

# Indian Opinion

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## Indian Opinion

SATURDAY, JULY 18TH, 1908.

### The White Man's Word

THE Asiatic situation in the Transvaal changes from day to day, and it is not safe to predict anything in connection with it. Of one thing, however, every Asiatic has assured himself, and that is that neither General Smuts nor the Registrar of Asiatics can be trusted to do the right thing, and in this we very much fear that, in the estimation of the average Asiatic, the credit of the white community in the Transvaal is impeached.

General Smuts and his henchman Mr. Chamney have sworn to the statement that the former did not promise at the interview he accorded to Mr. Gandhi to repeal the Asiatic Act. The interview took place on the 3rd day of February. On the 6th day of February General Smuts is reported thus to have referred to the repeal, in his speech at Richmond. "He had told them (the Asiatics) that the Law would not be repealed so long as there was an Asiatic in the country who had not registered." And, again, "Until every Indian in the country had registered the Law would not be repealed." On the 22nd February Mr. Gandhi wrote to General Smuts, making suggestions as how repeal should be brought about, giving an outline of

the replacing legislation. This letter was acknowledged, but reference to repeal was not contradicted by General Smuts. Each time that the promise of repeal was discussed in Mr. Gandhi's letters, the matter was evaded in his reply by General Smuts.

A most unfair and unnatural interpretation is being put upon the following passage deliberately inserted by Messrs. Gandhi, Naidoo and Quinn in the letter addressed to General Smuts from the Johannesburg Gaol: "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." General Smuts contends that the men affected by it should have undergone voluntary registration within three months.

The same letter states that the Act shall not apply to those who undergo voluntary registration. And yet we see in the Transvaal Press a circular letter over the signature of the Registrar of Asiatics stating that: "It has been decided that Act No. 2 of 1907 is to remain on the Statute Book" and that all Asiatics should furnish, under it, thumb-impressions before obtaining their licences. Probably, under certain circumstances, we should have no objection to thumb-impressions, but we hope that there are not many Asiatics who would so demean themselves as to place themselves under the Act by giving their thumb-impression or even their signatures, as a symbol of their acceptance of the Act. But does not this in itself contradict the promise made by General Smuts that the Act will not apply to those who register voluntarily? He has given this promise not only by accepting the letter we have referred to, but also in a private letter to the effect that he has repeatedly assured Asiatics that those who have taken out voluntary registration certificates will not be brought under the Act.

General Smuts enjoys a reputation for ability, statesmanship, and level-headedness. We think that, in the action that he has taken over the Asiatic Act, these qualities are conspicuous by their absence, and he shows most clearly that, if he represents reasonable white opinion in South Africa, Asiatics will never again be able to trust to a white man's word in this sub-continent. We hope that those Europeans who, we are sure, condemn General Smuts' action, will have courage enough to do so publicly, and demonstrate that, in the manner of carrying out his Asiatic policy, he by no means represents unanimous European feeling. Differences of opinion we shall always have. The question of licences, of immigration, and all the other questions that arise out of the Asiatic problem can

be calmly discussed and settled. But there cannot be any difference of opinion as to whether any policy that may be laid down is to be based on honesty or dishonesty. If the Transvaal Government is strong enough to carry out its anti-Asiatic policy General Smuts had no need to resort to subterfuge, strained interpretation and dishonesty. We have used strong expressions, but they are justified, even though they be applied to a high functionary. If we were to say less than this, it would be simple hypocrisy, and by resorting to such a method we should be serving neither the Indian cause nor the European community.

### THE CIRCUMSTANCES SURROUNDING

the Clare Estate murders do not furnish very pleasant reading. The allegations of the Congress are sufficiently important to merit official inquiry. Why were the bodies of the unfortunate victims left exposed for some days after a complete medical inspection could have been conducted, in spite of the repeated requests that they should be handed over for burial in accordance with the Mohammedan rite? We feel that the action of the Government was the very opposite of considerate, and its negligence to ensure that the common decencies should be observed amounted to little short of a public scandal. Another point that merits notice is the unprotected condition of this district. We believe that repeated representations had been made to the proper authorities on the subject, but apparently without result. Loss of life, even though it be Indian, is but a poor exchange for a niggardly retrenchment. Will the recent unfortunate affair bring about better results? But, if so, what a price to pay for the elements of civilisation in a highly-developed community!

### WE DRAW ATTENTION TO THE CORRESPONDENCE WHICH HAS

been forwarded us for publication by the Honorary Secretary of the Hindu Smashan Fund. The question between the Secretary and the Government is perfectly simple. It is a very well-known fact that Hindus cremate their dead. Perhaps the Government are taking advantage of the fact that, hitherto, the practice has been honoured more in the breach than the observance, so far as the Hindus of the Colony are concerned; but we should have imagined that the Government would, immediately the people wanted to fulfil their religious

obligations, have yielded to their request, when fulfilment of such obligation was not contrary to public morals or public safety. Cremation, as a matter of fact, is, as pointed out by the Secretary, considered a highly scientific method of disposing of the dead. We, therefore, trust that the Government will carefully consider before an agitation of a delicately religious character is set up in the Colony. This is a matter in which Mahomedans, Christians, Parsis, Indians and Europeans, can extend their sympathy and help, because what may today be an attack on the religious liberty of Hindus may, to-morrow, become an attack on other religions.

#### THE WITWATERSRAND CHURCH COUNCIL

deserves every credit for its efforts to bring about the removal of a hideous evil from the life of the Rand. In another part of this issue we publish a memorandum of the Church Council, recounting the negotiations with the Transvaal Colonial Secretary, the object of which was to secure the repeal of the Opium Ordinance. The facts adduced by the Council are astounding, but what is still more amazing is to find the Colonial Secretary obdurate to all argument. He cannot or will not see that the passing of another year may cause the existing evil to take such deep root amongst sections of the community which, at present, are comparatively immune from the curse, as no legislation then conceived can eradicate. Equally difficult to understand is Mr. Smuts' deafness to the appeal of Mr. Quinn and his Association for help in removing the temptation from those of the Chinese community who are unfortunately addicted to opium smoking. We should have thought that, in a Christian country, a Minister of the Crown, professing the Christian faith, would have remembered the prayer: "Lead us not into temptation, but deliver us from evil." Unhappily, the Chinese reformers must struggle alone for yet another year, and the evil must remain to contaminate all those weak souls whose wretched lot may lead them within its fatal influence.

A SELECT COMMITTEE HAS BEEN appointed by the Transvaal House of Assembly to investigate once again the pros and cons of early closing, with a view to the introduction, during the present session, of legislation bearing upon the question. When the Regulations, that had already been gazetted, were suddenly withdrawn by the Government, last year, in response to the clamour of a section of the small storekeepers along the Reef, we expressed our great regret thereat, because, apart altogether from the principle of early closing at a uniform

hour, with which we are in entire agreement, we believed that the enforcement of these Regulations would dispose for ever of that hoary myth of unfair Asiatic competition. The Indian community has always expressed its endorsement of any legislation of a general bearing, and calculated to further the public interest. If it bear hardly upon individuals, that must be the measure of the working loss consequent upon the operation of the machinery of reform. In matters calculated to promote the general welfare of the community, the public has a right to look for the co-operation of British Indians. The latter have always insisted, however, that these ameliorative measures shall be genuine, and not, as with the Dealers' Licences Act of this Colony, as wolves masquerading in sheep's clothing. The Natal Licensing Law is, in form, of general application; in practice, it is enforced only against British Indians. Such a reproach could not well be directed against a measure of such general utility as an Early Closing Law, where so many interests are at stake and far more important principles involved. If only from a purely selfish motive, therefore, we would welcome the passage of a measure incorporating the essential points of the rejected Regulations of last year. We are certain that there will be very few successful prosecutions of Indians, should a law of this nature be enacted.

#### THE PARLIAMENTARY PAPER ISSUED

by the Colonial Office on the subject of the tenure of land in the East African Protectorate contains one or two points of interest to British Indians in other parts of the world. The Governor of the Protectorate accepts the view that the uplands should be reserved for white colonisation. But it is difficult to understand why, if the Indian colonist is able to fulfil all the onerous conditions of settlement outlined by Lord Elgin, what possible objection can there be to him. And why, under Imperial auspices, should this wretched policy of segregation be adopted? Suppose India were to adopt a similar policy; what a furious storm of protest would be aroused! British Indians largely made it possible for British settlers to obtain any foothold on the East African Coast. They were the first pioneers. Are they now to be rewarded for their initiative by being debarred from colonising the healthy lands? And why should allotments of land outside this area be given to the Indian agriculturist and not to the Indian trader? Presumably, the European of any occupation may be given allotments. Why not the Indian? Differential treatment of this kind does not much advance Indian appreciation of the white man's impartiality. It all reads too-much like the fable of the monkey

and the cats who grumbled about the pieces of cheese. Eventually by dint of impartially biting each cat's portion, he equalised affairs by absorbing the whole of the matter of contention, much to the disputants' dismay. With a little good fortune, even the Indian agriculturist may find his allotments gradually disappear, on one pretext or another, and eventually, as in other parts of Africa, discover that he is landless, and a helot on a white master's domain.

