

Indian Opinion

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Indian Opinion

SATURDAY, JULY 4TH, 1908.

The Issue

AT the outset of the revived passive resistance struggle in the Transvaal, it is necessary to clearly state the issue before the public. In the mass of literature that grew as the struggle, last year, proceeded, the central point was often missed. Many considered that the essential grievance was the finger-print requirement. It was forgotten that finger-prints cropped up eight months after the struggle had been in existence. The goal was repeal of the Asiatic Act, and it was definitely stated in the Monster Petition, just before prosecutions started. And the chief reason for seeking repeal of the Act was that it involved the degradation of the Asiatic communities. To-day, the repeal is within the Asiatic grasp. General Smuts, whether he deny the promise made or not, has stated that he would have repealed the Asiatic Act and amended the Immigrants' Restriction Act, had Asiatics accepted his amending Bill. His requirements were that, by the amending Bill, all Asiatics, British or otherwise, although they might prove their pre-war domicile in the Transvaal by reason of having paid £3 to the Dutch Government or otherwise, should be treated as "prohibited immigrants," unless they held Permits granted under the Peace Preservation Ordinance, or voluntary registration certificates, or registration certificates under the Asiatic Act,

and that the test of education should not be accepted in the case of new Asiatic immigrants. There are other subsidiary points, which need not be touched upon.

General Smuts, then, asks Asiatics to consent to a deliberate racial disqualification and its underlying insult, and also to accept rejection of the claims of pre-war refugees. Asiatics, as passive resisters, have naturally and strenuously refused to do any such thing. The result was the great Mass Meeting, whose proceedings were reported last week. The keynote of that meeting was a firm purpose and a definite goal. Repeal of the Act is still to be attained, but the method must not be such as to take away any just rights. There was a jarring note at the Meeting, but that jarring note simply emphasised the determination neither to submit to the Act nor to accept a substitute for it which might be worse than the Act itself.

It has been said that Asiatics, in raising the points we have referred to, are forcing a new issue. This is absurd. The pre-war refugees are sufficiently protected under the Asiatic Act, if they can bring themselves to comply with its requirements, because a discretionary clause has been left in it to cover such cases, and, as a matter of fact, pre-war refugees have since entered the Colony openly and on the strength of permits granted to them by the Government. Nor is the question of the education test a new one. Asiatics have always contended that the Immigrants' Restriction Act does not prevent educated Asiatics from entering the country. If the Government contend otherwise, they have but to make a test case, and Asiatics will have to abide by the decision of the Supreme Court. So that the fight is now for the vested rights of pre-war refugees and the honour of educated Asiatics! The community declines to bargain away these rights for securing repeal of the Act. They contend that they have fought and bled sufficiently to deserve an unconditional repeal of the Asiatic Act.

It is a curious commentary on what is going on now, that honest and *bona fide* Asiatics have to suffer without redress from the Government, whereas dishonest Asiatics forge permits and enter the country, and remain, too, in it unmolested, for the simple reason that these are the men who will never approach the Government, and never have their cases examined. They will evade the Government, their Police, and all laws. Thus they are protected because of their dishonesty, whilst honest Asiatics are denied legitimate protection from the Govern-

ment. Such is the painful situation for which the Transvaal Government is responsible. However, Asiatics have only to trust in the righteousness of their own cause and continue to suffer until they have secured full redress. Their weapon must, accordingly, always be real and substantial passive resistance.

THE NEWS THAT THE ANTI-ASIATIC Registration-cum Immigration Ordinance of Southern Rhodesia has passed

THE NEWS THAT THE ANTI-ASIATIC Registration-cum Immigration Ordinance of Southern Rhodesia has passed the third reading, with some slight amendment, if the Legislative Council of that territory, is not altogether unexpected. The fact that the Indian population is so very small and powerless may have influenced legislators in passing so precipitately a measure for which there is not the slightest degree of justification. A huge undeveloped territory like Southern Rhodesia can surely support a far bigger population, of all races, than it at present possesses, and if it cannot, obviously Indians are not likely to rush to a place which offers them so little scope for their energies. It is surely special pleading to argue, as the Chartered Company has done, that "the proposed Asiatic legislation was not essential to prevent Rhodesia becoming the dumping-ground for Asiatics from other States." The only State from which they can come in any numbers is the Transvaal, and it is a matter of public knowledge that no such migration as that alleged is taking place, or is likely, within measureable distance of time, to take place. The few Asiatics who penetrate into the territory from British East Africa are just the stamp of men that any border Colony can welcome—men who have braved the perils of swamp, forest, and flood. The intimation that "the Company did not desire any legislation of a distasteful character or such as would necessarily totally exclude Asiatics" is interesting, if not convincing. We have a hazy recollection of similar mellifluous disavowals in the Transvaal on a similar occasion. The Chartered Company does not want to kill off the Indian population of Southern Rhodesia. It will be quite sufficient if it is starved out of existence! How delightfully simple! How often do we find that the simplest things are the least obvious? And then we are told that "there was no necessity to have recourse to the finger-print system!" Cannot our Rhodesian friends understand that the objection is to the insult contained in the law itself, and not to the mechanics of digit impressions? Meanwhile it is pleas-

ant to find that the legal luminaries of Southern Rhodesia agree, with our contention that finger-prints are quite unnecessary for identification. We present his neighbour's discovery with compliments to the Hon. the Colonial Secretary of the Transvaal.

AMONG THOSE WHOSE NAMES FIGURED

prominently amongst whom the Birthday Honours, the King on the 26th ulto., Delighteth was that of Sir Cowasjee Jahanghier, upon whom has been conferred a baronetcy. We recorded last week, with much regret, the death of Sir Jamsetji Jijeebhoy, Bart., leader of the Parsee community in India, a merchant prince, an educationist of admirable discrimination, and a truly wonderful philanthropist. Doubtless, the honour now conferred upon Sir Cowasjee Jahanghier was an indication of the high esteem in which the Parsee community and the British administration hold him. It is remarkable that both the late and the new baronet took a prominent part in the enormous indignation meeting held in the Bombay Town Hall on the 29th of January last, when strong resolutions were unanimously passed by 7,000 people, representing all sections of the Indian and Anglo-Indian communities condemnatory of the spirit and the method of enforcement of the Transvaal Registration Act, and it is not a little significant that one of them should have been singled out by his Sovereign for such high estimation, especially when it is realised that his sympathies were run usually in a non-political direction. The new baronet is a wealthy merchant even amongst a community noted for its wealth and intelligence. His public and private charities know no bounds, and his mental energies have been directed towards the material and intellectual betterment of his fellow-countrymen of all creeds and classes. And, as if His Majesty's desire were not sufficiently indicated, General Smuts has sought to confer even a higher distinction upon the enlightened man whom the King has delighted to honour, by providing, in the wonderful Draft Act that was submitted on Monday week to Mr. Gandhi's admiring gaze, for his exclusion from the Transvaal, except he consented to enter upon temporary permit, issued to him as an act of grace by his fellow-subject of the Imperial Crown, and subject to withdrawal at the arbitrary rule of an arbitrary official. Some are born great; others achieve greatness; and others have greatness thrust upon them." How happy must Sir Cowasjee Jahanghier be to have this added greatness thrust upon him!

INDIAN MAIL. For Bombay, per s.s. *Umzumbi*, on or about 8th July.

Our Manager's Wedding

An Interesting Function

Mr. A. H. West, Joint Manager of the International Printing Press, has been identified, from its very commencement, with the ideal that the controllers of the policy of this journal have set forth. As a matter of fact, Mr. West was the first to approve of the scheme under which the International Printing Works are being carried on, and he was the first to voluntarily forego a salary which he was deriving and to accept just enough for barest subsistence, trusting to future developments for adding to his meagre income. When the scheme was started, in 1905, there were hardly a dozen settlers at Phoenix. To-day, there are nearly sixty. Mr. West was married to Miss Ada Pywell, who belongs to Leicester, on the 29th ultimo. The marriage ceremony was performed by the Rev. J. T. C. Ireland, of the Presbyterian Church, Greyville.

The company numbered about a hundred, and amongst those present were Mr., Mrs., and Miss Hodsdon, Mrs. R. Booth, Mrs. Pywell, Miss West (Sister Devi), Mr. H. G. Mason, Mr. Cordes, Mr. Dawad Mahomed, Mr. Parsee Rustomjee, Mr. Dada Osman, Mr. M. C. Anglia, Mr. and Mrs. Sangh-avee, Mr. J. M. H. Gool (Capetown), Mr. Miankhan, Mr. Abdul Hack, Mr. and Mrs. Bryan Gabriel, Mrs. V. R. Moodaly and other Durban friends.

The Press was closed for the day and the workers with their wives and children attended the ceremony and the reception lunch which followed.

The Rev. Ireland proposed the toast of "The Bride and Bridegroom," and expressed pleasure at being present at so interesting a gathering, where Indians and Europeans united together to do honour to the happy couple.

Mr. West, in responding, said that he felt quite unable to sufficiently thank his many European and Indian friends for coming to Phoenix that day. He felt that their good wishes were sincere. Mr. West said that, after about four years working and living amongst Indians, he considered himself almost a member of the Indian community. He knew that his wife would be welcomed amongst them, and he assured the Indian people that Mrs. West had for some time taken a lively interest in the work at Phoenix and was most interested in the welfare of Indians in South Africa. It was their united wish that they might devote their lives to the Indian cause in this country.

Besides carrying out the broad principles of justice and equality advanced in the columns of *INDIAN OPINION*, there was a vast amount of internal work to

be done. Education was the key which would unlock the door of prejudice and unbar the gate of race hatred. So it had always been in their minds that a school would be established at Phoenix. This school would be the realisation of a part of the ideal which the founder, Mr. Gandhi, and the originators of the Phoenix scheme had always held before them. Already they had started a school for the children belonging to the settlement, and this was being conducted by the members; a part of the day's work being allotted to this purpose. It was the hope of the teachers that it would not be long before a school could be built which would belong to the Indian community in South Africa, although all who might wish to send their children, no matter of what race or creed, would be welcomed at this school, provided that there were accommodation. It was a matter for the community as a whole to ponder over, whether they should not have such a school which could be called their own.

The toast of "The Bridesmaids" was proposed by Mr. Geo. Hodsdon, who had known Miss West since her arrival in the Colony.

Mr. H. G. Mason responded on behalf of the Bridesmaids, and spoke highly of Miss West and Mr. West, both of whom he had known for a great many years in England. Mr. Mason then read telegrams and letters from Mr. Gandhi, Mr. and Mrs. Polak, Miss Schlesin, Mr. McIntyre, and a great many Transvaal and Natal European and Indian friends who were unable to attend, but sent their congratulations to Mr. and Mrs. West.

"The Bride's Mother," "The Visitors," "Rev. Ireland" and "Mr. Gandhi" were then honoured in the usual way.

Mr. Dawad Mahomed, President of the Natal Indian Congress, spoke a few happy words of congratulation to the Bride and Bridegroom and made mention of the quiet but useful work done by Mr. West in connection with *INDIAN OPINION*.

Mr. Dada Osman, Mr. M. C. Anglia, Mr. Parsee Rustomjee and Mr. J. M. H. Gool (Capetown) expressed their pleasure at being present on such an occasion. Each spoke of the personal regard they had for Mr. West and hoped that his wife would be happy in her new life.

Mr. C. K. Gaudhi (Joint Manager with Mr. West) said a few suitable words on behalf of the staff and workers and gave expression to his joy at being back from the Cape that very day to take part in the wedding festivities.

