.

Warsaw Riots

At Warsaw, a Reuter message states, the police dispersed Jews who were demonstrating outside the British Embassy. The mob shouted: "Down with the British! Down with haggling!" and broke the windows at the British Consulate.

The Executive of the World Zionist Revisionists, states a London Reuter message has sent out a call to Jews "not to become downhearted, but to maintain their determination to continue the work of reconstituting a national home."

Appeal To Arabs

Every reference to the British Empire and the Labour Government was greeted with boos and cat-calls at a noisy meeting of protest against the British Government's Palestine policy, states a New York Reuter message. The principal speaker was Dr. John Haynes Holmes, pastor of the community Church in New York, who is well known for his anti-British writings and sermons, and who is closely associated with Indian extremists in the United States. He aroused enthusiasm by urging Palestine Arabs to follow Gandhi's example and adopt passive resistance against the British.

"The New York Times, whose owner is a pillar of American Jewry, has adopted a sympathetic tone towards Britain. The paper asserts that the claims of British Zionism were always inadmissible, and justice would never tolerate the imposition of Jewish ascendancy by high-pressure methods.

The Herald-Tribune says that Britain is now reaping the unpleasant harvest of over-generous promises during the War.

Stands In Pretoria

A Native's Appeal Fails

Bloemfontein, Thursday.—Mr. Justice Tielman Roos delivered the judgment of the Appeal Court to-day in the case of Molife v. the Superintendent of locations and the Pretoria Municipality. Molife, a native, had purchased from a coloured man a stand in that portion of the Pretoria native location the Council had sought to allocate for the occupation of coloured persons only. Molife took up the position that he was entitled to occupy the stand as the whole of the location was a native location, and that the Council, without venturing to establish a coloured location, was endeavouring, without any right, to divert a portion of the native location for the occupation of coloured persons.

His lordship said one thing was clear—the Town Council had, from the inception of the native location in 1902, endeavoured to reserve a separate area for coloured persons, following the old established custom previously in force when natives and coloured persons were squatting in what is now the native location established under the Native Urban Areas Act.

Limitation Of Transfers

In regard to the regulation on the transfer of stands it seemed clear that it contained an important limitation on the power of the owner of a stand permit to convey his right to a transferee. Before he could give a valid transfer of his rights he had to arm himself with the written permission of the superintendent. The seller had not endeavoured to obtain such written permission. The purchaser had tried and failed. It was for the seller to obtain permission, and if aggrieved to apply to Court. But even if the present application to Court were treated

as being made by the seller, it seemed to the Court that he would fail. A very large discretion had been placed in the hands of the superintendent under the regulation. The intention was to place the matter entirely in his hands.

It was unnecessary to consider whether in cases arising under the regulation on the transfer of site permits the superintendent might refuse his consent without giving any reasons. In the present case he had stated reasons which were sufficient to justify his refusal, if such justification was necessary, and his honest and bona fides were not attacked. He had no objection to the appellant personally, but his reason for refusing was that his policy, and that of his Council, had been to restrict the use of that part of the location in which the stand in question was situate to the occupation of coloured persons, who were entitled under certain circumstances to occupy stands in the location under the Native Urban Areas Act. That portion had from the inception of the location been allocated primarily for the use of coloured persons. This was a notorious fact and, although at times an infiltration of natives had taken place owing to inadvertence or to some other reason, that did not affect their policy.

The superintendent had acted reasonably and the appeal was accordingly dismissed with costs.—Reuter.

From The Prison Cell

The following is a condensed translation of Gandhiji's discourse on observance Number four of the Ashram—Control of the Palate.

This is very closely connected with the observance of Brahmacharya. I have found from experience that the observance of celibacy becomes very easy directly one acquires mastery over taste. Conquest of the palate does not figure among the observances of time-honoured recognition, perhaps because even great sages found it difficult to achieve. We of the Satyagraha Ashram however have elevated it to the rank of an independent principle, and must therefore consider it by itself.