#### COMMENTING UPON MR. MACKENZIE KING'S IMMIGRATION REPORT

to the Canadian Dominion Government, the *Times* says: "Generally there is at the bottom of such restrictions a desire to keep up wages or, at all events, to prevent white men from being 'undercut' by those whose wants are simpler and fewer, and who can live and even save upon wages totally insufficient for ordinary Europeans. Perhaps there is present an unavowed fear of the efficiency of the Oriental. But that is not the whole truth. A confidential memorandum, which is not published, accompanies Mr. Mackenzie King's report, and we shall be surprised if the former does not state that which is the core and kernel of the matter. The Colonies are not prepared to admit all comers to citizenship or permanent abode. There is anxiety—to outsiders it may seem at times exaggerated anxiety—as to the introduction of elements which, however likely to make efficient workers, are not calculated to make good citizens." What is the meaning of this last statement? What is meant by the expression "good citizens"? It is most difficult to say. In England, one is considered to be a "good citizen" if one be sober, thrifty, industrious, intelligent, contented, law-abiding, amenable to improving influences, capable of the exercise of judgment within one's sphere of knowledge. We submit that, in the mass, the British Indian possesses all these desirable qualities, yet, although the Britisher coming to South Africa, seeking wealth and material advantage, and frequently exercising a most unwise discretion, is regarded as a "good citizen," the British Indian coming here, and possessing all the known attributes of "good citizenship" is immediately disfranchised and kept in a condition of political helotage. The same argument was used against the Russo-Jewish emigrant to England. Yet, if not he himself, his child, born in England, can scarcely be distinguished from the Englishman in his devotion to the ideals of citizenship, and, on a small scale, we see much the same thing happening within the narrower limits permitted them, amongst the Colonial-born Indians of South Africa. We are afraid that the habit makes the monk, and because for the moment,

in the midst of insuperable difficulties a man is observed not to rise to the lofty ideals which none of us attain in the best of circumstances, we deduce that, under no possible conditions, however favourable, can he or his children approach them. It is a fallacy of terrible frequency, this of judging the wearer from the coat, but a common error where prejudice rules and not reason.

WE HAVE NO HESITATION IN TAKING over from the *Lourenco* **Bad If True** *Marques Guardian* an extract from the report of the Administrator of the *circumscripção* Manhiça. It condemns the white and Asiatic traders of the interior, and though the Asiatics are compared favourably with the whites, the statements regarding them are sufficiently serious to cause anxiety. If the practices attributed to the Asiatic traders be true, it behoves the better-class Indians in Delagoa Bay to take the necessary steps to root out the evil while yet there is time. Indian traders should have nothing to do with the wine trade, and they should take pride in keeping up the ancestral honesty in business. We hope that there is no truth at all in the allegation as to the sale of half-caste female children.

### Natal Parliament

LEGISLATIVE ASSEMBLY,  
July 14.

#### Indentured Labour

The COLONIAL SECRETARY moved the second reading of the Indian Immigration Prevention Bill. He pointed out the dangers of the present position, with the Indians outnumbering the Europeans, and increasing, and the Europeans decreasing. There were 61,441 free Indians in the Colony, 33,444 indentured Indians, and 7,972 re-indentured, and many more had been requisitioned for from India. If some attempt were not made to check the influx, the Europeans would be crowded out, and the livelihood taken away from their children. The Government recognised the serious position of immediately cutting off this labour supply, and had carefully considered that point. At the present time the Government did not see how they were going to procure native labour from outside the Colony. At one time they had hopes of obtaining native labour from Portuguese territory, but an agreement between the Rand magnates and the Portuguese authority, constituting a monopoly, prevented that. Asiatic labour must be discouraged and put a stop to in South Africa. Legislation had been passed in other Colonies, and, if they wanted to come into line, it behoved them to make a move in that direction. The time had come when the

House should inquire carefully into the matter. As the Government could see no way to replace the Indian labour with any outside labour, he thought the best way the situation could be met would be by appointing a Commission, such as would point out that they were in earnest in tackling the question, and to show the way in which Natal could put its nose in order.

Mr. SMYTHE said that if Government thought it necessary to appoint a Commission, there was nothing to prevent them. Why did they introduce the Bills? They had committed a breach of faith with the House in introducing the Bills at the present time. The Government had not acted on the resolutions passed by the House last session. The House empowered the Government to enter into negotiations with the Government of India with reference to the termination of the indentures in India, but they had taken no steps in the matter. Instead of that, they went to Pretoria, and supported the resolutions there brought forward.

Sir LIEGE HULETT strongly opposed the Bill on the same lines as Mr. Smythe. The measure was inconsiderate. It was proposed to rob the industries of the Colony of their labour, without giving them anything in lieu thereof. Indians were first introduced to save the Colony from absolute ruin, as the industries had outstripped the available labour. From the day when the introduction of Indian labour was started, Natal's industrial prosperity commenced.

He favoured the amending of the present Act to such an extent that it would be easy for free Indians to come again into the indentured labour market. He favoured the whole question being submitted to a carefully appointed Commission. He pressed for the withdrawal of the Bill, and the appointment of a committee of investigation. He considered that the native labour market at the present time was unable to meet the demands of Natal's industries.

Mr. WINTER hoped the Bill would not be withdrawn at that stage, though many found it a difficult Bill to support. He would like to see indentured labour stopped, but the Colony was so dependent upon it that he could not support the Bill, much as he would like to, unless the Government guaranteed a substitute. He would oppose the Bill.

Mr. WYLIE heartily supported the measure.

Mr. BRUNNER said that the Indian as a labourer had not been a curse, but a blessing. He opposed the Bill, and thought it would be cruel in its effect upon certain industries.

Evening Sitting.

Mr HAGGAR continued the debate on the motion for the second reading of the Indian Immigration Prevention

Bill. He declared that the arguments against the Bill amounted to the contention that public interests must be sacrificed to private gains.

The white workers of the Colony had made up their minds that the curse must be wiped out, and the Assembly had to do it.

Mr. CHURCHILL did not think that the stoppage of the introduction of Indian labour would have the disastrous effect that might have been contemplated a few years ago.

He had made extensive inquiries in regard to this subject, and the information he had received led him to support the present Bill, which two years ago, he would have opposed.

Mr. YONGE traced his own connection with the Indian question. He had believed 25 years ago that the indentured system might have been stopped without any undue hardship, but perhaps that was not so possible to-day. He did not think Ministers had done their duty in the matter of the termination of indentures in India. He thought that the Trappists provided a proof that white men could do the work. He urged that negotiations should be reopened with the Indian Government to bring about the termination of indentures in India. He could not support the Bill.

Mr. ARMSTRONG thought the Bill would be a calamity, as it would mean stoppage of industries. He did not look upon the Indian immigrant as a desirable, but no provision was made otherwise for an adequate labour supply.

At 10.5 p.m. the debate was adjourned until the next sitting of the House.

July 15.

Mr. CHURCHILL asked the Prime Minister: (a) What steps have the Government taken to carry out the resolution of Parliament, passed on the motion of the hon. member for Newcastle (Mr. Johnstone), which reads as follows: "That in the opinion of this House, it is desirable that during the recess the Government should enter into negotiations with the Government of India through the Right Hon. the Secretary of State for the Colonies for the purpose of making alterations with regard to Indian immigration, whereby immigrants should be repatriated at the expiration of their term of service." (b) Has any correspondence taken place with the Government of India on the subject of repatriation of Indians at the expiry of their indentures since that resolution was passed? If so, will the Prime Minister lay all the papers on the table of the House?

In reply, the PRIME MINISTER referred the hon. member to a reply given to a question on June 17. The papers had been laid on the table.

Mr. CHURCHILL said that he had looked at the papers, and found they did not refer to the subject of his

question, but to the Municipal Corporations Act.

The PRIME MINISTER said he was prepared to deal with the papers at the proper time. His action had been a correct one.

#### Indian Trading Licences

The COLONIAL SECRETARY moved the second reading of the Indian Licences Stoppage Bill. He pointed out that the number of Asiatic Licences had increased from 393 in 1895, to 1,008 in the present year, and the result had been the driving out of the European trader. The object of the Bill was to prevent the further extension of Asiatic trading, and to provide an opening for the employment of the European children of the Colony. It might be said that the Bill was un-English, but under the circumstances, when they were driven to look after their own interests, he thought the Bill was justified. . . . He was pleased that the Colony had awakened to the curse which was upon them, because there was no doubt it was a curse. He moved the second reading of the Bill.

Mr. SMYTHE said he could have appreciated the speech of the Colonial Secretary better if Law No. 18 of 1897 were not in existence. Under that law the licensing officers had full discretion as to whether they should issue dealers' licences or not. There was an appeal to the Licensing Board. If these men were a disadvantage to the Colony, they would have heard more about them. There had been a desire to encourage these traders, and they had received more liberal terms from merchants than white traders. There was no chance of Natal becoming a second Mauritius, so long as law No. 18 of 1897 existed. The Bill made no reference to other traders, such as Chinese, who were probably even more undesirable than the Indians, who, as British subjects, were entitled to consideration. By this Bill they were inviting a wrangle with the Imperial Government, and the Indian Government, which could be avoided. He was of opinion, that the action of the Government should be taken in the direction of amending Law 18 of 1897, to make the Licensing Boards elective boards. If there was a genuine desire to restrict the Indian trading, then it could be done under that law.