Mr. and Mrs. West were the recipients of a great many beautiful and useful presents from friends in England and South Africa, both Indian and European.

Was Repeal Promised

Complete Correspondence

The following correspondence has been forwarded to us for publication:

Johannesburg, 1st February, 1908.

Dear Mr. SMUTS,—After the conversation that Mr. Chamney had with me on Thursday, I sought an interview with you again, and Mr. Lane told me that I would be able to see you before I went. I was not, however, fortunate enough to do so.

The conversation with Mr. Chamney made me a little uncomfortable, because he still harped away on the Asiatic Act. Indeed, from him I gathered that the registration that will now proceed will be legalised under that Act. At the interview with you, I did not understand any such thing at all, and the joint letter of Messrs. Quinn, Naidoo, and myself, too, makes it clear. I am most anxious to see this business finished without the slightest difficulty and with perfect satisfaction to yourself. I am, therefore, naturally most anxious to avoid any misunderstanding. Pray believe me also when I say that I shall leave no stone unturned to remove the difficulties in your path owing to the clamour of anti-Asiatic agitators. May I, therefore, ask you to be good enough to reassure me on the point? To legalise voluntary registration under the Asiatic Act would be to reopen the question at the sorest point. You were good enough to tell me that the method of legalisation will be discussed later on as between us. I have already suggested that the best way to do so would be under the Immigrants' Restriction Act by amending it in so far as may be necessary.

I take it, too, that the form of application and registration will be settled in consultation with the leaders of the community, and that this will be done as quickly as possible, so that registration may proceed.

I left a message, too, with Mr. Lane with reference to the ten finger prints. I discussed this with Mr. Chamney, and he could show absolutely no justification for the ten finger prints. Indeed, he admitted that, for identification, one thumb impression was quite sufficient. While to me, personally, it is immaterial whether thumb prints or digit impressions be given, there are many amongst the Asiatics to whom the latter present an impassable difficulty, and, as I know you want only effective identification, I do hope you will accept thumb impressions. In answer to my inquiry, I have now received telegrams from the Protector of Indentured Immigrants and the Principal Immigration Restriction Officer in Natal. The Protector says:—"The system of taking ten finger impressions from indentured Indians on arrival commenced in April, 1903, on being found desirable." The Im-

migration Restriction Officer who controls the immigration of free Asiatics has replied as follows:—"Referring yours of date both thumb impressions only required for certificates issued in this Department." You will now see that the information given to you by Captain (?) Clarke is incorrect. The distinction observed by the Immigration Department and the Protector's Department, too, is most valuable testimony in favour of my contention. The Protector has to deal with a class of Asiatics who have every temptation to hide their identity. Classification in their case is, therefore, necessary. The Immigration Department has to deal with a class of Asiatics and others who have always to prove their identity in order to make good their claim to enter or remain in Natal. Hence that Department requires only thumb impressions. Does not this show conclusively that you do not need digit impressions at all? and, as my expert adviser tells me, the system of classification, besides being totally unnecessary, is costly compared to the system of identification merely. At the Cape, too, only thumb prints are required. And, in this connection, I do wish to impress upon you the fact that the question of discretion is an element which will lead to favouritism and even fraud ultimately. A man who may be perfectly wealthy, I need hardly point out, is not necessarily an honest man, and yet, because he may be known otherwise, his signature alone will be accepted. To my mind, the only exception that should be made should be in the case of those who may be able to pass the education test prescribed by the Immigration Act. These, of course, carry identification on their own persons, but with reference to the others, speaking from experience, I urge that the discretion be dropped; but if you insist on ten finger prints there will be applications wholesale for the exercise of discretion, and I am positive, armed, as I am, with expert opinion on finger impressions, that you do not need ten finger prints for identification.

I also venture to suggest that the open permission to Indians to trade without licences will give rise to bickerings amongst the Colonists. Do you not think it will be better either to issue licences or to take from them deposit of licence fee against provisional receipts?

I hope I have done the proper thing in adopting a familiar tone in writing this letter, which is purely personal and confidential, and your reply will be also so treated. If in any of the public statements I have been making you think that I have been at all indiscreet, pray correct me.

I am,

Yours truly,

(Sd.) M. K. GANDHI.

General J. C. SMUTS,

Pretoria.

22nd February, 1908.

Dear Mr. SMUTS,—In accordance with the permission given by you, I now take the opportunity of sending you a draft Bill to amend Immigration Restriction Act No. 15 of 1907. The draft, in my opinion, meets the situation entirely. The time is ripe for me to submit it, in as much as there is every evidence now of the Asiatics loyally accepting the compromise.

You will see that some of the rights given by the Asiatic Act have not been availed of by the draft, for instance, Asiatics who were in the Transvaal on the 31st day of May, 1902, are, under the Act to be repealed, entitled to registration, whereas, under the draft now submitted, they are not. I have omitted them advisedly, because it exposes Asiatics to temptation. I have assumed that those who were in the Colony on the 31st day of May, 1902, must have by the time voluntary registration is completed availed themselves of it. There could not be many outside the Colony who were in it on that day and have not yet returned. If, however, there are any exceptional cases, they can be dealt with under the last clause of the amendment of Paragraph G. On the other hand, I have ventured to specifically protect Asiatics who paid £3 to the old Government before the war, because, although they are not mentioned in Act 2 of 1907, it always was the intention to protect them, and holders of such certificates who are without the Colony cannot now number more than one hundred.

The clause about temporary permits has been taken over from Act 2 of 1907. I have ventured to import into the draft Bill a section dealing with the Church Street property held by the late Aboobaker Amod. As you are aware, the section in Act 2 of 1907 proved abortive. A section of that description may not appear in its place in an Immigration Bill but, as the Law repeals the Asiatic Law Amendment Act, the relief sought to be granted under that Act might well be granted in a repealing Bill. I am sure that you would be pleased to restore to the heirs ownership of their inheritance. As you may be aware, the property is leased to a European firm and is being entirely used by Europeans and the building thereon is in every way a credit to the principal street of Pretoria.

I have omitted to take over from the Asiatic Act the section supposed to give relief with reference to liquor. I, personally, think that it is perfectly useless and should never have formed part of the Act.

I know that you are going to amend Section 6 also of the Immigration Restriction Act. I was almost going to submit a draft amendment, but, on second thoughts, I considered that it was not my place to do so. May I, however, suggest that the power of removal be changed into authority to the Magistrate to convict persons who

may disobey the order to leave and to imprison them until they would leave the Colony of their own accord and at their own expense. I think that that is the utmost that a civilised Government can possibly do. If Section 6 is amended in the manner above indicated, Section 11 and Sub-Section F of Section 15 will require corresponding amendment.

There now remains for me to point out that, according to my reading of the Immigration Restriction Act, Malays and Cape Coloured people become prohibited immigrants. I hardly think that such was the intention of the Government. I should imagine that they would be protected the same as descendants of the aboriginal races of Africa, as per Clause H of Section 2.

In my opinion, no further amendments would be necessary in order to carry out the main purpose of the Asiatic Act in the way of inspection and in the way of restriction of licences, only to those who are not prohibited immigrants, because both these are already more than provided for under the Immigration Restriction Act. Every person applying for a licence will have to prove that he is not a prohibited immigrant and the Officers appointed under the Immigration Restriction Act will have the power to put to proof any person suspected of being a prohibited immigrant.

If there are any Asiatics who do not avail themselves of the voluntary offer, I do not think, in view of the amendment suggested by me, that you require the use of the Asiatic Act to deal with them, because they will, *ipso facto*, become prohibited immigrants and would, therefore, be liable to an expulsion order. Those who are outside the Colony and are because of their former domicile entitled to re-enter, although they may not possess educational qualifications, are as you will notice, under the draft submitted by me required to take out a registration certificate according to the voluntary form within seven days of their arrival.

I remain,
Yours truly,
(Sd.) M. K. GANDHI.
General J. C. SMUTS,
Colonial Office,
Pretoria.

Immigration Restriction Bill

TO AMEND ACT NO. 15 OF 1907.

1. Section one of the said Act is hereby repealed and replaced as follows:—"The Peace Preservation Ordinance, 1903, the Asiatic Law Amendment Act No. 2 of 1907, and Sub-Section (c) of Article two of Law No. 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886, and Article 128 of the 16th day of May, 1890, are hereby repealed, provided that nothing done under the said Ordinance, Act, or Law, before such repeal shall be affected by such repeal."

2. Paragraph (g) of Sub-Section one of Section two is hereby repealed and replaced by the following:—"Any Asiatic who has obtained a certificate of registration under the Asiatic Law Amendment Act, 1907, or any Asiatic who has obtained before the.....day of..... a certificate as per form hereto attached and described in Schedule A, or any Asiatic who, not being within the Colony, is in possession of a permit or registration certificate lawfully issued to him and of which he is proved to the satisfaction of the Immigration Officer to be the lawful possessor and who shall within seven days after entering the Colony apply for a certificate as per Schedule A, or any Asiatic who is considered by the Minister as eligible for such certificate and who does not come within the scope of Sub-Sections 3,4,5,6,7, or 8 of the definition of "prohibited immigrant" as in the said Act 15 of 1907."

3. The Minister shall have the power from time to time to issue temporary permits to enter and remain in the Colony to any "prohibited immigrant."

4. Portion of Erf No. 373 Church Street, Pretoria, which was registered in the name of the late Aboobaker Amod and which is at present registered in the name of Henry Solomon Leon Polak may be transferred in favour of the heirs of the late Aboobaker Amod notwithstanding anything to the contrary in Law 3 of 1885 as amended by Volksraad Resolutions Article 1419 of the 12th day of August, 1886, and without payment of further transfer duty.

Colonial Secretary's Office.

Pretoria, 12th March, 1908.

Dear Mr. GANDHI,—With reference to your letter of the 22nd February covering a draft Bill to amend Act 15 of 1907 I have been asked by Mr. Smuts to let you know that he is much obliged for the draft. Mr. Smuts however has his hands pretty full of other matters at the present time and not yet had time to go into the question.

Yours faithfully,
(Sd.) ERNEST F. C. LANE,
Private Secretary.

M. K. GANDHI Esq.,
Johannesburg.

12th May, 1908.

Mr. GANDHI to Mr. SMUTS.—I ventured to send a telephone message to you with reference to a telegram I have received from Mr. Chamney saying that all Asiatics who at the time of the compromise were outside the Colony and who are now coming in and who have arrived after the 9th inst. should apply under the Act. I am sure you do not mean this at all, in the face of the clear statement in the letter addressed by me from

the gaol. It has created almost a panic. I venture to hope that the necessary instructions will be issued, and that voluntary registration will be accepted from those who may now come in.

Pretoria, 13th May, 1908.

Mr. LANE to Mr. GANDHI.—I am directed to acknowledge the receipt of your letter of the 12th May on the subject of the registration of Asiatics and to inform you that your contention in regard to voluntary registration has been considered by Mr. Smuts who however cannot agree with it, and for this reason. When the compromise was made in January last it was arranged that all Asiatics over the age of sixteen years should be allowed to register voluntarily within a certain limited period of three months. This mode of registration was also to apply to those who being out of the Colony might return within such period. The period for voluntary registration has now come to an end and accordingly further applications can only be received under the law. The alternative course of keeping voluntary registration open for an indefinite period is clearly out of the question.

The Colonial Secretary hopes that on reconsidering this letter you will agree with him and will use your great influence and see that all future registration is carried out in the same spirit as it has in the past.

14th May, 1908.