Food As Medicine

We must take food as we take medicine, that is, without thinking whether it is palatable or otherwise, and only in a limited quantity corresponding to the needs of the body. Just as medicine taken in too small a dose does not take effect or the full effect, and as too large a dose injures the system, so it is with food as well. It is therefore a breach of the principle to take anything just for its pleasant taste. It is equally a breach to take too large a quantity of any fine dish. Most of us, instead of keeping the body and the organs of sense under control, become the latter's slaves. An experienced physician observe that he had never seen a healthy man in the world. The body is injured every time that one over eats, and the injury can be repaired only by fasting.

No one need take fright at this line of thinking, or give up the observance in despair. When we take a vow, that does not mean that we are able to observe it perfectly from the very beginning, it only means constant and honest effort in thought, word and deed with a view to its fulfilment. We must not practise self-deception by making too wide a definition of a principle, simply because it is difficult to observe. To degrade an ideal for our convenience is to practise untruth and to lower ourselves. To understand an ideal and then to make a herculean effort to reach it, no matter how

difficult it is,—this is the 'summum bonum' of human life. One who at all times fulfils the "mahavratas" in their perfection has nothing else left for him to do in this world; he is "bhagavan," he is a "yogi." We humble seekers need only put forth a slowly but steady endeavour, which is sure to win divine Grace for us in God's good time, and all relish will then disappear with the realisation of the Highest.

A Common Kitchen

If we realise the importance of this principle, we must make ever increasing effort in order to observe it in perfection. We need not be thinking of food all the twenty-four hours of the day. The only thing needful is perpetual vigilance, which will help us to find out very soon when we eat for self indulgence and when in order only to sustain the body. This being discovered, we must strongly set our faces against mere indulgence. A common kitchen where this principle is observed is very helpful in this connection; as it relieves us from the necessity of thinking out the 'menu' for each day, and provides us with acceptable food which we must take in a quantity sufficient for ourselves with a contented and thankful mind disinclined to cavil at it. We in that case are easily enabled to observe this rule. The authorities of the common kitchen lighten our burden and serve as the watchdogs of our observance. They will not prepare any dish just because it is delicious; they will cook only such food as helps us to keep our body a fit instrument for service. In an ideal state of things there will be little or no use of fire at all for cooking purposes: man will use as food only such dishes as are cooked by the Great Fire in the shape of the sun, and will become, as he was intended to be, a fruitarian. But we need not here dive to such a depth, our object has been to consider the implication and the difficulties of this observance, and its intimate relation with the observance of Brahmacharya. Let us all ponder over this, and to the best of our ability make an effort to fulfil this observance.

India's Irreducible Minimum

Rt. Hon. Sastri's Declaration

However much we are willing to temper progress with safeguards, we cannot admit we are fit only for a form of political institutions, somewhat less advanced than South Africa's or Ireland's", declared Rt. Hon'ble Srinivasa Sastri in a speech at Manchester.

Emphasising the importance to Britain and to India of the success of the Round Table Conference, Mr. Sastri regretted the absence of Congress representatives which was a heavy handicap, but pointed out that there were other Indians besides Congress representatives.

He said that it was possible for Britain to hand over her political leadership in India to Indians with good faith and confidence, provided the constitution framed at the Round Table Conference was such as to satisfy the reasonable aspirations of India's young people.—Reuter.

Mrs. S. Govindasamy Naidoo, died at her residence at Kimberley recently. She is the mother of Mr. G. N. Naidoo, who is well known in sporting and public circles. The deceased was well respected and beloved by all. Her funeral was largely attended and many floral wreaths were sent. The sympathy of all friends is extended to the bereaved family.

Future Of India

Viceroy's Secret Memorandum

The *Daily Herald's* political correspondent reveals that in addition to the Simon Report, and the Indian delegation's proposals for immediate self-government, the round-table conference will have before it Lord Irwin's secret memorandum, setting out his proposals for a new Indian constitution.

The chief feature of these is the Viceroy's desire to make the Government of India in some measure responsible to, and under the control of, the elected Legislature. Lord Irwin, it is stated, substantially agrees with Sir John Simon's views on the reform of the Provincial Governments and the development of a federal system, but he is said to be convinced that there should be a move towards responsible government at the centre, for which the Simon Report makes no provision.