Mr. EVANS thought, however they might deal with the Indians who had come to the Colony on their own accord, he thought it would be unfair to prevent Natal-born Indians from trading. There were some articles dealt in by Indian traders which were peculiar to themselves, some articles connected with their faith. He joined with Mr. Smythe in his remarks regarding the claims of the British Indian, and in regard to the efficacy of the laws at present in force. If they passed these Bills they would place the Home authorities in a most difficult position, and

he questioned the wisdom of the step.

Mr. CLAYTON promised his support to the Bill. He did not anticipate any conflict with the Imperial Government in regard to the Bill. It was not proposed to deprive anyone under this Bill of rights at present possessed. It differed from another Bill which the Government were introducing.

Mr. TAYLOR held it was a standing disgrace that the officers entrusted with the carrying out of the law of 1897 had not carried out the object of the law, which was to restrict the further issue of licences to Asiatics. He knew, for a fact, that bribes had been accepted. He regarded the Asiatic traders as parasites. It was unfair to ask white traders to compete against the Asiatics, who lived on practically nothing. It was unfortunate that there were a number of semi-idiots in the Home Parliament who would not take the trouble to understand the position. If the Imperial Government did not sanction the Bill, he would pass it again and again, year after year, until it was established. He would have the Imperial Government informed that the Colony would carry out the law in spite of anything that might be said.

Mr. ROBINSON said that he could not support the measure. He was afraid that there was an inclination to go to extremes. The Bill was not limited to the holding of storekeeping licences: it affected licences in many directions. It would prevent Indians even becoming hawkers. If they stopped the Indians from trading, the next outcry would be to stop them entering the professions, and the next would be to stop them from being artisans. In fact, the outcry would be that they must be stopped in every direction from making their livelihood, except by manual labour, or except the Colony took upon itself that other extreme of endeavouring to expatriate the whole of the Indian population of the Colony. He thought that the unfair competition could be met by simple legislation preventing the further issue of licences to Arabs, with a careful definition as to what was an Arab. He did not think the responsibility of granting further licences should be left to licensing officers or Licensing Boards. The Bill was ill-considered, the definitions were loosely drawn, and the title was wrong.

Mr. HAGGAR said he was strongly opposed to the Bill, but he was in perfect agreement with its aims and purpose. He would support the second reading with the object of having the Bill put into shape in Committee.

Mr. YONGE declared his support to the Bill, but thought it could be distinctly improved in Committee.

THE MINISTER FOR RAILWAYS AND HARBOURS said that the Bill aimed at a class of trading to which they were one and all determined to put a check. The Bill did not propose to interfere with vested rights. Mr.

Smythe had said that the matter could be dealt with if the Government put into force the machinery they already possessed. The machinery was inadequate for the purpose, and the evil, in defiance of their efforts, had increased year after year. The Bill did not attempt to beat about the bush. No injustice would be done to the present holders of licences. The thousand licences now held were amply sufficient for the Asiatic population. It was their duty to the natives to see that there was no overcrowding of these store-keepers in the Colony. These Asiatics lent money to natives at very high rates of interest. Speaking for himself, he said he would have liked to see the title of the Bill extended to Asiatics, but amendments could be made. In reply to Mr. Robinson, he stated that as far as the free Indians were concerned, statistics showed that very few of them had taken out trading licences. They had been absorbed in various trades and callings other than agricultural labourers. The Bill was unquestionably introduced with a view of getting at a class of people who had become a curse to the country—the Asiatic trader. The Bill should not be confounded with other Bills. They should not be influenced by any statements in regard to any conflict with the Imperial Government. All they had to do was to do what they believed to be right in the interests of the country, and the interests of those who were to follow them.

Mr. WYLIE declared his support of the Bill. In regard to the references to the Imperial Government, he stated that what was good for one part of the Empire was not good for another. They were faced with an urgent public danger, and under those circumstances there was justification for the proposed legislation. He would like to see the provisions of the Bill extended, as there were traders just as undesirable as Indians and Asiatics, such as for instance, the Polish and other low-class Jews. There was another question besides trading, and that was the insanitary conditions under which these people lived. He did not find fault with European merchants for selling goods to the Arabs, or the Europeans for buying from the Arabs. It was legal trading, and it was a great temptation to persons of limited means to purchase from the Arabs. They were driven to that by necessity, and the existence of such a state of affairs was more the fault of the legislators than the purchasers.

Mr. O'MEARA said he had no hesitation in supporting the Bill, but wanted the title of the Bill extended to include such people as Peruvian Jews, who were the most undesirable class of people. He could conceive nothing in the Bill to which the Home Government could object. The Arab traders were parasites upon the natives. They cheated them in

every way. They would not be in existence if it were not for the support given to them by the merchants, landowners, and workmen of this country.

Mr. POLKINGHORNE condemned the Arab traders. He hoped they would soon be unknown in the Colony.

Mr. SCHOFIELD thought that if licensing officers had done their duty, the number of Asiatic licence-holders would not be so large to day. Higher officials were also to blame. He mentioned some irregularities that had come to his notice. He supported the Bill.

Mr. JOHNSTONE expressed surprise at the attitude taken up by Durban members towards the Bill. He supported the second reading. He did not think Imperial opinion should enter into the matter.

THE ATTORNEY-GENERAL said that the word "Asiatic" had not been used in the Bill, as it would include all races living in Asia. ("No, no.") Another Colony had tried to exclude Japanese, and found that an Imperial treaty made it impossible. To avoid anything like that, the word "Asiatic" had not been used.

Mr. PALMER approved of the principle of the Bill. He admitted that the measure was class legislation, but considered it justified as being the better of two evils. He thought the Government had behind it the greater portion of public feeling. He heartily supported the Bill.

Mr. CONNOLLY said that the stoppage of Asiatic trading would not benefit the Colony to any extent, and he could not support the Bill. He would have been prepared even to support an injustice to the Indians if the white races would have reaped advantage therefrom. He pointed out that it was an advantage to the working man to purchase his goods from the Asiatic, on account of the low prices. To call Asiatic trading unfair competition was a misuse of terms. It was keen competition. It was said that public bodies had no soul to be damned, but he was not going to take any such risk of damning his soul by such an Act of injustice. One effect of the Bill would be to throw more Indians into competition with the white artisans.

THE COLONIAL SECRETARY briefly replied, and expressed his gratification with the reception of the Bill, which he thought was simplicity itself.

The second reading was agreed to without a division. *Natal Mercury*.

**OPIMUM IN CANADA.** London, July 4.—It is stated in Ottawa that the Canadian Government are about to introduce a Bill prohibiting the importation, manufacture, and introduction of opium in the Dominion, except for medicinal purposes.

## Hindu Smashan Fund

### May Hindus Cremate in Natal?

#### Interesting Correspondence

We have received the following interesting correspondence for publication:—

HONORARY SECRETARY HINDU SMASHAN FUND TO COLONIAL SECRETARY.

Durban, 4th March, 1908.

On behalf of The Hindu Crematorium Committee, I have the honour to approach the Government with a view to general instructions to be issued throughout the Colony as to permission to be granted for the Cremation of dead bodies when ever application is made on behalf of Hindus.

As the Government may be well aware, with a certain section of the Hindus Cremation is religiously obligatory apart from its scientific value.

In view of what occurred at Estcourt, may I on behalf of my Committee request that instructions may be issued at an early date.

COLONIAL SECRETARY TO SMASHAN FUND.

1413/8

Pietermaritzburg,  
11th April, 1908.

In reply to your letter of the 4th ultimo., requesting on behalf of the Hindu Crematorium Committee that instructions be issued throughout the Colony for permission to be granted for the cremation of dead bodies whenever application is made on behalf of Hindus, I have to inform you that, on consideration Government is unable to accede to this request.

HONORARY SECRETARY HINDU SMASHAN FUND TO COLONIAL SECRETARY.

Durban, 24th April, 1908.

Sir,—I have the honour to acknowledge the receipt of your letter No. 1413 8 of the 11th instant informing me that the Government is unable to accede to the request of my Committee regarding Cremation of Hindus' dead bodies.

My Committee respectfully trusts that the regrettable decision of the Government is due to some misunderstanding.

It is not the wish of my Committee to avoid inspection or investigation, but my Committee feels sure that after the usual death certificate has been issued it is not the Government's desire to regulate the method of disposing of the dead.

With a certain considerable class of Hindus Cremation of their dead is an imperative religious obligation, this is a world known fact.

The Government's decision there-

conscious interference with religious liberty.

My Committee therefore prays for a reconsideration of its representation and hopes that a favourable decision will be given.

COLONIAL SECRETARY TO HONORARY SECRETARY HINDU SMASHAN FUND.  
1413'08

Pietermaritzburg,  
20th April, 1908.

I have placed before the Colonial Secretary your letter of the 24th instant asking for reconsideration of the decision of Government not to accede to the request of your Committee regarding the cremation of Hindu dead bodies, and in reply have to say that the Colonial Secretary regrets it is not possible to meet the wishes of your Committee in the matter.

#### A Petition

The following is the full text of the Petition now in course of being signed:

To The Honourable,  
The Colonial Secretary,  
Pietermaritzburg.