Mr. GANDHI to Mr. LANE.—I have your letter of the 13th instant, for which I beg to tender my thanks to Mr. Smuts. The letter in my opinion, raises a tremendous question, and gives rise to a very great misunderstanding. When the negotiations were going on, I could never dream of accepting a compromise what would mean a differential treatment of Asiatics entering after the period of three months. Had such been the understanding, steps would certainly have then been taken to inform Indians even in India and that could only have been done by cablegrams in order to enable the people to return to the Transvaal within three months, and even when I do not know that it would have been at all a just thing to expect Indians from India within that period in order to exchange their documents. The limitation only applied to those who were then resident in the Transvaal. General Smuts will, on a perusal of the letter signed by me and my fellow-prisoners, see that the sentence "Such mode of registration should apply to those also who being out of the Colony may return and otherwise possess the right of re-entry" was certain other words. It was never contemplated that to such Asiatics the tentative period of three months should apply. Nor was the alternative course of keeping voluntary registration open for an indefinite

period ever thought of by me and I do not suggest any such course now. But the essence of the compromise is that, the undertaking of the Indian community being fulfilled, as I claim it has been, the Act should be repealed. Voluntary registration should go on in connection with those who may now arrive, until the Act is repealed. As will be noticed from the Draft submitted by me, provision is made for the identification of those who may arrive after the passing of the Draft Bill. So that there is no question of keeping voluntary registration open for an indefinite period.

Of course, if it is desired by General Smuts that no registration should take place now but that it should await the passing of the new legislation I do not mind, but to require Indians who may enter now to come under the Act will only accentuate the suspicion that is still lurking in the minds of some of my countrymen. In order to make good my word, as also to assist the Government, it is within the General's knowledge that I very nearly lost my life, and this arose because, in the opinion of some of my countrymen, I had sold them, by reason of having agreed to the principle of ten finger prints. Were the proposed registration under the Act of new arrivals persisted in, not only will suspicion be accentuated, but it will be justified, and I cannot help saying that those who may feel irritated against me will be entitled to my life. I should consider myself totally unworthy of the trust reposed in me by my countrymen and to hold the position that they have allowed me to hold for such a long time, were I ever to consent to the Act being applied to newcomers. If the Act was bad, as I respectfully contend it was, it was so for all, except for those who, owing to their fraud or obstinacy, would not voluntarily provide facility to the Government for their identification. I am, therefore, sure that General Smuts will reconsider the matter, and not only not ask me to use whatever influence I may possess with my countrymen in the direction desired by him, but that he will assist me to make good my word to them by either accepting voluntary registration of new arrivals or informing them that they need not be identified until after the passing of the new legislation, especially as the purpose of identification is equally well-served under the compromise.

As the matter is exceedingly urgent, may I ask that a telegraphic reply be sent to me?

15th May, 1908.

Mr. LANE to Mr. GANDHI,—I have to acknowledge the receipt of your letter of the 14th May regarding registration and to inform you that the representations contained therein have been submitted to the Colonial Secretary who has requested me to say that he has fully considered the matter but regrets that he cannot depart

from the position which he has already taken up, namely, that the period of three months granted for voluntary registration having lapsed further applications can only be received under the Law.

21st May, 1908.

Mr. GANDHI to Mr. SMUTS,—I understand that you will be leaving for Capetown on Saturday. I hardly think that you realise the gravity of the situation so far as the Indian community is concerned. Your decision not to register under the compromise those Indians who have been entering the Colony on *bona fide* permits after the 9th of this month has created a turmoil amongst the Indians. You have heard, I take it, that the Chairman of the Association has been already assaulted. Many more may be assaulted in the near future. I daily receive indignant letters saying that I have entirely misled the people as to the compromise and that the Law is not going to be repealed at all. Can I not ask you, for the sake of those who have helped the Government, to do a very simple thing—to announce immediately that the Act will be repealed, and that new arrivals may be voluntarily registered?

22nd May, 1908.

Mr. LANE to Mr. GANDHI,—I hope you will excuse a manuscript letter, but it is rather late and our typists have gone and further I cannot put off writing this letter until to-morrow as I am going away to-night.

The Colonial Secretary directs me to say in reply to your letter that he is not able to meet your wishes and announce that new arrivals may voluntarily register. The question has been very thoroughly considered by Mr. Smuts and his decision, as already communicated to you by me, is final on this point.

Mr. Smuts is very sorry to hear about Sarjee, but for the reason which Mr. Chamney has explained to you it is not possible to deal with him in the way you suggest. Mr. Smuts has, however, issued instructions that Sarjee's movements are to be watched and he earnestly hopes that if you think that your person is in any way in danger you will immediately avail yourself of the protection of the police which the Government will be only too glad to supply.

6th June, 1908.

Mr. GANDHI to Mr. SMUTS,—I hope you will pardon me for writing you about the interview that took place to-day between you and me. While I appreciate your desire to abide by the compromise, I cannot help saying that the interview was not satisfactory. You still hesitate about repeal of the Act, and you are emphatic that, if the Act is not repealed, it is under it that Asiatics who arrived after the 5th ultimo and who had a right to enter the Colony, should be registered.

The repeal of the Act, as I have always said, was the goal of the Asiatics, and they have done much and surrendered much, in order to reach the goal. I have gathered also that you admit the Asiatic Act to be wholly bad, and that amendment of the Immigrants' Restriction Act is not an undesirable way of solving the problem. I once more remind you of what you told me at the interviews on the subject: that, if the Asiatics carried out their part of the compromise, you would repeal the Act. I know you added also that if there was one recalcitrant Asiatic who obstinately refused to take out a voluntary registration certificate you would enforce the Act against that Asiatic. As a matter of fact, within my knowledge, there is no such recalcitrant Asiatic left. But, if there were, I have taken the above expression to be purely theatrical to emphasise the fact that the vast majority of the Asiatics then resident in the Colony should abide by the compromise. This they have done.

Time is of the essence of the contract at the present moment, and I do hope that you will let me make a definite statement that the Act is to be repealed. Otherwise, I shall be reluctantly compelled to fall back upon my letter to Mr. Chamney as to withdrawal of the application form. I am most anxious to avoid a situation of that character, but it is impossible to wait for the assurance till the first week of the opening of Parliament. If, therefore, you cannot give the assurance, and if you cannot return the application forms to those who have written for their return, an application must be made to the Supreme Court for an order compelling the return of the documents.

In an amendment of the Immigrants' Restriction Act, I venture to suggest that it will not at all satisfy the Asiatics if the question of people to remain in or enter the country is left to the discretion of an Administrative Officer. That, as in every other Colony, should be decided judicially.

The right of those who have paid a £3 fee to the old Dutch Government, I need hardly say, should be respected. There are many such already in the Transvaal with vested interests. They have also applied. These were contemplated, I am sure, by Mr. Patric Duncan, when he first introduced his Bill, and their claim, in my opinion, ought not to be disregarded.

Mr. Lane wrote to me on Friday, saying that, the letters of the 1st and 22nd February last addressed by me to you being confidential, should not be published. As they constitute proof positive of my contention that you promised to repeal the Act, should you withdraw from that position, and should you controvert the statement made by me, I hope you will not hind me to considered confidence.

4th June, 1908.

Mr. LANE to Mr. GANDHI.—I have to acknowledge the receipt of your two letters dated 30th May and 3rd June respectively.

In reply to the question asked I am directed to inform you that the letters of the 1st and 22nd February last were confidential and personal and for this reason the Colonial Secretary did not reply at any length to the different statements contained in the letter or controvert those statements with which he was not in agreement. The publication of this correspondence therefore would throw an incorrect light upon the whole matter and the Colonial Secretary, for this reason, is not prepared to give the permission asked for.

4th June, 1908.

Mr. LANE to Mr. GANDHI.—The Colonial Secretary has under his consideration at the present time the draft Asiatic Bill which it is proposed to introduce into Parliament at the approaching session and he would be much obliged if you could make it convenient to come over to Pretoria on Saturday and discuss it with him at 10 a.m. Will you please let me know if this suits you.

13th June, 1908.

Mr. GANDHI to Mr. SMUTS.—With reference to the interview I had with you to-day, I trust you will excuse my trespassing upon your time and attention yet awhile. Until the Asiatic question, as far as it arises out of the Asiatic Act, is settled, I am obliged to approach you.

You doubt my full representative capacity, or, better still, the full representative character of the views submitted by me. I admit it only in so far as it affects those who, whilst the passive resistance struggle was going on, accepted the Asiatic Act. Even they do not differ from my views, but they, like the national scouts, intend to save their faces. But I hope, with your assistance, to have even them side by side with the other members of the community. I clearly consider that they have erred from fear, but every endeavour is being made to win them over, and, should they not, why they represent but a microscopic minority. Some of them have had many conversations with me, and they are, undoubtedly, as anxious as the rest of the community that the Asiatic Act should be repealed.

With reference to the amendment of the Immigration Act, I wish to make the Asiatic position perfectly clear with reference to the following:—

1. No position will ever be accepted by the Asiatic communities that does not put those who have not yet entered the country but are entitled to do so on a level with Asiatics who have voluntarily registered. They will, therefore, exchange their

documents under the amended Act, and take out certificates in the same form as the voluntary form.

2. Refugees who have not yet received permits under the Peace Preservation Ordinance should be protected. There will be no objection to defining who may be termed a refugee—I suggest residence in the Transvaal for two years prior to the 11th day of October, 1899—and a period may be fixed within which these applications may be received, say one year, and they should be entitled to prove their claim before a Court of Law.
3. Those who hold £3 Dutch Registration Certificates should also be protected, the onus being on them to prove that they are the *bona fide* holders thereof.
4. Those who hold Peace Preservation Ordinance permits or permits issued by Asiatic Officers should be protected.
5. Those who possess educational qualifications, whatever the test may be, should be free like the European immigrants.
6. There are applications being made which have not been yet decided by Mr. Champey, or which he has refused. These should be decided finally before a Court of Law.

You told me that you did not want to give any rights of domicile beyond those given by the Asiatic Act. You will see that in the above, with the exception of holders of £3 Dutch Registration Certificates, all are provided for under the Asiatic Act, and I have told you that, in my opinion, and according to Mr. Duncan's speech, even the holders of £3 Dutch registration certificates are protected under the discretionary clause. Only I have suggested that they should be recognised as a matter of right, provided, of course, that they prove their *bona fides*.

I need hardly point out that refugees are protected by the Asiatic Act, because the Peace Preservation Ordinance Permits were still to be issued. They have only lately been stopped, under your instructions and by virtue of the Immigrants' Restriction Act, but I am sure you could never have intended that those who are still outside the Colony and who can be incontestably proved to be old residents should not have their claims considered. The definition of a refugee and the time limit provide against possible frauds.

I ask you to recognise the very great service rendered by the Indian community in giving finger prints in the face of enormous odds, and to recognise also that the resident portion of the community did not avail themselves of the discretionary clause of the compromise, with reference to education and property qualifications. This was done in order to protect

those few who were to come in future, and to show what grace, if I may use the term, Asiatic peoples are capable of. But I may state that they will never accept, so far as I am aware, anything in the nature of compulsion, when they can be otherwise completely identified. The idea is that ignorance or such other thing should be the basis of disqualification, and not race or colour.

The great principle that the Colonists have laid down, namely, that, in future, Asiatic Immigration should be limited only to those who possess educational qualifications of a high order has been admitted. But those who are entitled to reside in the country will not accept the bar sinister. And, if the question cannot be satisfactorily settled on the above, as I consider it, most reasonable, basis, it is better that it is not settled at all.

I take it that, as you have promised, you will let me see the draft Bill before it is published.