He is also convinced that no proposals which do not include something of this nature will be regarded even as discussible by the Indian delegation.

Lord Irwin therefore proposes a scheme under which some of the Viceroy's Ministers would be chosen from, and be responsible to, the central Legislature. The fate of the conference, it is added, may turn on the possibility of bridging the gap between the Viceroy's memorandum and the Indian delegates' proposals, the main feature of which is the provision of machinery for immediate self-government, subject to temporary limitations regarding the Army and foreign policy.

The Governor-General-in-Council is the supreme executive authority in India, and the seven members of the Executive Council, who control the State Departments, are appointed nominally by the King-Emperor. Although the Indian Budget, for instance, is submitted to the two chambers of the Indian Legislature, the Governor-General in Council can overrule reductions or refusals of grants when he considers this necessary, and may authorise any expenditure necessary for the safety of British India. The Viceroy and his Ministers are now directly responsible to the British Parliament.

The Anti-Asiatic Clause

Sir,—From letters contributed to your paper, and from conversations I have had with people interested in the Indian question, it appears that some under the impression that authorities can debar sales of land to Indians, which, of course, is not the case. The only way is for an owner, when selling, to insert an anti-Asiatic clause in the title deed, which settles the question for good. But I have known many cases where a European has refused to purchase subject to the clause, and the seller has had it deleted.

It may interest your readers to know that in a select residential area of Durban a meeting of owners was held to arrange that all, when selling their property, should insist that the anti-Asiatic clause be inserted. All agreed, with the exception of two well known men, who were always complaining of the "Indian menace."

In conclusion, I heartily support those of your correspondents who hold the opinion that Captain Rainnie, with his great experience and knowledge, would prove a most valuable addition to the Town Council.

O. A. LUCAS BULL.

—*Natal Mercury.*

Nationalist Imperialism

When General Hertzog followed Mr. Forbes at the Imperial Conference meeting the audience became a little more anxious. Here was a man who might easily imperil the Imperialist ideal. Blinking mildly behind his spectacles General Hertzog began to soothe the troubled breasts of patriots. He was all for Commonwealth co-operation, he declared. The patriots smiled again but looked more solemn when the General preached a sermon on co-operation, pointing out that the Commonwealth could not thrive in an atmosphere of suspicion.

"If any proof of this is necessary," he said, "I could refer you to the past history of South Africa. Prior to 1926 no good Nationalists (and I might describe myself as a good Nationalist) would have been allowed to support actively the policy of Imperial co-operation. To-day I and other Nationalists stand forward as advocates of that policy."

The patriots loudly cheered the ware Afrikaner who had publicly proclaimed himself a good Imperialist co-operator. They were left in no doubt, however, that this declaration of faith was only determined by the unequivocal recognition at the last Imperial Conference of the independence of the Dominions.

General Hertzog harped on the independent status and it was obvious that he would go on playing on this single string at other Imperial get-together meetings during this month. The reason for repeating the note was revealed by his reminder that the voice of dissent was still being heard in spite of that "unequivocal" recognition of independent status. That it was heard in South Africa only proved, he said slyly, "how human we are and how closely akin we are to you."

Cases For D.I. 91 Form And Certificate Of Identity

Members of our community, who have returned to the Union before the 5th July 1930, and have since been refused permission to introduce their wives and children on the alleged ground that before permission is granted, applicants who have stayed outside the Union for over three years should reside in the Union for a continuous period of three years, and those who have been refused Certificates of Identity to enable them to proceed to India unless they have resided in the Union for 3 years continuously, are requested to furnish all particulars concerning their case, in respect of the Province in which they are resident, to (1) Natal Indian Congress, 175 Grey Street, Durban, (2) The Transvaal Indian Congress, 6 Kort Street, Johannesburg, and (3) Cape British Indian Council, 80 Hanover Street, Capetown, or to the South African Indian Congress, P.O. Box 272, P. M. Burg.

Information, as above, is urgently required, and should be communicated to the Provincial bodies concerned.