The Petition of the undersigned, British Indians residing in the Colony,

HUMBLY SHEWETH THAT:

1. Your Petitioners are British Indians domiciled in the Colony, and professing the Hindu faith.
2. Your Petitioners are enjoined by their religion to dispose of their dead by cremating them.
3. Your Petitioners understand that the Government have declined to grant permission throughout the Colony for carrying out the religious practice above mentioned.
5. Your Petitioners are well aware of the fact that hitherto, the religious injunction has been largely broken by the Hindus residing in the Colony, but it is the desire of your Petitioners to discontinue such breach of the religious practice, which, besides being obligatory on them, is considered by the Hygienists of the world to be the proper mode of disposing of dead bodies.
6. Your Petitioners, therefore, humbly pray that permission may be granted throughout the Colony, under such restrictions as may be necessary, for cremation of the dead bodies of Hindus; and for this act of justice and mercy, etc., etc.

**DR. NANJI'S RETURN.** We learn that Dr. R. M. Nanji, M.R.C.S., etc., is a passenger on board the *S.S. Admiral*, which is timed to arrive at the Point to-day (Saturday). We trust he has greatly benefitted by the rest, change, and visit to his native country.

## Mr. Sorabji's Case

### "Justice" Vindicated

[SPECIAL TO INDIAN OPINION]

On Friday, the 10th instant, before Mr. Jordan, in "B" Court, Mr. Sorabji Shapurji, the Parsi gentleman, who had already been acquitted of a similar charge, was charged, in terms of Section 8 Sub-Section 3 of Act 2 of 1907, with having failed to produce a registration certificate issued under the Act, when the same was demanded of him by Superintendent Vernon, on the 9th instant. Mr. Cramer prosecuted for the Crown, and Mr. Gandhi appeared for the defence.

Before replying generally to the indictment, Mr. Gandhi raised the plea of *autrefois acquit* claiming that the Accused had already been discharged in regard to the same offence.

The Magistrate: It is a continuous offence.

Mr. Gandhi replied that he was aware of that, but claimed that, although the date in the indictment was given as July 9th, the Accused should have been given eight clear days before being again brought before the Court and charged with the same offence. If the acquittal was worth anything to the Accused, he should not be called upon to appear before the Court for another week. He did not, for one moment, say that for the purpose of his case, he required eight days. At the same time, there was that legal defence, and he was not justified in abandoning it. He claimed that the Accused should have had a new lease of life from the preceding day, in accordance with the law. As it was, the Accused was ruthlessly carried away from the Court. Rude hands had been laid upon him, and he had not even been given the opportunity of leaving the Colony, if he had so desired, on the previous day.

The Magistrate overruled the plea, and said that he would make a note of it.

Superintendent Vernon gave formal evidence of arrest. He produced notices published in the *Government Gazette* containing official notifications by the Colonial Secretary that the time for registration under the Act expired on October 31st 1907, and the extension thereof on November 30th 1907.

CROSS-EXAMINED: Witness was in Court the previous day, when Accused was discharged. He had beckoned to him to come outside, and had arrested him outside the Court. It was a fact that between the time of Accused's discharge and his getting to the door of the Court he had not much time.

MONTFORT CHAMNEY stated that he was Registrar of Asiatics. The Accused had not applied for a Certificate of Registration under the Act 2 of

1907, nor had he been granted such a certificate. An application had been made for registration outside the provisions of the Act, but, upon consideration, witness found that Accused was not entitled to registration. Witness proceeded that, under the Immigrant's Restriction Act, the Accused was not eligible to obtain such a certificate of registration.

Mr. Gandhi objected to this statement on the ground that witness's opinion as to the interpretation of the clause did not go for anything, as he was not a judicial officer but merely an administrative officer. The Magistrate upheld the objection.

Cross-Examined: Witness stated that he had not examined the Accused with reference to his educational qualifications.

This closed the case for the Prosecution.

Mr. Gandhi immediately applied for the discharge of the Accused, because, although notices had been proved, the proper notice had not been proved. The notice that should have been proved before the Court was one notifying that persons found within the Colony after a certain date would be called upon to produce registration certificates. The notices produced only referred to application for registration, and had absolutely no bearing whatever on the case. After all, November 30th had already passed, and his client had never applied for registration. The notice contemplated in the section of the Act on which the charge was based was notice authorising the police to demand registration certificates, and it was only under such a notice that registration certificates could be demanded. This had not been proved.

A lengthy argument resulted in Mr. Gandhi producing the required notice. He would help the prosecution to that extent in regard to the third prosecution of the Accused, but not in the present, holding that it was impossible for the Crown to obtain a conviction in the present case. He read the Notice. It set forth that the Government had appointed November 30, 1907, as the date after which any Asiatic over the age of sixteen who was found within the Colony and failed upon demand by any duly authorised person to produce a certificate of registration of which he was the lawful holder might be arrested and dealt with as provided. That notice had never been put in.

The Magistrate: The question is whether the putting in of the *Gazette* is not sufficient notice in itself.

Mr. Gandhi said that he felt it very keenly that such an argument should be adduced, after he had shown that his contention was correct. He still argued that the two notices produced by the Crown did not apply to the case at all. It was not his fault that he had over-argued the case. The notice required had not been put in by the Crown and had not even been cited in the indictment.

Mr. Jordan then adjourned the Court for luncheon, and intimated that he would give his decision upon resuming.

When the Court resumed, the Public Prosecutor said that it appeared to be absolutely essential that the *Gazette* containing the notice should be produced in Court. Mr. Gandhi had taken advantage, and rightly so from his point of view, of a purely technical point, and he asked his Worship to allow him also to take advantage of a technicality. He asked his Worship to take it that the production of the *Gazette* and the reading of the notices by Mr. Gandhi was sufficient publication for the purposes of the case.

In reply, Mr. Gandhi contended that he had not put in the *Gazette*. The Notice had never been put in at all. He had simply produced it as he would produce a law-book to carry conviction to the Court as he was in the unfortunate position of not being able to make himself otherwise understood, but it would be unfair to penalise him for having helped the Court. In point of fact, so far as the evidence was concerned, the notice required by the Law was not within the judicial cognisance of the Court.

The Magistrate said that he would take judicial notice of Mr. Gandhi's argument, but overruled him.

The Accused was then called, and stated, in examination, that he had been in South Africa for six years, in Durban for a year and a half, and in Charlestown for four and a half years. He was book-keeper and manager of the store of Mr. Hajee Hassam, of Charlestown, Natal. He received his English education at the Surat High School in the Bombay Presidency. He had received seven years' education through the medium of the English language, and before that seven years' in the Vernacular. He had entered the Transvaal under the Immigrants Restriction Act.

The Magistrate: How can he?

Mr. Gandhi said that that was for him to show. It was for him to argue that Accused was entitled to enter, after he had put the facts before the Court, but it was not possible for the Court to decide that question before the facts had been placed before it and properly argued when the right time came.

The Magistrate stated that Mr. Gandhi had to show that his client was one of those exempted.

Mr. Gandhi argued that as his client was educated and had means, he was entitled to enter the Transvaal under the Immigrants Restriction Act.

The Magistrate: Do you mean to say that every Asiatic who can read and write in a European language can come into this Colony.

Mr. GANDHI: I do, Sir, and I am going to try and argue that before the Court, if I get the opportunity.

Proceeding, witness stated that, when he entered the country, he had sufficient means. He was asked by

Sergeant Mansfield of the South African Constabulary, the officer in charge of the Immigration Department at Volksrust, how much money he had. He had made application for voluntary registration on the 22nd April last, having received written permission from Sergeant Mansfield to enter the Colony and make application. He held several testimonials from prominent townsmen, and some of these had been sent to Mr. Chamney in connection with his application. He had been discharged on the previous day on a similar charge to that whereon he was now brought before the Court. He had no wish to apply under the Registration Act No. 2 of 1907.

**CROSS-EXAMINED:** He was fully conversant with the provisions of that Act. He knew what steps should be taken for obtaining a registration certificate. He had never applied for registration under the Act, and had no desire to apply. He would never apply or have anything to do with such an un-British and disgraceful Act, and associated himself with his brethren in opposition to the Act. He had not come only for the purpose of making this a test case, but in order to make the Transvaal his home. He had come to reside in the Transvaal. Charlestown was his last place of residence, and he had never resided in the Transvaal before. It was his own intention to come to the Transvaal, he had never come by anyone's advice, but of his own accord. He had, however, asked Mr. Gandhi's opinion in a legal capacity first. The application that he made through the Magistrate's Office at Volksrust had been refused. Since he came to Johannesburg, he lived in the Malay Location with Mr. Cama. It was not a fact that, prior to his entering the Transvaal, he had been in constant communication with the British Indian Association.

**RE-EXAMINED:** He stated that he was a British subject, and a Parsi.

This closed the case for the defence.

Mr. Gandhi argued his case at length. He first submitted that his client was not a prohibited immigrant under the Immigrants Restriction Act, inasmuch as he had shown that he had sufficient means and educational attainments, and if he chose to apply under the Asiatic Act he would not be a prohibited immigrant. He proceeded to argue that the Asiatic Act referred only to Asiatics who were in the Colony, and who resided in the Colony, before the Act was passed, and, whatever the intention of the framers of the Immigrants Restriction Act, it left the door open for Asiatic immigration undoubtedly of a very modified type.