I have informed the Committee of the Association that you have definitely promised to settle the matter next week. The Committee has, therefore, authorised me to postpone the filing of the affidavits in the meanwhile.

Newlands Indian School

The third annual prize distribution of the above school took place on the 19th inst., in the schoolroom. The prizes for the upper division were distributed by Mrs. Raja Ruthunam Moodaly. The Headmaster (Mr. B. Ramphal) in his report, said that he had great pleasure in stating that since the last distribution of prizes the school had improved a great deal. The school had been visited by the District Inspector during the last session and he remarked that the work of the classes had improved.

During this session the average attendance of the school had gradually increased and at present the average of the daily attendance was between 80 and 90. The building was large enough, and it would hold about 112 children, according to the Educational rules and regulations. Mrs. R. R. Moodaly thanked the Headmaster for having asked her to distribute the prizes, and she particularly emphasised that she had visited many town and country schools but had found this country school to be the best of its kind.

INDIANS IN CANADA. London, June 22nd.—A telegram from Ottawa says an Order in Council has raised to £50 the amount British Indians entering Canada are required to possess. It is believed this will practically stop the influx of Indians. —Reuter

Rhodesia Parliament

The Dealers and Hawkers Bill

Asiatic Registration

In the Rhodesia Legislative Council, on Tuesday, the 16th instant, the TREASURER moved the second reading of the "General Dealers and other Licences Ordinances, 1908." He said, he would like to correct one impression which was possibly held by some members of the public, he knew it was held by one section. He had seen a somewhat excited letter to the *Gwelo Times* signed by Mr. Naik, which stated "among other legislations this ordinance is aimed at the Asiatics." The Government wished it clearly understood that it was aimed at no particular nationality whatever. There were undesirables he regretted to say of every nation, including British, and he thought the Government was prepared to rely on the impartiality of these councils and boards to discriminate between the desirable persons to hold a trading or hawker's licence and the undesirable. There was no intention whatever to impose any restriction on trade. He thought it would be clearly understood and acted on that there was no intention on the part of the local authorities to say whether there were enough of any, say, baker shops in this country and to say to an applicant, "However good a baker you may be, you cannot have a baker's shop." That was not the intention. It was simply to discriminate between the man whom it was desirable should carry on business in this country and the undesirable. If a man wished to carry on his trade he did so at his risk and against all competition. He felt sure of the measure or the principle of it would have the approval of the Council; even if certain alterations were suggested in committee. He was only anxious to correct some misrepresentation as to the tendency and scope of the bill and he hoped he had succeeded in doing so.

The second reading was passed and the committee stage set down for Wednesday, June 17.

Asiatic Registration

The ATTORNEY GENERAL moved the second reading of the "Asiatics Ordinance, 1908." He said in introducing the Ordinance he felt that he had a subject to deal with of considerable delicacy and fraught with some danger if not properly handled. The matter had been suggested previously, and finally it had got to that stage when the administration gave an undertaking last session that a law on lines similar to that now laid before the Council should be brought forward at the present session. The main idea in dealing with the question was to get into line with the other South African States and colonies in the important matter of the presence of Asiatics in their midst and the restriction of future immigration. In regard to the present position it appeared that the Cape Colony had never yet excluded Asiatics, except Chinese, but relied on a strict immigration restriction Ordinance with a language test as a means to check the influx of any undesirable element. Natal had imported an enormous number of indentured Indians, but so far as he could gather from the laws at present in evidence they tried to meet the presence of the ordinary Asiatic in the Colony by a poll tax of £3 per head. The Orange River Colony was in an extremely fortunate position, because when the Colony became British territory there was in existence an old law which absolutely forbade, except under any special circumstances, the introduction of Asiatics into the Territory. They were all pretty familiar with the Transvaal law and its associations and there they dealt with the matter in a firm and able way. The way they dealt with it was by passing a registration law and at the same time that law was passed the Transvaal relied upon an existing law, the Peace Preservation Act, which enacted that nobody at all could come into the territory without the previous sanction of the Government. While he was on

the question of the Transvaal law, he thought he should clear away an apparent misapprehension on the part of the same gentleman whom the Treasurer had previously mentioned, Mr. Naik of Gwelo. This gentleman who was apparently the protagonist of the Indians in this matter had written a very lengthy letter to the *Gwelo Times*, in which he made the following statement: "The Transvaal Government, after great pressure brought to bear by the Imperial Government, was forced to compromise, which resulted in the withdrawal of the Act, leaving alone the Asiatics to register voluntarily." That statement, continued the Attorney General was only half the truth. As he understood it, the position was this: The Transvaal authorities accepted an undertaking from the Asiatics if all the objectional features of registration were withdrawn, that they would register voluntarily. If he might put it in that form, an armistice existed between the Asiatics and the Government so long as the Asiatics came forward and registered. Further than that the position remained unaltered. If this voluntary registration was not fully complied with the law would be subsequently enforced. This class of legislation had only been too readily taken in hand by many of their critics in other parts of the world, who approached the matter from a wrong standpoint. This was not a law in the nature of oppression of any subject race; it was a law brought in for their own self preservation. (Elected members: Hear, hear.) If they would regard it from that stand-point then the whole of the criticism which had been levelled against the Transvaal and themselves disappeared, and the position would be clearly and fully understood. If he might paraphrase a statement which was recently made, "our case is not to be settled by quackery or cant." They had to deal with the matter as they found it: a very serious one for them. He knew—although he might not be at the present moment in a position to state why or how he knew—the step they were taking in this matter would meet with the approval of the whole of South Africa. (Hear, hear.) They were now forging the last link in that chain which must form the cordon around the white people of South Africa. The strength of that chain was its weakest link and if they failed in their duty they were leaving a breaking point in that chain; leaving the door open to any influx of undesirable persons. He did not propose to go into or discuss the principles affecting the rights or wrongs of the Asiatics in this matter. In many cases the Asiatics had been extremely useful, but there was nothing which the Indian had done in this country which could not be done by white men. If they—he said it advisedly—had kept themselves to that calling which seemed best suited to the Indian at home, the cultivator, there would have been little of this outcry against them. But they had trespassed enormously on trade and he thought he might fairly state that their competition in trade in this country had been unfair. He did not say it had been underhanded, but they were able to adopt manners and use methods which were quite unacceptable to the scale of civilisation of the European. The Transvaal, when it undertook this duty, found it had in its midst 15,000 Asiatics who would be affected by the Act. The population of that colony was 300,000 whites, so that the Indians roughly speaking were 5 per cent. of the population, leaving out of consideration the natives. They were told that the presence of the Asiatic in this territory was nothing like so marked as in the Transvaal, but they could easily deal with that. He had obtained the latest figures available and he found at the present moment there were over 900 Asiatics in this country. That, hon. members would remember, was a very considerable increase on the census figures. As their population of whites was roughly 14,000, the percentage of Asiatics to whites was 6½ per cent., which was greater than the proportion in the Transvaal. If that was likely to be the stable position it would probably be not worth while interfering, but they had recent experience of what might

occur. As soon as the Transvaal law was properly put into force Rhodesia was threatened with a considerable influx of Indians from Johannesburg. In fact it was reported to this Administration that 70 of them who had refused to register were proceeding to cross the southern border. That position was dealt with very readily and easily, because it was the unanimous conclusion of the executive if these persons would not comply with the laws of their own land, they were undesirables here and steps were taken to prevent their crossing the Rhodesian border. Hon. members would thus understand the danger in having no definite legislation in regard to Rhodesia. Taking the Ordinance itself, the two prominent ideas were restriction and the identification of those Indians and Asiatics who were already in this country. That population must remain where it is, excepting of course, natural increases. The Transvaal had managed to effect that purpose by a roundabout way, but they had adopted a more direct one. He would inform hon. members, however, that he did not intend to ask them to pass section 3, which was the prohibiting section as it stood. It was felt that section in its absolute prohibition was too drastic and he would say if it was allowed to stand without alteration, it was likely to injure the effect of the whole of the Ordinance. He therefore proposed when the Ordinance was in committee to an amendment in that section which would give the Administrator power, as action might arise to admit approved Asiatics into this Territory. It was a matter of extreme importance and it was a power that he should have because there might be a number of cases in which right of entry should be given where an absolutely closed door might prove unjust and inflict great hardship on an individual. If that power was given he thought he could give the Council an assurance that it would be exercised in consonance with the principle of the Ordinance. Regarding the question of registration, while following the Transvaal Ordinance, the idea of the Government was to make registration as simple as possible. Hon. members would remember that it was not the main Ordinance which caused the trouble in the Transvaal, but the regulations which were subsequently framed in order to carry it out. The main idea was the impression of the whole digits of the hand as a means of identification. On that point he did not think they would have to go to that length. For some reason which was not very apparent, the Indian community objected to that form. He could not say what the regulations would be, but if they could get a clear and definite signature from a man on registration they would probably adopt it, but in the case of the illiterate other means of identification must be made. Some such form as the thumb mark would probably be deemed sufficient. The intention was to enforce the law, if it was carried, so as to avoid as far as possible any idea of degradation and any objection on the part of the community most affected. There was one clause they must look to, the clause dealing with Asiatics who might have been some time in the country and at present were temporarily absent. The Ordinance as at present gave them the opportunity of returning within six months, provided the person had been resident in the country three years prior to his departure. On consideration the Administration deemed that the period of absence should be extended from six months to twelve months (hear, hear). He would refer to another important point. In the Transvaal right of expulsion was given. The Government had felt that was scarcely a wise thing and likely to be subjected to considerable destructive criticism, and fair criticism too, so a final clause had been inserted giving the right of appeal to the High Court to any Indian against whom an expulsion order had been granted. It was hoped that that clause would cause closer investigation in all cases coming before a magistrate. Another point which might be of considerable importance was the attitude of the Indian community towards the measure. Hon. members would have seen in

letter which had been written by Mr. Naik, in which he stated what he considered to be the position of the Indians. It was one of absolute antagonism to this law, but he might inform the Council that a deputation of the leading Indians in this territory met his Honour the Administrator a short while ago and he (the speaker) had the privilege to be present on that occasion. The question of registration was then discussed and the gentlemen present definitely stated that as long as the system of registration was without the element of degradation they had no real objection to it and as regards future immigration they were just as strong as the Government in preventing it. What had caused this absolute change of opinion it was easy to assume. It might be taken for granted that as soon as the Ordinance had been published a little hint of resistance was given from a neighbouring territory. They all knew how very amenable this class of person was to the influence of the agitator. He had given what he considered the reasons and necessary details of the Ordinance, and he now moved that the Ordinance be read the second time.

Col. Grey said he wished to congratulate the Government in fulfilling the promise which it had made that legislation should be introduced dealing with this matter, and he also congratulated the Government on the contents of the bill before the House. There was one section which he would like the House to consider when the bill went into Committee, that was the section represented by what he might term the higher class Indian, who were already in the country. There was a certain amount of degradation attached to the requirements of the Ordinance and he thought if it were possible it might be even left to the Administrator under the rules which he was empowered to form to discriminate between the higher or better class of Indian and the others. The Attorney General had referred to a deputation which had met His Honour the Administrator from the Indian population, that deputation had also waited on himself and others of his colleagues, and he could fully bear out what the Attorney General had said. There was no doubt that this deputation had expressed the view that the Ordinance was in the main fair and they quite recognised that fact, but whether they approved of it he did not know. The deputation had gone more into the question of degradation which the terms of the Ordinance necessitated than anything else, and he confessed that to some extent he agreed with them where the higher class of Indian was concerned. There were other matters connected with the limitation of their trade, by their assistants being repatriated, and so forth, but no doubt these questions would be gone into when the bill was in Committee. With the exception of the point regarding differentiation between the higher class Indians and the remainder he was perfectly satisfied with the Bill.