S. R. NAIDOO & E. M. MALL,
Gen. Secretaries, S.A.I.C.

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H. M. The King Opens Parliament

London, Oct. 28.—For the first time in history, a Labour Government participated in the State opening of Parliament; for in 1924 the Labour Party took office after the Conservatives had been defeated on the Address, while last year the King had not sufficiently recovered from his illness to go to Westminster. To-day with full pomp and ceremony, the King and Queen drove through streets lined by troops, from Buckingham Palace to Parliament.

In his speech from the Throne at the opening of Parliament, the King said:

"It has given me much pleasure to receive my Ministers from the Dominions and the representatives of India attending the Imperial Conference. I watch with deep interest progress of their labours, the satisfactory result of which I shall confidently await.

Round Table Conference

"I hope soon to welcome the representatives of the princes and peoples of India, who are about to join the members of all Parties of both Houses of Parliament to consider the future constitutional position of India. My intention is to inaugurate this Conference, and I earnestly trust that at the conclusion of its proceedings it may have found agreed and wise solutions of those important questions upon which it has been called to deliberate.

"My relations with foreign Powers continue to be friendly. I am very glad to entrust to my son, the Duke of Gloucester, the duty of representing me at the coronation of the Emperor of Ethiopia."

His Majesty then referred to other problems concerning his Government.

News Of Independence Struggle In India

Congress President Heavily Sentenced

Allahabad, Oct. 24.—Jawaharlal Nehru, President of the All-India Congress, who was arrested on Oct. 19, owing to a speech he made, has been charged with sedition, abetting infringement of the salt law and instigating non-payment of taxes. He refused to plead. He has been sentenced to two years' imprisonment with hard labour and a heavy fine.

Indians Attack Europeans

Calcutta, Monday.—Since the recent disloyal demonstrations, Europeans have been hissed, booed, and stoned in Belgaum, on the borders of Sangli State. A British military officer and his wife were stoned when they were passing through the Indian quarter of the city, and Brigadier-General Gillies, from Madras, who was returning with another officer from tactical exercises, found the road barricaded at a village five miles from Belgaum. As the car stopped a shower of stones fell on the occupants, and the General was severely injured.

Considerable anxiety has been caused by the leniency of the civil authorities in Belgaum to the Congress agitators, but it is believed that the attacks on officers will lead the authorities to take decisive action.

The men who stoned the officer and his wife live in Sangli State, and a man arrested there confessed and gave names of his accomplices.

At Poona, the Bombay Presidency, the authorities are curbing disloyal activities in the Poona and Kirkee cantonments.

Afridis' Attack On Peshawar

Calcutta, Wednesday.—Fifteen hundred Afridis representing all sections of the tribe arrived at Jamrud yesterday for the great "jirga" or tribal gathering, called by the Government.

The delegates had to explain the attack on Peshawar by Afridis several weeks ago. Tribesmen offered several excuses, including dissatisfaction with the Government's settlement early last year of the dispute between Shihas and Sunnia, under which the Orakzais, who are Sunnia, had to return certain lands to the Shihas, who are rightful owners. The tribesmen also attribute their action to the continuous agitation fomented by Congress propaganda from British India.

The Government measures to prevent a repetition of the outbreak were described to the tribesmen, and their reply is expected to-day.

Indian Frontier Trouble

Peshawar, Oct. 24.—An Afridi assembly, which has meeting at Jamrud to discuss charges of misconduct brought against them by the Government and the means of preventing any repetition of raids on Peshawar, has broken up and the Afridi chiefs are proceeding to their homes. The chiefs disagreed with the Government's schemes of road construction to counteract raids, but were unable to suggest any alternative.

It is stated that men are collecting on the Khajuri Plain, with unfriendly motives.—Reuter.

Bursaries To Sastri College

The Durban Hindu Temple Committee has granted three bursaries of five shilling each, payable monthly, to poor and deserving candidates at the Sastri College. In a small way the Temple has set an example in this worthy direction, and now that "the ball has been set rolling," it is hoped that others will follow suit.