The Magistrate referred to Mr. Gandhi's argument as very subtle and very able. He dealt with the points raised, and said that the accused had not made application for registration, but he gloried in the fact, and had set the Government at defiance. He

ordered him to leave the Colony within seven days.

### What is the True Explanation ?

Mr. H. S. L. Polak has sent the following letter to the Press, under date the 13 instant.

I would like with your permission, to remind your readers of one fact that was elicited in the course of the first trial of Mr. Sorabji Shapurji. It will be remembered that Mr. M. Chamney, in the course of cross-examination, admitted that he, in his capacity as Chief Immigration Officer, was aware of the fact that Mr. Sorabji intended to enter the Transvaal for the purpose of, among other things, testing the Government's interpretation of the Immigrants' Restriction Act. He then admitted that he regarded Mr. Sorabji as a "prohibited immigrant" under the Act. Finally he admitted that, though warned that (according to him) a "prohibited immigrant" intended to enter the Colony on a certain day, he actually permitted him to do so, without let or hindrance, and without even submitting him to the tests required by the Act. It is true that Mr. Chamney qualified this last admission by stating that he had ordered Mr. Sorabji's arrest, but Mr. Sorabji was not arrested because he was a "prohibited immigrant." He was at large in the Colony for ten days before any steps were taken to apprehend him and then, remarkable to relate, he was arrested *under another law altogether*, (a law which knows nothing about "prohibited immigrants") and then, too, for being an unregistered Asiatic in the Transvaal.

Why did Mr. Chamney not prevent Mr. Sorabji's entry into the Colony, when warned? Why, so soon as he set foot upon Transvaal soil, was Mr. Sorabji not arrested as a "prohibited immigrant" and dealt with according to law? Why was he permitted to travel freely from Volksrust to Johannesburg? And why was he not submitted to the tests in the usual manner?

These questions admit of one of two answers. One is that, in acting as he did, Mr. Chamney was guilty of a grave dereliction of his duty as Chief Immigration Officer, in that he knowingly allowed a "prohibited immigrant" to enter the Colony unmolested, and took no immediate steps to apprehend and remove him. The other is that Mr. Chamney, notwithstanding his admission, was perfectly well aware that Mr. Sorabji was not a "prohibited immigrant" at all—in fine, that the Government had realised that its own interpretation of the Immigrants' Restriction Act was incorrect, and had adopted that of the Indian community.

It is impossible to believe that Mr. Chamney was so unworthy of the great trust reposed in him as would be implied by the first assumption. There thus remains only the second.

If that answer be the correct one, what moral right has the Government to demand, as a condition precedent to the repeal of the Restriction Act, British Indians and other Asiatics should assent to an amendment of the Immigrants' Restriction Act, depriving them of existing rights and casting thereby a further racial stigma upon them.

### How Mr. Smuts Keeps His Promises

The *Transvaal Leader* last Monday contains the following:

The following letters have been issued to the various Town Clerks of Municipalities by Mr. Chamney, Registrar of Asiatics:—

"Sir,—I have the honour to inform you that it has been decided that Act No. 2 of 1907 is to remain on the Statute Book; consequently all Asiatics applying for licences to trade must be required to produce a registration certificate issued under the Act, or in the form of the voluntary certificate, a specimen of which is attached, and to furnish a clear impression of their right hand thumbs for examination in this office. Any Asiatic who fails to carry out these requirements is not entitled to the issue or renewal of any trading licence. The thumb impression should be forwarded as soon as possible to this office, together with the name of the applicant and the number of the registered certificate held by him."

The above letter was dated the 7th July, and the second letter on the subject is dated the 8th July:—*"In continuation of my letter of the 7th inst. I have the honour to inform you that it has been decided to institute proceedings in the Law Courts against all Asiatics who are refused the issue of licences to conduct any trade. I shall be obliged if you will in consequence furnish me with the names and addresses of all Asiatics to whom the issue of trading licences has been refused."*

It is understood that names and addresses of all Asiatics who are now making application for trading licences without having conformed to the requirements of Act No. 2 of 1907 are being sent to Mr. Chamney by the Municipalities for the necessary action. It is reported that already quite a number of Asiatics have been reported for non-compliance with the law, and that in consequence legal proceedings will be instituted at Pretoria with little or no delay. It is more than likely that convicted offenders will be deported from the Transvaal.

**TRANSVAAL DRAFT GOLD LAW.**  
We understand that the Government have withdrawn Section 128 of the Transvaal Draft Gold Law.

## The Transvaal Trouble

### How Government Promises are Fulfilled

The *Leader* writing on the 10th inst., said:

It is to be hoped that there is no truth in the report that the Asiatics intend, at the end of this week, to take steps of a sensational nature in pursuance of their contention with the Government. It is possible, but hardly probable, that the leaders, at any rate, are not aware that while the Parliamentary session is in existence Ministers, private members and officials are all working at full pitch together; and that if there be anything calculated to put Parliaments into their sternest mood it is suggestions of outside agitation and pressure to hasten the wheels of the legislative chariot. To the Asiatics at the Rand their matters are, naturally, matters that will not wait. It is otherwise with political parties—all sections—at Pretoria. Members evidently have only the vaguest notion that the Asiatic trouble has re-emerged in some form or other. We note that the Bloemfontein *Friend*, which from the first has taken a keen interest in and a broad view of the position, remarks that whether repeal was promised or not it is reasonable that legally domiciled Asiatics who have left the country should be allowed to return on the same terms on which the others have been allowed to remain. "Otherwise the Government would be convicted of conceding more to those who defied its law than to those who yielded." To Mr. Gandhi and his friends our contemporary points out that even if the Act be repealed the Government might easily introduce another and more stringent one. "Mr. Gandhi should be satisfied if he get those of his people re-admitted who can prove their legal domicile. As to fresh grievances, there will be time to protest whenever they arise. In such a contingency the protest will be the more effective if the people whom Mr. Gandhi speaks for adopt now a law-abiding attitude." It stands to the honour of the Asiatics, the *Friend* justly adds, that when an agreement was made they loyally redeemed it. "With a people who have both the spirit of honour and the spirit of martyrdom no Government need be ashamed to negotiate." This is advice which may be commended to both sides. But the Asiatics must recognise that in no circumstances will the Europeans of the Colony consent to open the door, under whatever pretext, to fresh immigration.

Mr. Gandhi has addressed the following letter in reply to the *Transvaal Leader*, under date July 10:

You advise Asiatics to do nothing rash and to await developments regarding the renewal of the Asiatic

struggle. It is, therefore, with much regret that I have to draw your attention to a circular-letter addressed to the Town Clerks in the Transvaal, over the signature of the Registrar of Asiatics, and dated as recently as the 7th inst., which runs as follows:—

"I have the honour to inform you that it has been decided that Act No. 2 of 1907 is to remain on the Statute Book; consequently all Asiatics applying for licences to trade must be required to produce a registration certificate issued under the Act, or in the form of the voluntary certificate, a specimen of which is attached, and to furnish a clear impression of their right-hand thumb for examination in this Office. Any Asiatic who fails to carry out these requirements is not entitled to the issue or renewal of any trading licence.

"The thumb impression should be forwarded as soon as possible to this office, together with the name of the applicant, and the number of the registration certificate held by him."

You will notice that the circular states the decision of the Government to retain Act 2 of 1907 on the Statute Book, and evidently to legalise voluntary registration under it. If so, can Asiatics have any patience, and can they have any trust in the promise, written or verbal, of the Government? The circular, if it correctly sets forth the Government's decision, is a tremendous eye-opener. However, the mass meeting advertised for the burning of registration certificates remains postponed, and every Asiatic awaits publication of the Government's declarations. The only reason for drawing public attention to the circular which I have been able to secure is to show that, when Asiatics take any irrevocable step, it will not be without the gravest provocation.

### Trading without Licences

The following further correspondence on the above subject is sent to us for publication:—

Pretoria, 6th July, 1908.

Sir,—With reference to your letter of the 1st instant I have the honour to inform that Asiatics who fail to produce Certificates of Registration on applying for trading licences are not entitled to receive licences. It is much to be regretted that your Association has taken so extreme a step as to advise British Indians resident in the Transvaal to carry on trade in conflict with the law.

I have the honour to be, Sir,

Your obedient servant,

(Sd.) E. M. GORGES,

Assistant Colonial Secretary.

The Chairman,

British Indian Association,

Johannesburg.

9th July, 1908.

The Honourable,  
the Colonial Secretary,  
Pretoria.

Sir,—I have the honour to acknowledge the receipt of your letter of the 6th instant in reply to mine of the

1st instant regarding Asiatic licences. My Association has taken the extreme step after very great and due deliberation, and with much regret, and only when there was no other way possible. My Association is still most anxious to avoid what may develop into a very bitter struggle, and to avoid any defiance of the laws of the land they live in, but, when it becomes a matter of choosing between respect for laws and one's conscience, there can be, in my humble opinion, no hesitation about the choice to be made. My Association is still most willing to advise the people to tender the licence-fee.

My Association understands that thumb-impressions under the Asiatic Act are now being asked for from Asiatic applicants for licences. This, again, in my humble opinion, is a breach of the compromise, within the meaning given to it by my Association; namely, that the Act should not apply to those who have made voluntary application for registration.