MR. GORDON FORBES also congratulated the Government on introducing the Ordinance and promised his cordial support. He considered that it was a very happy omen that at the opening of the session the Government should comply with a request which had been continued so long.

MR. LONGDEN said that the measure was very important and if it did not provoke much debate on his side of the House it was not because hon. members treated the matter with levity or carelessly, but it was because it was a question to which their thoughts had been directed for a number of years past and on which they had formed definite opinions, which he considered were shared by the majority of the white population, not only of Rhodesia, but of South Africa and other places of the Empire which were confronted with similar problems. He had the opportunity a week or two ago of speaking with one of the most intelligent and influential Indians in the country, who carried on a large business with branches in various towns. In the course of this conversation this man admitted that from the white point of view this legislation was absolutely necessary to quote as nearly his own words he said: "The European element in this country and the

Asiatic element represent antagonistic forces, and they were bound to recognise that these antagonistic forces could not exist in the same state without detriment to one or the other," but whilst admitting that legislation was necessary from the white point of view, he had pointed out that his compatriots in this country could not look upon it with favour; but while he admitted so much, he considered it was absolutely necessary that the Asiatics already in the country should be treated with fairness and justice, and he (the speaker) thought that it was the Government's intention to do this, and with a view to assisting the Government in this matter he might mention one or two other points which he stated the Asiatics in this country considered might be amended. They objected strongly to the possibility of the Administration forming regulations with the idea of identification which might be of an ignominious character. They particularly objected to registration by means of finger prints. Under this Ordinance it was also pointed out that on certain occasions Indians were liable to be stopped by a kafir policeman in order to produce a pass to see whether they were entitled to be in the country. They objected very strongly to that, and considered it would be very degrading. He commended that point to the consideration of the Government. Another point mentioned was that the Indians considered they should be allowed to replace servants and assistants in the country who might from time to time go home, under certain conditions.

The ATTORNEY GENERAL, in reply, said, with reference to the remarks from the hon. member for the Northern Division, the Government realised that there were Indians and "Indians," and they hoped to be able to deal with the higher class in a different manner than the lower order. Referring to the hon. member for the Midland Division, he invited his help in solving the difficulties raised when the Bill reached committee stage.

The Ordinance was read a second time and the committee stage was fixed for Wednesday.

Wednesday, June 17

The Council went into Committee on the "Asiatic Ordinance, 1908."

On clause 2, Definitions.

Col GREY moved an amendment to the effect that the term "Asiatics" only apply to males. He explained that representations had been made to him from the more important Indians resident in this country that the proposed operation of the Ordinance as against females was violently objected to, both for reasons of caste and religion. They said it cast a specific indignity upon the women of their race. The Ordinance dealt with two different questions: the future immigration of Asiatics and the treatment of those already here. His argument was with reference to the female Indians now in the country. He did not see why any special indignity should be placed upon the women of the race now resident here.

The ATTORNEY GENERAL was not prepared to accept the amendment to this portion of the Bill. It would entail a serious recasting of the measure right through. Neither did he see why it should be accepted at all. He did not know that an influx of Indian women might not be just as dangerous to the community as of men.

Col. GREY emphasised that his point only related to women now here. There was, he said, a petition in the hands of the Clerk of the House from the Indian population which dealt with this question, amongst others.

The ATTORNEY GENERAL said the amendment should be brought up in a suitable place.

MR. LONGDEN asked if all the definitions in the Ordinance were necessary. The practice seemed to have grown of printing a dictionary alongside every Ordinance introduced. Some of the definitions in the present case he considered wholly unnecessary, such as those of a "magistrate" and "regulation."

Col. GREY agreed it would not do to have his amendment inserted in the definition, and withdrew it.

The clause was passed as printed.

On clause 3, defining "prohibited immigrants,"

The ATTORNEY GENERAL moved that the following proviso be added:

Provided that the Administrator in Council may permit any Asiatic to enter the territory and reside therein, and may order that a certificate of registration be issued to such Asiatic.

He said that unless they put in some such provision the whole passage of the Ordinance might be jeopardised. He thought that was a reasonable fear when they took into consideration the vast amount of attention this subject had aroused at Home. While moving this amendment he wished to draw attention to a matter raised the previous day, which could be dealt with under such a provision if it became part of the Ordinance. He understood that one of the most important claims for consideration put forward by the Indian community was that they should have an opportunity of replacing employes who returned to their own country at the expiration of their contract of service. That was a serious position which might be looked upon as a loophole in the law. He would like to hear the views of the elected members on this point. There were also cases which might arise where the exclusion of an Asiatic might be detrimental to the best interests of those Asiatics already in the country—the case of a teacher for instance. It was not unlikely also that the Law Department might want an Indian interpreter. In such cases the proviso could be made use of.

MR. LONGDEN said he thought he was expressing correctly the views on that side of the House when he said that the only thing that would make the provision acceptable to them was the argument of the Attorney-General that unless a proviso of that kind were inserted the Bill might be endangered. The proviso gave very wide powers to the Administration, and though they had every confidence in the Administrator they did not like to give too much opportunity to the Government to permit the further introduction of Asiatics into this country. Personally he thought the law should be administered with as little hardship as possible to the Indian community. There were cases where a little hardship might ensue, but they could not provide for every case.

Col. GREY said he was not affected by the reason stated by the last speaker. He was affected by reasons of justice. The Attorney General had referred to certain disabilities which might be created by the Bill. Did the proviso sufficiently cover all those disabilities? He would refer particularly to the case of a business already established in the country likely to come to a standstill, or to be destroyed by the impossibility of getting hands to work it when those employed were either repatriated or left the country of their own accord.

MR. COGHILAN considered the proviso in the circumstances stated by the Attorney General fairly met the case and was a good way out of an awkward situation. If they allowed replacements it might make pretext for creating what one might call permanent vested interests in this country. He strongly upheld the proviso.

The proviso was agreed to and clause 3 with the added proviso was passed.

On clause 4, registration,

Col. GREY moved an amendment to the effect that the clause only apply to male Asiatics.

The ATTORNEY GENERAL said the effect of the amendment would be against the interests of the Indians themselves, because if women were not registered they could not return if they left the country.

Col. GREY said all he wanted was the Attorney General to admit the principle in regard to women now here.

The ATTORNEY GENERAL said he could not admit it.

MR. MYBURGH said he took it they might differentiate in regard to women in the proclamation regarding registration.

Col. GREY said that was what he wanted.

The ATTORNEY GENERAL stated that every endeavour would be made to meet the feelings of the Indians on this point.

Mr. COGHLAN asked what was the position in the Transvaal.

The ATTORNEY GENERAL said only males were referred to in the Registration Ordinance.

The ADMINISTRATOR added that in the Transvaal the Registration Ordinance was separate from that dealing with immigration which dealt with both sexes. Here they dealt with the whole thing in one Ordinance. If it were really the opinion of members on the other side that a reason existed for females being dealt with differently to males, the Government would deal with it in the regulations.

Col. GREY withdrew his amendment. Clause 4 was passed as printed.

On clause 6, referring to Asiatics temporarily absent who had previously resided in the territory,

The ATTORNEY GENERAL moved an amendment substituting 12 months instead of 6 from the date of the promulgation of the Ordinance as the period within which temporary absentees must return to be entitled to a certificate of registration. He added that the suggestion had been made that a previous residence of three years was too long and that two years might be recognised. He would like to hear the views of the elected members.

Col. GREY said there was a considerable objection to the three years on the part of the Indians. He might say that no representations had been made to him by the English portion of the population on this bill. He was there really to express the opinions of the Indians themselves. Under the Ordinance a man who had not been resident three years, who might have created a business and acquired certain vested interests and who might be absent when the Ordinance became law, would not be allowed to return. Three years seemed a long time. He would suggest half the period. He did not see how they could arbitrarily take away from a man who was absent when the law was promulgated any vested interests he had created by not allowing him to return to look after his business in this country.

The ATTORNEY GENERAL said there must be some definite time. He thought it hardly conceivable that a man should have been here and established a business within a lesser period than two years.

Col. GREY. I don't see it.

The ATTORNEY GENERAL replied that still it was fairly apparent. He was prepared to accept two years' previous residence and 12 months' absence bringing the whole up to three years.

Col. GREY mentioned the hypothetical case of a man who had been six months in the country, established a business, put a man in charge and gone to his own country to raise money for the better conduct of the business. Would there not be in such a case a confiscation of rights under this section?

Mr. BROWN thought the proviso which had been passed covered such a case as that. The ATTORNEY GENERAL said the amendment was a matter of right; the proviso was a matter of grace.

Mr. MYBURGH said a deputation of Indians waited upon him. They objected to the period of six months, but had no objection to the three years.

The Attorney General's amendment was agreed to.

Col. GREY proposed that the clause stand over for further consideration.

Mr. FLETCHER said he saw no object in letting the clause stand over. The Ordinance was for certain purposes and by giving concessions they only prolonged the agony. He was rather surprised at the remark of the Attorney General about the Government importing Indians. If they wanted an interpreter why not import a white one.

The CHAIRMAN said that did not bear on this particular section.

Mr. COGHLAN could not see why the clause should not go through as it was.

The members of the House had shown they were anxious to meet the wishes of the Indians to the fullest extent possible. So long as the Administrator had the disposing power they were safeguarded against any abuse or hardship so far as the Ordinance was concerned.

The motion put by Col. GREY was negatived and the clause as amended was agreed to.

On clause 9, Penalties for failing to make application,

The ATTORNEY GENERAL moved that the words "if Asiatic" be inserted after "person" in the last line but one.

This was agreed to and the clause as amended passed.

On clause 10, Registration certificate to be produced on demand,

Col. GREY moved to insert after "any member of a police force or other persons authorised thereto by the Administrator," the words "provided that such member or person shall be a European." One of the principal objections to the Ordinance by the Indians he said, was that they should be treated like kafirs and be liable to be stopped in the streets by a kafir policeman and their certificates demanded. He thought they might relieve them of this indignity.

Mr. MYBURGH supported.

Mr. COGHLAN thought it would be better to insert the word "European" before "member of police force" because the Administrator might authorise say another Indian to undertake the duty and moved to that effect.

The ADMINISTRATOR said he did not think there was anything in the law to prevent a kafir policeman arresting a white man.

A member. They had better not try. (Laughter).

The ADMINISTRATOR thought the amendment was not a proper thing to put in an Act of Parliament. Natives were not allowed to arrest white men, but that was by instruction, and the same course could be adopted with regard to Indians. By the amendment they put the Indian on a footing higher than that of a European in that respect. If the feeling of the Council was that Indians should be treated in the same way as Europeans in regard to police matters that he could undertake.

Col. GREY said it was a generous proposal but it did not meet what they required. A native policeman would never think of arresting a white man, he would fetch a white policeman, but would he do it in the case of an Indian?

The ATTORNEY GENERAL pointed out that the inspection referred to would be purely periodical at long intervals.

Col. GREY remarked that some day the police might become a municipal force and the law might then be used as a handle to drive these people out of the country. He withdrew his amendment in favour of that of the hon. member for the Western District.

The amendment was put and the Chairman declared that the "noes" had it.

Mr. COGHLAN called for a division and the Committee divided as follows:

Ayes—6—The Secretary for Mines and Works, Mr. Myburgh, Mr. Brown, Mr. Coghlan, Mr. Forbes, Col. Grey.