Mr. Tyson's Statement To The Select Committee

(Continued from page 328)

60. The second point is that in the Cape Town Agreement the Union Government "recognise that Indians domiciled in the Union, who are prepared to conform to western standards of life, should be enabled to do so." To evict them from their places of business, to restrict them in their facilities for trade, to drive them into locations far removed from the white population—these are not the methods by which the Indians in your midst can be brought up decent, self-respecting citizens. These are the methods by which a pauper population is created. Not to depress the Indian, but to raise him to your own standard of living, is the surest safeguard of that standard. In part iii of the Agreement the Union Government declare their firm belief in, and adherence to, "the principle that it is the duty of every civilised Government, to devise ways and means, and to take all possible steps for the uplifting of every section of their permanent population to the full extent of their capacity and opportunities, and accept the view that in the provision of educational and other facilities the considerable number of Indians who remain part of the permanent population should not

be allowed to lag behind other sections of the people." It is realised both by the Indians in South Africa and by the Government of India, that it is difficult for a popularly elected Government to take, or for individual members to propose, action in advance of public opinion. Progress may at first be slow: a pre-requisite of change in a democratic country like South Africa is that public opinion must back the reforms and approve the ameliorative proposals: and public opinion has to be educated to these high ideals. It is reasonable to hope that the elected leaders of the people will guide them to an appreciation of the ideals enshrined in the Agreement; it is reasonable also to ask that, in the meantime, nothing be counselled or done to impair the better feeling engendered by the Agreement, to render harder of attainment the ideals which it enunciates, or to deprive South African Indians of the hope that, by the exercise of patience and self-restraint, they will, in time to come, qualify themselves in the eyes of the dominant race to receive in greater measure that share in the elementary rights of citizenships to which South African birth and domicile to an increasing extent entitle them.

Annexure No. 1.

TRANSVAAL.

PRINCIPAL TOWNS (including suburbs). Classified according to the number of European inhabitants.

Censuses 1921 and 1926 (South Africa Year Book No. 9, 1926-27).

	Census of 1921.	Census of 1926.	Census of 1926.
	"Asia- tics."*	Euro- peans.	Euro- peans.
Joh'burg & suburbs	6,229	151,836	170,741
Pretoria & suburbs	1,757	45,361	54,326
Germiston & suburbs	486	18,477	19,495
Benoni	570	14,483	14,899
Krugersdorp	328	13,439	14,524
Boksburg	620	12,416	12,144
Potchefstroom	224	8,189	9,336
Brakpan	39	7,108	8,450
Roodepoort	283	7,140	7,217
Springs	207	4,488	5,363
Klerksdorp	201	3,121	3,391
Pietersburg	183	2,452	2,958
Standerton & suburbs	171	2,562	2,832
Witbank & suburbs	66	1,919	2,696
Middelburg (T.)	158	2,705	2,600
Vereeniging	177	1,843	2,463
Ermelo	118	2,716	2,390
Volksrust	102	2,218	2,374
Rustenburg	137	1,734	2,259
Bloemhof	111	2,305	2,090
Totals	12,167	306,512	342,548
Provincial Totals	15,991	543,485	608,622
Total for townships enumerated above	12,167	306,512	342,548
Total for areas outside these townships	3,824	236,973	266,074

In the townships named there were 39.6 Asiatics per 1,000 Europeans in 1921.

The proportion outside the townships was 16.1 Asiatics to 1,000 Europeans.

*NOTE :—These are figures for all Asiatics, not for Indians alone.

(To be Continued)

Rating Tariff Bylaws—1930—1931

Notice is hereby given in terms of Sections 38 to 46 inclusive, that the above Rating Tariff Bylaws have been approved by His Honour the Administrator for the current financial year ending 31st July 1931 and that same can be inspected during office hours at the Board's offices Greenwood Park. Further it is laid down that the due date for payment of rates is the 31st October 1930, with a months grace to the 30th November 1930 after which date penalty interest will be charged at the rate of 10% per mensem (Section 42 of 4 of 1926). Ratepayers are hereby notified that it is not incumbent on the Board to issue assessment notices, and should any ratepayers not receive one then it is their duty to make application for one to be sent. Owners of property within the area are requested to notify the office of their correct postal addresses or any change thereof.

ERNEST D. GOBLE
Secretary.

Board Offices
Greenwood Park, Natal.
October 1930.

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