With reference to the letter of my Association dated the 6th instant, many European friends have advised that the Mass Meeting for the burning of the voluntary registration certificates should be postponed, pending the final decision of the Government. My Association has also heard that the Government are prepared to waive the first three points mentioned in my letter, but that the education test is the stumbling-block. If so, and if it is not too late, my Association hopes that the difficulty will be overcome by providing for sufficient stringency of the test.

I have the honour to be, Sir,

Your obedient servant,

(Sd.) ESSOP ISMAIL MIA,  
Chairman, British Indian Association.

The Commercial Correspondent of the *Star* writes:

It is a pity that the Asiatic question has been raked up again, at least for the smaller wholesale houses catering for their trade. Business proceedings have been very nervous of late, and the least sign of disturbance naturally creates a scare. Our wise men of Pretoria should remember this.

### Asiatic Passive Resistance

With further reference to our previous intimations in connection with the Book on which Mr. H. S. L. Polak is occupied, we beg to announce that it has been decided to postpone the issue of the work, in view of the renewal of the trouble in the Transvaal, an account of which will be duly incorporated in the Book on its appearance. Further subscriptions for the Book will, therefore, be deferred, for which an official receipt will be sent as before.



**Opium Traffic**

**Witwatersrand Church Council's Plea**

**Abolition Called For**

For the last eighteen months the Witwatersrand Church Council conscious of the evils arising from the present legalised opium traffic, has been engaged collecting information with a view to definite action for its abolition. It has always regarded with deepest regret that part of the Act of 1906 enabling any Chinaman, by means of a permit obtained from a doctor and countersigned by a Magistrate, to obtain 2lbs. of opium per month.

The ground of the enactment of the law was that it was necessary to make provision for the needs of opium smokers among the Chinese coolies than being imported. But the labour agents in China had strict injunctions to accept no applicant who was an opium smoker. Presumably then, when the Act was passed, provision was being made for what did not then exist. The inference would appear to be, therefore, that the enormous extent to which opium smoking admittedly does at present prevail has been created by this Act. Thus while China and England have bound themselves to do everything possible to extirpate a great evil, our Government by this Act does its utmost to intensify it. But not only are the two countries mentioned taking action, but there is an almost universal tendency in the same direction. In every part of Australia, its importation is absolutely prohibited except for medicinal purposes; and a copy of the Victorian Act was sent to the Colonial Secretary as a suggestion of what might very well be enacted in the Transvaal. In Japan its sale is absolutely prohibited, and a penalty of penal servitude attached to any infringement of its prohibition. "The Japanese," it has been said, "fear opium, as we fear the cobra, or the rattle snake." The United States, after sending out a Commission of investigation, passed a law that in the Phillippine Islands after 1908 there was to be no more opium. The findings of the Commission were endorsed by Mr. John Morley in the House of Commons on May 30, 1906.

Now just at the time when there was this general movement in so many different countries for the restriction or prohibition of the use of opium, the Transvaal Government went out of its way, without any demand whatever for such legislation, to encourage this vice by an Act in this respect among the most extraordinary ever passed.

**An Ounce a Day**

For the quantity itself is enormous. It meant more than an ounce a day for every smoker. An ordinary medicinal dose is one grain or in this form

of laudanum 25 drops: but an ounce contains 437½ grains, and yet the quantity must be exceeded every day in order to finish the 2lbs. before the end of the month. In what condition would the mine labourer be for the due performance of his work who regularly smoked this amount?

But, unlike the drink curse, opium smoking does not appeal so powerfully to the man in the street. He is regularly ignorant of its evil consequences, and therefore is led to suppose they do not exist. A word may thus be needed on this point.

The recent American Commission speaks of it "as one of the gravest, if not the gravest moral problem of the Orient." The condition of the smoker is aptly described as "no flesh, no strength, no money." A Shanghai native newspaper says: "The drug wastes time, destroys energy and health, and dissipates property. There is no poison more deleterious." The Viceroy, Chang Chih-tung, in "China's Only Hope," thus speaks of it: "Opium has spread with frightful rapidity and heart-rending results through the provinces. Millions upon millions have been struck down by the plague. Today it is running like wildfire. In its swift deadly course it is spreading devastation everywhere, wrecking the minds and eating away the strength and wealth of its victims. The ruin of the mind is the most woeful of its many deleterious effects. The poison enfeebles the will, saps the strength of the body, and renders the consumer incapable of performing his regular duties. It consumes his substance and reduces the miserable wretch to poverty, barrenness and senility."

So widespread has the habit become that in 1903 over seven million pounds of Indian opium were imported and of native grown about 50 million pounds in addition were consumed.

**The Cost to China**

The total cost to China is reckoned at 28 million sterling. In a recent memorial on the subject four great Viceroys have stated that through it "one-quarter of the people have been reduced to skeletons and look half dead." In the province of Szechwan, where it is specially widespread, the British Consul-General says: "I am well within the mark when I say that in the cities 50 per cent. of the males and 20 per cent. of the females smoke opium, and that in the country it is not less than 25 per cent. for males and 5 per cent. for females. In the city of Fuchow alone over 1,000 opium dens are actually registered." It will be agreed that all the fabled monsters of antiquity that demanded a daily tale of victims from among the citizens of their cities; and indeed not even the drink traffic of modern days, have wrought, or are working such havoc as the opium trade. All the more reprehensible is it that our Government should so lightly and heedlessly have incurred

the responsibility of passing that part of the Act which has so largely increased its sale.

These changes of the Act were ostensibly passed for the benefit of the mine Chinese. They were to apply for and obtain the permits which would enable them to purchase two pounds per month. The remarkable thing is however, that though an enormous number of permits have been obtained, not one has ever been sought or obtained by a mine Chinaman. The whole of them have got into the hands of the residential Cantonise Chinese who thereby have driven a large trade in the drug. A large proportion of these latter either were or have become opium smokers. But a great many that never make personal use of it, obtain the permits, purchase the legal quantity, smuggle, or purchase through smugglers, large quantities besides, and thus derive a very profitable trade. The opium entering the country surreptitiously on which no Custom duties are paid must be enormous. The number of convictions, of which a return is appended, will prove that; and the writer has had testimony of eye witnesses who had seen 100 (one hundred) pounds at least in a single store. But in legal sales alone, by means of permits, too readily granted by some of the doctors in town, the following table will show that the quantity is not inconsiderable:—

**Opium Permits**

Issued under the Opium Ordinance (by the Chief Magistrate, Witwatersrand District):

Months.	1906	No.
October ...	...	59
November ...	...	109
December ...	...	156
Months.	1907	No.
January ...	...	164
February ...	...	149
March ...	...	217
April ...	...	433
May ...	...	418
June ...	...	443
July ...	...	479
August ...	...	458
September ...	...	419
October ...	...	432
November ...	...	405
December ...	...	375
Months.	1908	No.
January ...	...	346
February ...	...	317
March ...	...	452
April ...	...	368
May ...	...	381
June (part of month) ...	...	271

For the consumption of the above, plus all the smuggled opium, over 20 dens are said to exist in Ferreras alone. These are mostly inhabited or visited by the Chinese themselves, but coloured and native and even white men and white women are to be found there. And that fact points to the greatest danger of this vice. The Government is not prepared to abolish opium smoking till the mine coolies have been repatriated. But by that time it may have taken such a hold upon our residential population that its legal abolition may be

quite inadequate to put an end to the evil. If the demand continues among our native, Chinese and white population, smuggled supplies will be at hand to meet the demand. Delay therefore is dangerous to the best interests of our residential population, as well as unnecessary for those who are only temporarily among us. Accordingly the Witwatersrand Church Council determined to do everything possible to bring the objectionable clauses in the Act to an end, and thus root out this rapidly growing evil. After gathering and marshalling its facts it appealed to the residential Chinese community for their co-operation. It found them more than willing. At a mass meeting, including a large number of opium smokers, it resolved unanimously to petition for suppression of the traffic. The Witwatersrand Church Council and the Chinese Association both prepared a statement of their case, which are here annexed, and forwarded these to the Colonial Secretary, together with a request that he would receive a deputation on the subject. To this he was pleased to assent, and at the time appointed the deputation, composed of three members of the Witwatersrand Church Council and the Chairman of the Chinese Association, met him, and very earnestly laid their case before him. They emphasised specially the danger of the opium habit getting such a hold upon the white and native population that if the matter were delayed it may become impossible to uproot it.

The Colonial Secretary was not very sympathetic, but promised careful consideration of the facts laid before him. In due time an answer came from him in the following terms :

May 22, 1908.

To President of Witwatersrand Church Council.

Sir,—With reference to the interview that a deputation from the Witwatersrand Church Council recently had with the Colonial Secretary on the subject of the Opium Ordinance, I have the honour to inform you that after considering the matter the Colonial Secretary is not prepared to take any steps to abolish the Opium Ordinance at the present time.

The question must therefore stand over until next year, when it will be again considered.

It will be observed that no reasons are given for the delay. The programme of the session may be overcrowded, but no voice has been raised anywhere in defence of the Ordinance, and the abolition of opium smoking would probably go through with little or no opposition.

More than half the Chinese have been already repatriated. Month by month the remainder is diminishing. The hardship to the opium smokers among them cannot be at all commensurate with the danger to the fixed population of the Rand. May we not indulge the hope that it is not too late to create such a force of public opinion on the subject that the pressure on the Government may become too strong to resist, and that during the course of the present session this evil weed, ere it be too late, may be rooted up.