Noes—6—The Treasurer, the Attorney-General, the Master of the High Court, the Secretary for Agriculture, Mr. Fletcher, Mr. Longden.

The ADMINISTRATOR, in accordance with the usual practice to keep the matter open, gave his casting vote against the amendment. The amendment was accordingly negatived and the clause as printed agreed to.

Col. GREY moved the following as a new clause to follow clause 10:

The Administrator may direct that Asiatics who, in his opinion, from long residence and good repute have proved themselves to be satisfactory residents, shall not be required to carry and produce on demand registration certificates.

The ATTORNEY GENERAL did not feel in a position to accept the new clause. The hon. member would put upon the Administrator the task of deciding who was of good repute, thereby branding other people. Then

if an Asiatic did not carry a registration certificate he might be arrested on that account. He did not know whether the idea emanated from the exemption passes carried by natives, but the Asiatic would have to carry something or he would be a greater danger than ever.

Col. GREY asked why Asiatics should not carry certificates of exemption. As to branding others, he thought the idea was ridiculous. He thought the Administrator could differentiate between the better class and the others. Perhaps his motion was not the best way to get over it, but if the House would agree on the principal they could easily arrive at some satisfactory method.

Mr. MYBURGH thought if an Asiatic had to carry a certificate he might as well carry a registration certificate.

Col. GREY: The hon. member forgets the thumb prints and other methods of identification.

The ATTORNEY GENERAL said if that were all he could assure the House that thumb prints would not be demanded in the case of educated Indians who could give a written signature.

Col. Grey said if the Attorney General could give that assurance that was all he required.

The Attorney General: I am very glad to give it.

The proposed new clause was withdrawn. After clause 21, penalty for entering territory unlawfully.

Mr. Coghlan suggested a new clause, increasing the jurisdiction of magistrates.

Mr. Myburgh said he would like to see the magistrate's court the court of first instance, able to inflict the full penalty.

The Attorney General replied that seeing that the magistrate was given power to give an order of expulsion—an extreme power—a clause might also be inserted giving the magistrate power to inflict penalties up to £50 or a year.

Mr. Coghlan thought that would be ample.

The Attorney General said the clause would take some time to draft and he would move that the Chairman report progress.

Progress was reported and leave obtained to sit again.

Thursday, June 18.

Indian Petition

Col. Grey presented a petition from Bhimjee R. Naik and 56 other persons styling themselves as representing the British Indians in Southern Rhodesia, protesting against the provisions of the "Asiatic Ordinance, 1908," which was ordered to lie on the table.

General Dealers

The Chairman brought up the report of the Committee of the whole Council on the "General Dealers and Other Licences Ordinance, 1908," reporting the Ordinance with amendments.

The amendments were considered. The Ordinance as amended was adopted and the third reading set down for Friday, June 19.

Asiatics Ordinance

The Council resumed in Committee on the "Asiatics Ordinance, 1908."

The Attorney General moved that the following be a new clause 22:

The court of the magistrate of any district in which any offence under this Ordinance is committed shall have full authority and jurisdiction to try such offence not inflict any greater penalty than a fine of £50, or imprisonment with or without hard labour for a period not exceeding one year, provided, however that such magistrate may further grant an order for expulsion as above prescribed.

Mr. Coghlan moved to omit the words "in default of payment of any fine inflicted," which amendment was accepted by the Attorney General and the clause as amended was agreed to.

Col. Grey moved that the committee revert to the consideration of clause 10, which was agreed to.

He then moved a resolution to the effect that an Asiatic should not be compelled to show his certificate of Registration to a native policeman.

The Attorney General rising to a point of order, pointed out that the matter had already been decided by the committee.

Col. Grey was informed that the procedure would be to move the amendment in full house when the report was considered.

The Ordinance was reported with amendments, and leave was given to bring up the report on Friday, June 19.—*Rhodesia Herald*.

The Johannesburg Assault Case

Further Proceedings

[SPECIAL TO INDIAN OPINION]

On Wednesday, the 24th ultimo, before Mr. Jordan, in 'B' Criminal Court, Johannesburg, Mansuk Madee, *alias* Maula Bagas, and Mahomed Shah were brought up on remand, the former charged with assaulting Mr. Essop Ismail Mia, the Chairman of the British Indian Association, and the latter with inciting to commit grievous bodily harm.

The Prosecution called Ebrahim Aswat, who said that he was a store-keeper residing at Vereeniging, and that he knew the accused. He had had a conversation with Mahomed Shah, about February last, at the Mosque, at about 4 p.m. There was going to be a meeting that evening, at which Essop Mia was to preside, and Mahomed Shah had said that he would not let Essop Mia go on to the platform. The reason that he gave was that he did not want him to be present, and would not allow him to be, and that, if he were present, he (Mahomed Shah) would beat him. Witness then told accused that the meeting was going to be held nevertheless that evening, and accused then replied "Well, let it come off. I will see about him afterwards." By that witness understood that accused probably meant that he would beat Essop Mia, or something similar.

Cross-examined: witness stated that he had made the affidavit on his own accord at Mr. Gandhi's office. Nobody had sent for him.

Ismail Moosa Parek stated that he was a driver employed by Mr. E. E. Dadabhay, merchant, of Vrededorp. He lived in 16th Street. He knew Mahomed Shah. He himself was present at a meeting held in Pritchard Street, on a certain Monday evening in May. A reception was held there to congratulate the two assailants of Mr. Gandhi, who had that day been discharged from gaol—Abdul Rahman and Mir Allam. Mahomed Shah was present. Witness heard accused say that he had seen one, and would see the others yet. By this witness understood accused to mean that they had assaulted one already and would assault the others. He did not mention any names.

This closed the case for the Prosecution.

In opening his defence, Mr. Van Diggelen stated that he did not intend to bring any Pathans as witness-

es, but only Arabs and Malays. The first witness called was Syed Mahomed Ahmed Sheriff, who stated that he was born at Medina in Arabia. He was at the present time staying at Messrs. M. C. Camroodeen's at 42 President Street. He was on a visit here. He usually lived in Capetown. He had been in India, and knew accused Mahomed Shah well. He had known him and his family at Karachi. Mahomed Shah was a Syed, that is to say, he was a descendant of the Prophet. He was not an Indian, but of Arabian descent. He himself belonged to the same position as Mahomed Shah. They were both priests, as being descendants of the Prophet. He knew the witness Ahmed Mukhtar. The latter was a missionary, and not a priest. He was simply an ordinary clergyman, a head of a congregation. When witness first knew him he was studying for the priesthood. He was of a lower rank.

Mr. Jordan here intervened and refused to hear further evidence in this matter, and, in his view, it was irrelevant to the issue.

Proceeding, witness stated that he had had a conversation, some four or five months ago, with Ahmed Mukhtar. It concerned Mahomed Shah, but he had not said anything bad. Ahmed Mukhtar had said to him that Pathans had come to him and he wanted to collect money for Mahomed Shah in order that he might be sent out of the country. Witness refused to have anything to do with this.

Gool Mahomed stated that he was a hawker living in Johannesburg. He knew Essop Mia very well, and came from the same district in India as the latter. He remembered a certain day two or three days after the assault upon Essop Mia. A certain Ebrahim Panchbhai had come and called upon him. This man was the same as the witness Ebrahim Dawood. He came at seven in the morning and asked him to accompany him, and, when asked why, Ebrahim Panchbhai told him that there was work for him and he should come along. He took witness to see Essop Mia, and witness asked the latter what he wanted with him. Essop Mia replied that he wanted to give him £10, so that he might be Essop Mia's witness in this case. Witness declined the money, and went away.

Cross-examined, the other accused had already been arrested at the time. He did not know what he was wanted to give evidence about, nor did Essop Mia say to him what it was that he had to state. Essop Mia had called him, because he knew witness. Witness went away because he thought that he wanted something wrong from him.

Ali Mawlana stated that he was living at Vrededorp in the Malay Location. He had been in the Transvaal nearly 22 years, and was a Malay. He knew Mahomed Shah. He himself was a Mahomedan. Mahomed

Shah often called at his place. He remembered the Sunday of the assault on Essop Mia. Mahomed Shah came to his house about six o'clock on the previous evening, and he slept there. He left the house on the Sunday evening about five o'clock. Mahomed Shah frequently stopped whole days with him teaching him the Koran. His wife and children were also in the house. Witness was certain that Mahomed Shah was never out of the house during the day up to nearly five o'clock.

Cross-examined: At four o'clock on the Sunday they prayed. Mahomed Shah was there at the time. They dined at one o'clock and Mahomed Shah dined with them. Immediately after dinner they commenced reading the Koran together, and continued right up to the time of prayer. He heard of Mahomed Shah's arrest the day after he had been arrested. He knew the place of the assault. It was about 500 or 600 yards away. He was certain that Mahomed Shah could not have been present at the time stated.

Jane Mawlana stated that she was the wife of the last witness. She knew Mahomed Shah, and remembered Sunday, the 17th May. Mahomed Shah had come to her house the previous Saturday night, and had stopped during the following day. He frequently came there. He left on the Sunday about five o'clock. They dined at about one o'clock, and Mahomed Shah never left the house, nor did she during the time. She would have noticed if Mahomed Shah had left the house. She afterwards heard about the assault.

Cross-examined: Mahomed Shah used to teach her husband the Koran in Arabic. He read the difficult words for her husband. They conversed in Hindustani, which, however, she herself did not understand.

Ali Mawlana was recalled in order to test his knowledge of Hindustani.

The defence was then closed. The Magistrate said that he did not consider that there was enough evidence against Mahomed Shah to send him for trial and, accordingly, discharged him.

Mr. Van Diggelen intimated that he reserved the defence of the accused Mansuk Madee, who was then committed for trial.

TRADING WITHOUT LICENCES. Mr. Essop, Ismail Mia, chairman of the British Indian Association, has sent letter to the Colonial Secretary, Pretoria, and to the Town Clerk of the Johannesburg Municipality respectively, stating that the association had reluctantly advised certain Indians, who had been refused hawkers' licences because they did not produce registration certificates under the Asiatic Act, to trade without a licence if the same is not granted.

Joh'burg Mass Meeting

Mr. Gandhi's Speech

Full Text

[SPECIAL TO INDIAN OPINION]

At the conclusion of the reading of the telegrams, that had been received from all parts of the Colony, Mr. Gandhi addressed the meeting as follows:—

The receipt of so many telegrams shows the unanimity with which the object of this meeting has been received, but, though I have read these telegrams to you, it is due to this meeting, due to the Executive of the British Indian Association, and due to the Transvaal public, to state also that there is, at this meeting, electricity in the air, and these telegrams by no means demonstrate the whole truth. The whole truth is that there is, even in this meeting, a number of Indians who are seething with discontent over what the leaders have done, and over what especially I myself have done, in connection with the compromise. There is a number of Indians in this meeting who believe, as the Chairman has stated in his speech, that the whole Indian community has been sold for selfish purposes. The Chairman has repudiated the charge, and so do I, but I do not blame my countrymen who bring that charge against me especially. Some of my countrymen tell me, and, perhaps, with some justification, that I did not take them into confidence, when I approached General Smuts on the strength of the letter that was placed before me in the gaol-yard, and it is better that I myself should voice their complaints. I believe that, in seeing General Smuts as I saw him, I acted correctly and in accordance with my conscience, but time has shown that they were right, time has shown also that I need not have gone to General Smuts as I did. What I did was simply and solely to accept voluntary registration that was placed before him for over a year by the whole Indian community. I felt that I was yielding nothing, not a single new principle, not a single concession, in accepting this voluntary compromise. I believed that I had full instructions from my countrymen to do so, but I believed too much. I did not know what was to come after. I did not know that there was to be a repudiation of the emphatic promise that was made in connection with the repeal of the Act. I know now that the compromise is not to be respected by the Government. General Smuts says that he never made any promise of repeal, but there are documents, which the world will see, which will show, at least, that there was a talk and a conversation with reference to the repeal of the Act. There are witnesses also in connection with it, but, as the Chairman has

rightly said, that is left for the lawyers to decide. The Indian community only knows, that the repeal, of the Act was the object, and that was the object which was to be gained by undergoing voluntary registration, but, to-day, the Indian community finds that voluntary registration has not sufficed the purpose. It finds also that it has become necessary to hold this Mass Meeting again, and it has become necessary again, perchance, if it is the will of God, to undergo the same measure of suffering, only far more bitterly. If, therefore, you find there is electricity in the air, I do plead guilty. I am responsible for it, responsible because I had too great faith in the statesmanship of General Smuts, in his honesty, and in his integrity. If my countrymen to-day believe that I have sold them, they have good reason to believe so, although no justification for it, in my own estimation. They can only judge me by the results obtained. They cannot judge, the world is not to-day so constituted that it will judge, men by the motives they ascribe to themselves, but by the result of their actions; and they judge me by the result of my action, the result of having foisted the compromise on the whole of the Indian community, and I include also the Chinese community, because although there were two other gentlemen who signed the letter that was addressed to General Smuts, they did so fully believing in my own good faith, fully believing that what I was doing was what they were all working for, namely, the repeal of the Act not only in word but in deed, not, indeed, to secure a revised edition of the Act, but to obliterate the Act and all its consequences, if the Indian community and the Chinese community voluntarily proved that they were capable of being trusted without any legal restraint. If they proved that the large majority of the Asiatics had entered the Transvaal with perfect right, and if they proved that the documents that they held were correct documents and were properly obtained by them, and were not fraudulent documents, then they undoubtedly believed that the Act would be repealed, that their position was to be much better than it would have been under the Asiatic Act. They believed also that they had fought for sixteen months, not merely to secure a nominal repeal of the Act, but to secure recognition for themselves as human beings, to secure a voice in the management of their own affairs, to secure a voice in the legislation that may be passed so far as they are concerned; not a voting paper by any means—a voting paper for the Indians or the Asiatics may not be worth the paper on which the signature might be put—, but they wanted a real voting paper, they wanted to be consulted before any legislation was passed. And what did they find? They found that there was a Gold Law, they found that there was a

Municipal Bill, both these Bills still further curtailing the rights of those having a right to remain in this country. Have they not every reason to believe that Gandhi has misled them? Have they not every reason to believe that they have no longer any business to suffer because Gandhi advises them to suffer? I see before me a warrior, a military man, who was my fellow-prisoner. He tells me "How shall I trust you? You have misled your countrymen, you have given eighteen finger-impressions. I have not. I hold my medals, and that is my registration. Another of his fellow-religionists, or a fellow Pathan, has assaulted me. He deserves every thanks for having assaulted me, because he believed that I was selling the community. He had no grudge against me, he was my client. He had a perfect right to do what he did, as I find now from the consequences that have been entailed on the whole of the Asiatic communities. Gentlemen, those who are here and whose influence reaches far beyond the four corners of this building go away from this meeting knowing full well what the consequence of General Smuts' act will be. General Smuts' act undertaken in the name of the white communities. I may understand, I may distinguish, but, just as my fellow-countrymen could not distinguish and they only had the remedy of assaulting me, another had the remedy of telling me that I had sold my countrymen, similarly it is not possible for them to distinguish between one white man's word and another white man's word, especially when that word happens to be the word of almost the highest man in the State. I state most emphatically and definitely that General Smuts did promise that he was going to repeal the Act, in the presence of the Registrar of Asiatics, if the Asiatic communities abided fully, frankly, and freely by the terms of the compromise, if the Asiatic communities enabled General Smuts to identify every Asiatic in the country, and if the Asiatic communities enabled General Smuts to see to it that there was no Asiatic who could surreptitiously enter into the country and not be found out by his Police. These terms the Asiatic communities have fulfilled, and yet we find to-day, we meet this afternoon to find out, that this Act is not to be repealed as it should be repealed, and that the promise of repeal is hedged in on all sides by such restrictions as could never be accepted by any self-respecting man. The passive resistance movement has been undertaken only to gain rights for the whole of the Asiatics who have a right to remain in this country, and not for a chosen few, and if there is one man, whom I can recall, who is in Ladysmith, who came to the country in 1883 and paid £25 to the Boer Government for remaining in this country, carried on a trade, and possesses European credentials—if he cannot enter this

country, I, for one, do not wish to remain in this country, if my countrymen before that time do not remove this head which seems to have done grievous wrong to them.

The Transvaal Trouble

Mr. Duncan's Letter

Mr. P. Duncan, C.M.G., has forwarded to the Press the following reply to Mr. Gandhi's letter which we published last week :

Sir,—Mr. Gandhi, in his letter of yesterday's date, makes the following statement :—" Asiatics were labouring under a cloud of suspicion up to January last. Mr. Duncan levelled the charge, and it was repeated even in the highest places, that there was an organised illicit entry of Asiatics. The fact that over 7,600 out of 9,000 have already proved their *bona fides* disposes of the charge. It was in order to refute that foul charge that voluntary registration was tendered," etc.,

I presume that Mr. Gandhi is referring to statements made by me as Colonial Secretary in the Legislative Council. What I said there was based on actual cases with which I had to deal in my official capacity, and I have seen nothing since then to lead me to alter the conclusions which I drew from these cases.

Mr. Gandhi says : " The fact that over 7,600 out of 9,000 have already proved their *bona fides* disposes of the charge." I cannot follow his argument. I do not know what the figure 9,000 is supposed to represent. According to the census there were 10,306 Asiatic males in the Transvaal on April 17, 1904. That figure is certainly not over the true number of Asiatics in the country on that date. If incorrect at all it is probably under the mark. But, assuming for the sake of Mr. Gandhi's argument that there were only 9,000 Asiatic males in the Transvaal in January last, I fail to see how the fact—if it is a fact—that 7,600 of them have " proved their *bona fides* disposes of any statements made by me about the illicit immigration with which I had to deal when in office. If Mr. Gandhi chooses to regard these statements as " a foul charge " I cannot help it. The words are his own, not mine. But I shall require some better proof that my statements were not founded on fact before I can regard them as " disposed of."

I do not wish to be understood as expressing any opinion on the merits of the present controversy between the Colonial Secretary and Mr. Gandhi.

Mr. Gandhi's Rejoinder

Mr. Gandhi has replied to the above letter in the following terms :

Mr. Duncan's letter with reference to the charge, which, with all deference to him, I must still continue to

describe as " foul," as to an organised illicit entry of Asiatics enables me to explain the position more fully to the public.

It is the charge of *organised* illicit entry that Asiatics have always denied, and which only it was in their power to deny. One swallow does not make a summer, nor can isolated cases of unlawful entry be used to condemn a whole community. The charge was threefold :

(1) That Asiatics entered on permits which were not their *bona fide* property ;

(2) That they entered on permits fraudulently obtained ;

(3) That they entered on forged permits.

And it was in order to test whether the documents held by the Asiatic communities at the time were so tainted or not that the Bill was brought in.

With reference to the 9,000 applications, it is admitted in the Governor's Speech that almost all the Asiatics in the Colony have tendered voluntary registration. I, therefore, assume that, in January last, there were 9,000 Asiatics in the Colony. They have all tendered their documents, and, on the strength thereof, 7,600 have already been proved to have been legitimate residents of the Transvaal. As a matter of fact, the balance of the applications have not yet been rejected. On the contrary, most of them will probably be able to establish their *bona fides*. Their claims are still under consideration only because of the deadlock that has ensued, that is to say, they are holders of Dutch Registration Certificates, which General Smuts has declined to recognise as sufficient title to residence in the Colony.

I may add that, according to the figures supplied by the Registrar of Asiatics, over 13,000 permits have been issued and are now in circulation. Of these, under voluntary registration, 8,500 (assuming 500 are represented by Dutch Registration Certificates) have been called in, and, if, out of 8,500, 7,000 have established their title, will Mr. Duncan allow me to claim that there was no *organised* illicit entry ?

With reference to the 4,500 outstanding permits (and they are outstanding because those Asiatics are outside the Colony), I make bold to say that it will be found that very few of these permits are tainted.

The Indian community has never endeavoured to challenge the statement that that there was *some* illicit immigration of Asiatics. All that was stated in 1906, and I make bold to repeat, is that the evidence adduced was not, and is not now sufficient to establish the charge of *wholesale* fraudulent entry. The Peace Preservation Ordinance was enough to deal with isolated cases. The compulsory measure was brought in because of, and was based upon, the assumption that, Asiatics would not voluntarily

allow their claims to be examined because they were largely tainted with fraud. Hence the offer of voluntary registration and hence also my statement that the result of voluntary registration has disposed of the foul charge of an organised illicit entry of Asiatics.

The "Rand Daily Mail"

Our Johannesburg contemporary the *Rand Daily Mail*, in its issue of the 18th instant, comments as follows on the crisis :—

It would be well if the Colonial Secretary took an early opportunity of frankly telling the public what is the position with regard to the Asiatics in the Transvaal. It is no secret that there was, until a few days ago—and indeed there may be even now—a grave danger that the compromise arrived at last January would be broken, and the whole dispute reopened. The difficulty seems to have arisen because each side interpreted the agreement—a verbal one—in a different manner. When voluntary registration was arranged, Mr. Smuts distinctly stated that it would have to be legalised when Parliament met. Nothing was said about the repeal of the Asiatic Law Amendment Act, but as very little was published concerning the terms of the compromise, the matter aroused but little interest. It is certain, however, that the Indian community believed repeal had been promised, and it appears equally certain that a week or so ago the Government had not contemplated to repeal, but on the contrary were preparing merely to legalise the voluntary registration under the Act. In the absence of any public statement from either side, it is impossible to say upon what evidence the different cases were based, though it is plain from the fact that a number of the Asiatics applied for the return of their registration application papers, that a serious struggle was anticipated. Then came an interview between Mr. Smuts and Mr. Gandhi, and " representations " from the Imperial Government, the sequel being the reported decision of the Government to repeal the Act. We do not imagine, however, that the action of the Colonial Office went very far. Probably it was confined to friendly representations on behalf of the Indians, without the slightest attempt to force the hand of the Transvaal. We are inclined to make this assumption because there is evidence of a better appreciation in England of the difficulties which face a Colony with a large Asiatic population, and consequently a lessening of the tendency to hastily interfere. The recent debate in the House of Lords on the proposed new Indian legislation in Natal produced quite notable evidence of this broader attitude. Viscount St. Aldwyn, who represents perhaps the older school of Imperial statesmen and is certainly not violent-

ly pro-Colonial, said that "Personally he did not see that because Indians were fellow subjects of the King, therefore they had the right to the position of what was, after all, the dominant race of the British Empire, and to be placed on the same footing in Natal as the British race or the Dutch race there." We believe therefore that there is no question of Imperial "interference" in this matter in the Transvaal.