Witwatersrand Church Council,  
P. O. Box, 881,  
Johannesburg, April, 1908.

To The Honourable, the Colonial Secret-

ary, Pretoria.

The Petition of the Witwatersrand Church Council humbly sheweth:—

1. That this Council consists of Ministers and delegates elected by the various free churches of Johannesburg and district.

2. That the law for the importation and sale of opium to the Chinese now on the Statute Book of this Colony was introduced solely on the plea that it was necessary to make provision for the needs of opium smokers among the Chinese coolies then being imported.

3. That—seeing that the majority of the coolies have already been repatriated and the remainder are shortly to follow, the retention of the Ordinance would seem on the foregoing ground alone to be absolutely unnecessary.

4. That the encouragement of traffic in opium or the enrichment of the Treasury by revenue derived from such a source is not only against the moral sense of the whole British nation as evinced by the declaration of the House of Commons, but most emphatically and pathetically of all, by the Chinese Government itself.

5. That the vice is taking serious hold of this community is proved by the following facts, the significance of which needs no argument. In Ferreira's Town alone some twenty opium dens exist—which are supported by some three hundred regular smokers of opium, and by very many more occasional smokers:

Among the regular smokers or victims are some thirty white men and six white women, and a dozen or more coloured persons.

6. Were the Government to call for a return of permits issued by the magistrates in this district, the result would surprise and alarm any but persons indifferent to the public good.

7. Over and above this large legalised sale, there is a large illicit traffic in smuggled opium, which degrades and demoralises all concerned in it, and from which no revenue is derived.

8. So long as five men can each get a permit for two pounds of opium monthly, they can justify the presence of 10lbs. of opium at any moment in any house, and thus render conviction almost impossible, retaining quantities of smuggled opium in reserve, to be brought out as the first 10lbs. is consumed.

9. Now that the number of coolie customers is rapidly diminishing customers must and will be found amongst our coloured and native peoples, the disastrous consequences of which needs no discussion.

10. The Chinese resident permanently in Johannesburg and the victims of opium themselves declare their desire to be freed from the baneful temptation and it will be nothing less than a crime if something is not done to repeal this Ordinance.

11. The Chinese Consul is also in favour of the abolition of the Ordinance.

In the name, therefore, of the majority of the Christian community of this district, your petitioners earnestly and humbly plead that the Opium Ordinance be rescinded at the earliest possible moment.

On behalf of the Witwatersrand Church Council.

CHARLES PHILLIPS,  
President.

Return of prosecutions and convictions under the Opium Ordinance from Oct. 1905, to December 31, 1907:—

From October, 1905, to June, 1906.	
Reported ... ..	78
Sent for trial ... ..	78
Convicted ... ..	71
Discharged ... ..	6
Withdrawn ... ..	1
Transferred ... ..	0
Pending trial ... ..	0
Year ending June, 1907.	
Reported ... ..	98
Sent for trial ... ..	98
Convicted ... ..	88
Discharged ... ..	9
Withdrawn ... ..	0
Transferred ... ..	0
Pending trial ... ..	1

Six months ending December, 1907.

Reported ... ..	86
Sent for trial ... ..	87
Convicted ... ..	77
Discharged ... ..	5
Withdrawn ... ..	1
Transferred ... ..	1
Pending trial ... ..	3
Totals for the whole periods.	
Reported ... ..	262
Sent for trial ... ..	263
Convicted ... ..	236
Discharged ... ..	20
Withdrawn ... ..	2
Transferred ... ..	1
Pending trial ... ..	4

### British Indians in Southern Rhodesia

#### Petition to the Imperial Government

The following is the full text of the Petition addressed by the British Indian community of Southern Rhodesia to the Right Honourable, the Secretary of State for the Colonies, London:

The Petition of the undersigned, representing the British Indian population of Southern Rhodesia,

HUMBLY SHEWETH THAT:

1. Your Petitioners represent a small section of the population of the Territory of Southern Rhodesia.

2. Your Petitioners observed with dismay the introduction into and passage through the Legislative Council of this Territory of an Asiatic Ordinance whose object was to register resident Asiatics and to prevent the further immigration of other Asiatics.

3. Your Petitioners have never objected to legislation having a general bearing, but the measure under discussion is not of such a character, but is, on the contrary, calculated to operate harshly against Asiatics only; moreover, your Petitioners venture to remind you that there already exists on the Statute Book of this Territory an Immigration Ordinance of a general character which, your Petitioners humbly submit, is in every respect calculated to prevent the entry of persons not legally entitled to enter the country.

4. The large majority of the Asiatics settled in this Territory are British Indians.

5. In your Petitioners' humble opinion, there is absolutely no justification for the introduction of a measure of this nature, since Asiatic immigration has hitherto been under control, and the existing Asiatic population is a small one.

6. Your Petitioners further humbly submit that there is no authority for the allegation that Southern Rhodesia is becoming the dumping-ground for Asiatics from neighbouring territories. Apart from the physical, political, and legal barriers in the way of such a tendency, the material prospects of this Territory are not so inviting as to induce any out individual Asiatics to settle here.

7. Whilst it is true that your Petitioners have offered sundry objections to various provisions of the Ordinance, they have objected rather to the underlying spirit of the measure than to any single feature thereof, as will be more fully seen by reference to the Petition, copy whereof is attached hereto, addressed by your Petitioners to the Honourable the Legislative Council of Southern Rhodesia. (See INDIAN OPINION, June 27th, page 281).

8. Before this measure was brought forward, and when restrictive steps were contemplated, certain of your Petitioners in deputation prayed that these steps might not take the form of a Registration Ordinance similar to that placed upon the Statute Book of the Transvaal.

9. The Asiatic Law Amendment Act of the Transvaal was a much milder enactment than the Southern Rhodesia Ordinance, yet it met with the constitutional opposition of British Indians in that Colony; and your Petitioners humbly submit that the same causes of objection exist, but in a graver form, against the whole spirit of the proposed enactment of Southern Rhodesia.

10. Your Petitioners humbly venture to remind you that, Southern Rhodesia being under Crown administration, the Imperial Government are directly, as well as ultimately, responsible for the preservation of the liberties of British Indian subjects of the Crown resident therein.

11. For these reasons, your Petitioners humbly pray that you will advise his Majesty the King-Emperor not to signify his assent to the Asiatic Ordinance of Southern Rhodesia or for such other relief as to you may seem meet. And for this act of justice and mercy, etc., etc.

Dated at Salisbury,  
this 13th day of July, 1908.

## Correspondence

### Indians in Rhodesia

To the Editor INDIAN OPINION

Sir,—On behalf of the Indian community of S. Rhodesia, allow me to thank, through the medium of your columns, that august body, the Natal Indian Congress, for making prompt and powerful representation to the South Africa British Indian Committee, in the matter of the Asiatic Ordinance recently passed by the Legislative Council of S. Rhodesia.

I also take this opportunity to thank you for the support of your columns in taking up that matter, and the South Africa British Indian Committee for entering its protests with the proper authorities in England on behalf of the Indian community of S. Rhodesia.

I hope, I shall not be charged with wanting too much if I once again appeal, through your columns, for the

continuous support of the above bodies and also the support of the Indian political bodies in and out of South Africa. And lastly, I appeal to the Indian, Anglo-Indian, and English Press, to take up the cause of the handful of British Indians, weak and powerless to protect themselves. I fully realise that the external support, however strong it might be, is of little avail unless the internal force of the community most affected, has exhausted every constitutional means in its power, but the condition should be judged by the fact that the Indians here are few, scattered over a large country, mostly illiterate and financially poor.

Yours, etc.,  
BHIMJEE R. NAIK.

Selukwe,  
10th July, 1908.

### Taxes on Indians

The Editor INDIAN OPINION.

Sir,—During the past few years Natal has earned unenviable notoriety. First in the Native question, then through the Native Rebellion, and now again through a further recrudescence of the Native trouble, and we see the Colony again to the fore on account of its mis-management.

To relieve the debt of the Colony, taxation of the vilest form is imposed and among these forms of taxation is one which is a disgrace to any self-respecting community.

The form I refer to is that of taxing indentured labourers from India, when they have finished their periods of indenture. The tax is £3 per annum. By paying this sum, these people are allowed to remain in this Country.

Were this to apply to males alone I would have no cause to grumble, but it is not so confined. Females have to pay the sum of £3 as well as the males, and even though a man is married, he has to pay £4 (including poll tax) for himself and £3 for his wife, in order that she may be allowed the right of living in the same land as her husband.

The wage of these indentured Indians is seldom as much as 10/- per month, and the amount a married man with a family can save from this miserable pittance seldom leaves him at the end of his period of indenture anything but the bare amount necessary to meet the tax for himself.

What happens to the wife? She has either of two courses open to her. She can stay with her husband, risk arrest and imprisonment, or get herself re-indentured and go and earn her living as she had been doing.

What a nice state of affairs to exist in a Christian Colony! And still the man and woman, who go Sunday after Sunday to Church, never by any chance give a thought to the horrible existence forced upon the female members of the Indian community by unjust and vexatious taxes. In no other land—to the best of my know-

ledge—is a tax imposed upon any respectable woman. It is not only unique but grossly unfair. Seldom does the woman in a family earn anything approaching that of the man, yet she is just upon his level—for the purpose of taxation at all events. Is it to be wondered at that the woman, in order to find the money demanded by the Colonial Government, descends to the lowest methods of obtaining sufficient money?