Moreover, we believe that Downing Street will find the public of the Transvaal prepared to discuss the whole question in a calm and reasonable spirit. In the first place the continued existence on the Statute Book of the Asiatic Law Amendment Act does not appear to be a vital necessity. It was passed chiefly to carry out a system of registration which had been devised to safeguard the white population against an influx of Asiatics. That object has been achieved. "Practically," said the Governor's Speech on Monday, "the whole Asiatic population of this Colony, to the number of 9,072 have tendered voluntary registration, and provisional registration certificates have already been issued to 7,617 Asiatics lawfully resident therein." In these circumstances it seems to us that if the Government provide for the adequate protection of the white population the Colony against an Asiatic invasion, it does not matter a jot whether that protective measure is labelled the Asiatic Law Amendment Act of 1907 or the something else of 1908. The Europeans of the Colony are not spoiling for a fight with the Asiatic population. They would rather the Indians were not here, but as they are here, and cannot be ejected, we must make the best of a bad business. All that is necessary is that it should be certain that there is no constant infiltration of Asiatics who have no claim to be in the country. If Mr. Smuts can give an absolute assurance on this point, it does not appear to us to be a matter of supreme importance whether the 1907 Act is left on the Statute Book or not. There is quite enough to do in the Transvaal without carrying on an unending wrangle with ten thousand Asiatic residents, and writing interminable explanations in answer to the representations of the Home Government on their behalf. Indeed, now that registration has been carried out it would be better to stretch a point in favour of meeting the susceptibilities of the Asiatics who are entitled to be here than to have the distraction of another quarrel over a point which has become academic rather than of practical importance. Looking calmly and dispassionately at the whole matter, it seems to us that both the Government and the Indians would be well advised to do their best to arrive at a settlement. After all the finger impressions have been taken, the spirit of the law at least has been complied with, and it would be foolish to re-open

the whole affair just when the public believe it to be amicably settled.

The chief danger lies in the continued silence of the Government. Mr. Smuts has not stated what his policy will be. But in the meantime we have assertions in Pretoria, and rumours in Johannesburg, and cables from London, all tending to make the public suspicious and alarmed. Unless some plain statement is made, the importance of the point in dispute may become exaggerated in the public mind. As we had said, we do not attach very great importance to the precise manner in which the end is gained so long as we are satisfied that that end is the assured protection of the white population. But on this Asiatic question public opinion in the Transvaal is very prone to take alarm. It would not be difficult to rouse an agitation which would practically force the Government to abandon the compromise idea altogether. An impression may easily be created that the real and vital issue is that of the repeal of the 1907 Act, and that upon that issue depends the whole future of the Asiatic problem in this Colony. In our opinion the issue is nothing of the kind, and it is because we hold this view that we do not want to see the Government's hand forced by an outbreak of popular antagonism based upon a misconception. The wisest course the Government could pursue would be to take the public fully into their confidence. If they do not do this they may find out, too late, that the public have prejudged the whole case in such a manner as to render any settlement very difficult.

Transvaal Parliament

The Asiatic Trouble

HOUSE OF ASSEMBLY.

June 30.

MR. A. STOCKENSTROM (Heidelberg) asked the Colonial Secretary whether, in view of the prevailing uncertainty in the public mind, he was prepared to make a statement on the present position of the Asiatic question, and the Government's policy thereon.

THE COLONIAL SECRETARY replied: Mr. Speaker, I shall be glad if the hon. gentleman will leave this matter over for a couple of days, when I shall be prepared to make a statement on the subject.

TRANSVAAL SUPREME COURT APPLICATION. We have received copies of the affidavits filed in the matter of Ebrahim Ismail Aswat vs. Montfort Chamney, in which the applicant applied for an order directing the respondent to hand over the applicant's application form for voluntary registration, together with certain documents filed therewith. We hope to reproduce them later in this journal.

Maritzburg Hindu Young Men's Association

At the usual weekly meeting of the Hindu Young Men's Association on Sunday, the 21st inst., Mr. R. M. Sodha, Hon. Secretary of the Sanatan Hindu Dharma Sabha, Tongaat, addressed the meeting. He said that he came on an important mission and that was to gather funds to build Hindoo Temples and Schools at various centres in Tongaat. Already many influential Indians had donated plots of land for this purpose. The meeting promised to convene a special meeting to consider Mr. Sodha's request.

Southern Rhodesia Affairs

Letter from the Congress

The following is a copy of a letter addressed by the Natal Indian Congress to the Secretary of the British Indian Committee, London:—

Dear Sir,—We beg, on behalf of the Natal Indian Congress, to draw the attention of your Committee to the passing of the Asiatic Registration and Immigration Ordinance in the Legislative Council of Southern Rhodesia.

This measure has for its object the reduction of the Asiatic (mostly Indian) population of that territory to the narrowest proportion, and the local administration apparently proposes to accomplish this by enacting a measure more drastic in its terms than the corresponding law of the Transvaal, and incorporating also provisions specially directed against Asiatic immigration.

The Congress feels that racial legislation of this extreme character cannot in any way commend itself to your Committee. There can be no possible excuse for its introduction. The Asiatic population of Southern Rhodesia, according to official statistics, was, in September of last year, not in excess of some 850 souls. The Territory is enormous in extent, but sparsely populated, yet capable of bearing a very large and energetic population. The Indians who are affected are occupied in trade, agriculture, and domestic service. Prices rule extremely high, and there is great need for the qualities of thrift and simplicity of life so remarkably displayed by our fellow-countrymen.

It is known that Indian Immigration had been unimpeded up to the year 1903, but that, after that, owing to immigration regulations, it was reduced. Yet during all this time the total number of Indians resident in the Territory does not much exceed 850, including those who are absent from the country. There has never been any genuine allegation of an overwhelming influx of Asiatics. We would remind you that there is already in existence an Immigration Law in

Southern Rhodesia which effectually prevents the entry into that Territory of any person not legally entitled to enter, and, consequently, a special anti-Asiatic immigration measure is calculated to degrade and stigmatise a community wholly undeserving of such a fate.

Whilst there are many provisions of the proposed law which are in the highest degree objectionable, the Congress feels that the basic objection must be to the whole spirit of the new legislation. It is manifestly a degraded copy of the almost equally objectionable Transvaal Act, with a special anti-Asiatic Immigration Act superadded.

Although the numbers of our brethren in Southern Rhodesia are infinitesimal, as compared with the Indian population of South Africa, the Congress feels that a vital principle is at stake. What may be attempted successfully in a small degree in that Territory may eventually be enforced, against the whole 150,000 Indians who have made their homes in this sub-continent, and if the present generation of Indians, not born in the country, feels the insult and stigma put upon them by legislation of this nature, how much more will our sons, born and bred in South Africa, feel the degradation that will be imposed upon them if this enactment should become law?

Moreover, the Congress feels that, Southern Rhodesia being a Territory that has not been granted completely self-government, the Imperial authorities are directly, as well as ultimately, responsible for the well-being of the Indian section of the population, and upon them devolves the responsibility of setting an example, by sanctioning this measure, that is certain to be eagerly followed by the self-governing Colonies of South Africa, who will certainly copy it in much the same manner as Natal sought to copy Lord Milner's action immediately after the proclamation of the famous Transvaal Bazaar Notice.

We understand that the Southern Rhodesian Indians, few as their numbers are, have already taken steps to approach the Imperial Government, to secure its rejection of the measure. But even were that not so, we feel that it would be incumbent upon your Committee to intervene actively on their behalf.

For these reasons principally, we are authorised by the Congress to approach your Committee and earnestly to request you to do your utmost to prevent His Majesty's sanction being given to the promulgation of this most objectionable enactment. Indians in South Africa regard with dread the encroachments being made continually upon their already limited franchises, and they do feel that the underlying principles of the Republican anti-Asiatic legislation, the unhealthy product of a reactionary regime, ought not to be extended to

British territories where it has hitherto been unknown.

We are, etc.,

Yours faithfully,

(Sgd). M. C. ANGLIA,

" DADA OSMAN,

Joint Hon. Secretaries,
Natal Indian Congress.

Late News

[SPECIAL TELEGRAM]

Johannesburg, Thursday.

The Supreme Court Case application of Mr. Ebrahim Ismail Aswat has been dismissed with costs by Mr. Justice Solomon.

Mr. Gandhi is publishing in the Press the complete correspondence between himself and Mr. Smuts, and writing to the Press stating that the object of the application to the Supreme Court is to place voluntarily registered Asiatics on the same basis as those whom Mr. Smuts wants to deprive of the rights of domicile.

Mr. Gandhi points out that Mr. Smuts never repudiated the terms of the letter of the 22nd February reiterating the promise to repeal the Registration Act and enclosing a draft of the repealing legislation, nor did Mr. Smuts repudiate the distinct averments in the later correspondence, but consistently evaded a direct reply to the questions therein.

Mr. Gandhi adds that just after the assault upon him, Mr. Chamney visited him at the Rev. Doke's residence, and, together, they drafted a notice to allay the Asiatic feeling, for publication in the *Gazette* and elsewhere, definitely promising repeal of the Act if the Asiatics faithfully carried out the compromise. This draft notice was not published, at Mr. Chamney's request, because the excitement had been allayed by the efforts of the Asiatic leaders.

Mr. Gandhi challenges Mr. Chamney to produce this draft notice and reiterates that Mr. Chamney several times assured him that Mr. Smuts would keep his promise to repeal the Act.

The letter further states that, a little over a month ago, Mr. Gandhi met Mr. Chamney by appointment at Winchester House, Johannesburg, when they actually discussed the repealing legislation submitted in the letter of the 22nd February, and Mr. Chamney, in the main, approved. Finally, he says, though promise to repeal the Act is denied, Mr. Smuts is now willing to repeal the Act if the Asiatics submit to the rights of domiciled Asiatics and educated Asiatics, safeguarded under the Immigrants' Restriction Act, being taken away.

The Immigration Restriction Test Case

Mr. Sorabji Shapurji's Qualifications

Mr. Sorabji Shapurji, who has entered the Transvaal, is an Indian Parsi, and was educated at Bombay. He studied up to the Matriculation Examination of the University of Bombay, and has been Manager of Mr. Hajeer Hassam of Charlestown for some time. He holds splendid testimonials from well-known residents of Charlestown, and he holds also a passport signed by Sir Matthew Nathan, which requests, in the name of his Britannic Majesty, all those whom it may concern to allow Mr. Sorabji Shapurji, travelling in Africa, to pass freely and to afford him every assistance and protection of which he may stand in need. The situation is somewhat ironical, in that this passport will protect Mr. Sorabji anywhere in the foreign parts of South Africa, but not in British Africa. The passport is valueless and Mr. Sorabji may be arrested, in the Transvaal, for being a prohibited immigrant. The Government have not yet laid their hands upon him, but Mr. Sorabji is determined to test his right to remain in the country under the Immigrants' Restriction Act, and to brave all the dangers and risks.

ALLEGED FALSE CERTIFICATES. The Pretoria correspondent of the *Rand Daily Mail* says: The startling discovery has been made that registration certificates under the Registration Act of 1907 have been forged and issued. . . . The alleged forgeries and hardly distinguishable from the genuine certificates issued from the office of the Registrar of Asiatics. The forms are identical, the filling in his cleverly done, even to the finger-print impressions of the holders, and the only point where they fail is in the imitation of the signature of the Registrar (Mr. Chamney).

PHENOMENA OF PASSIVE RESISTANCE. Writing on the forthcoming Native legislation in the Transvaal the *Pretoria News* says:—We have already seen an attempt at legislating for a certain body without the consent of that body, and without consulting its leaders, result in a humiliating fiasco. The natives followed very keenly the constitutional conflict between the Indians and the Government. If they were to organise a passive resistance movement on a large scale the situation might at any moment become serious, since the natives are by no means so well disciplined, so philosophic or so patient as the Indians.