Something must be done to alter the existing state of affairs, and it must be done immediately. Will not those of the Indian community who have plenty of this world's goods, and who possess some social weight in Durban, take up this urgent matter on behalf of their poorer brethren?

Yours etc.  
"VERB SAP."

### The Richmond Licence

On Thursday, the 9th instant, the appeal against the granting of a new licence by Mr. Von Gerard, licensing officer, to H. M. Haffagee, was heard, before the Licensing Board, consisting of Mr. L. Moe (magistrate), chairman; Mr. Fred. Field, J.P., and Major W. Comrie, J.P.

The grounds of appeal were: (1) "That the applicant did not comply with the rules published under Government Notices Nos. 676 and 712, of 1907; (2) that there is no necessity for the issue of another retail dealer's licence in this division, as existing licences are quite adequate for the needs of the division." Mr. R. A. Marwick, solicitor, Richmond, appeared for the appellants. Mr. Smythe of Tomlinson & Smythe, of the City) appeared for the respondent.

A number of witnesses, chiefly storekeepers in the district, opposed the granting of the licence.

The Board retired to consider, and, upon return, Mr. Moe was understood to convey that the opinion of the Board was that the several cases instanced by Mr. Smythe did not apply in this case, as he was arguing upon wrong premises, as the Liquor Law did not apply to the ordinary retail dealer's licence. Moreover, there was a particular law, Act 18 of 1897, which gave specific powers to the Licensing Board, and, if the proceedings of same were regular, made its decision practically final. Mr. Smythe's contention that it was a renewal could not be sustained by the Board as the licence had been transferred by Mr. Von Gerard, and the premises remained vacant for a period. During the Chairman's remarks, he instanced, among others in support of the Board's judgment, the case of *Mohamed & Co., v. Licensing Board, Lower Umzimkulu Division*, in which the judges of the Supreme Court declined to interfere. That was a case which bristled with greater hardships in comparison, but,

in many features, coincided with this case. Seventeen retail licence-holders were considered sufficient, if not more than sufficient, for a population of about 300. The decision of the Board was that the appellants had succeeded, and therefore the appeal was sustained; consequently, the Licensing Officer's judgment would be set aside. The question of costs was reserved, as the Board was desirous of looking up authorities upon the question, and the Board's decision would be given at a later date.

The respondent, Hoosen Mahomed Haffagee, gave notice of appeal.—*Natal Mercury*.

## Imperial Parliament

HOUSE OF COMMONS

21st May.

### Anti-Asiatic Legislation in Mozambique

Mr. REES asked the Under Secretary of State for the Colonies whether he would obtain and lay upon the Table, or in the Library, such anti-Asiatic legislation, if any, as was proposed by the Portuguese Government for its Province of Mozambique.

Mr. RUNCIMAN replying for Colonel SEELY, said: My hon. friend has at present no information on this subject but enquiry shall be made.

### British Indians in Trinidad

Mr. REES asked the Under Secretary of State for the Colonies whether such statistics as were available indicated any higher degree of criminality in the British Indian immigrants into Trinidad than obtain in the case of other inhabitants of that island; and whether his answer was based upon a comparison excluding or including mere breaches of the Immigration Ordinance.

Mr. RUNCIMAN (for Colonel SEELY): The Statistics furnished by the Government of Trinidad show that, apart from convictions for breach of the Immigration Ordinance, the number of convictions for ordinary offences of East Indians in Trinidad compares favourably with that of the rest of the population. The Secretary of State is informed that the great majority of East Indians in Trinidad compares favourably with that of the rest of the population. The Secretary of State is informed that the great majority of East Indians in Trinidad are industrious and law-abiding.

May 25.

### Anti-Asiatic Legislation in the Transvaal

Mr. HAROLD COX asked the Under Secretary of State for the Colonies whether the Government had received a reply to their communication to the Governor of the Transvaal on the subject of the draft Gold Law of that Colony, especially in respect of Sections 127 and 128 thereof, under

which special disabilities were to be imposed upon coloured persons, including British Indians,

Colonel SEELY: No Sir. The communication was made by mail, and there has not yet been time for a reply to be received.

Mr. COX further asked the Under Secretary of State for the Colonies whether his attention had been drawn to the draft Local Government Bill of the Transvaal; whether the Bill restored Town Regulations which were in vogue under the Kruger regime, forbidding any coloured person, irrespective of race, to use the footpaths, and excluding natives and Asiatics from the tram cars; and, if so, would he say if he proposed to take any action in the matter.

Colonel SEELY: No Sir. The draft has not yet reached the Colonial Office.

SIR GILBERT PARKER: In view of the constitutional responsibility this country has in the Transvaal, and in view of the fact that a draft of this Bill has been in the hands of private citizens here for the last fortnight, can the hon. gentleman explain the failure of the Government to receive it?

Colonel SEELY: I am afraid I cannot, on the spur of the moment. I will communicate the observations of the hon. gentleman to those concerned.

### British Indians in the Transvaal

Sir WILLIAM BULL asked the Under Secretary of State for the Colonies whether he was aware that the agreement entered into by the Transvaal Government with the British Indians in January last, suspending the Registration Law in favour of voluntary registration, contemplated the repeal of the Act: and whether, in view of the revival of the Indian agitation in that Colony against what would appear to be a threatened breach of that agreement, His Majesty's Government proposed to take any action in the matter.

Mr. HAROLD COX also asked the Under Secretary of State for the Colonies whether his attention had been drawn to a revival of the British Indian troubles in the Transvaal, arising out of a departure by the Transvaal Government from what the Indians contend were the terms of the settlement; whether the settlement of January last between the Transvaal Government and the British Indians, announced by His Majesty's Government to this House, was made with their knowledge and approval; and whether His Majesty's Government proposed to take any steps to prevent any departure from the terms of the agreement then made.

Colonel SEELY: Enquiry is being made of the Governor, and I cannot add anything pending his reply. The settlement of January last was arrived at without the intervention of Lord Elgin, though he expressed his satisfaction concerning it.

Sir CHARLES SCHWANN asked the Under Secretary of State for India whether his attention had been drawn to the recent developments of the Indian situation in the Transvaal, and especially to the British Indian contention that the Transvaal Government now proposed to act contrary to the agreement of January last by enforcing the Registration Law against some 5,000 British Indians entitled to return to the Colony, as a condition of their re-entry; and whether, in view of the dissatisfaction aroused in India by this legislation at the beginning of the year, His Majesty's Government would make friendly representations in the matter to the Government of the Transvaal.

Mr. BUCHANAN: The Secretary of State has no information regarding the alleged proposal of the Transvaal Government, but as the Under Secretary for the Colonies has stated, enquiry is being made of the Governor, and I am not in a position to add anything pending his reply.

June 4.

Mr. J. M. ROBERTSON asked the Under Secretary of State for the Colonies, whether the agreement arrived at between the Transvaal Government and the British Indians in January last suspended the Registration Law in favour of voluntary registration?

Whether British Indians then absent from the Transvaal but entitled to return, were included; and whether he would inform this House as to the reported decision of the Transvaal Government to now exclude some 5,000 of such absent British Indians unless they complied with the Registration Law?

Colonel SEELY said:—The terms of the settlement are printed in the Blue Book C.D. 3892 and the latest official information received showed that registration was proceeding satisfactorily. I have no information with regard to the 5,000 Indians referred to in the question but I cannot suppose that the Transvaal Government at any time contemplated such an addition to the resident Indian population. Enquiry shall be made on the subject.

June 3.

### Indian Traders in Natal

Sir H. COTTON (Nottingham, E.) asked the Under Secretary for the Colonies whether his attention had been drawn to the introduction of three Bills into the Natal Legislature, the first of which prohibited indentured Indian labour from June 30, 1911, the second forbade any licence to trade being given to an Indian after December 31, 1908, and the third provided for the total extinction of all Indian licences to trade after ten years: and whether, looking to the racial character of the second and third of these Bills, they would be reserved for the consideration of His Majesty's Government.

Colonel SEELY (Liverpool, Abercromby).—Copies of the Bills have been received by the Secretary of State. They are to be brought before the Natal Parliament in its approaching Session. The second and third, if passed in the form in which they have been gazetted, would not come into operation pending the signification of His Majesty's pleasure with respect to them.

Sir H. COTTON asked whether the Colonial Office would bear in mind that the provisions of these two Bills, absolutely prohibiting the right of British Indians to carry on their trade in Natal, were of a character unparalleled and unprecedented in the annals of colonial or British legislation.

The SPEAKER.—That is a matter of opinion.

Mr. KEIR HARDIE (Merthyr Tydvil) asked whether the prohibition was applied to existing licences or to new licences only.

Colonel SEELY.—I am not sure. If the hon. member will put down another question I will ascertain.

Mr. REES (Montgomery Boroughs) asked whether the provisions of these measures were not almost similar to the provisions which it was proposed to apply to the extinction of liquor licences in United Kingdom.

Colonel SEELY said he did not think so.

Sir G. PARKER asked whether, if the Bills had been received by the Government, they would be laid on the table of the House for the use of members.

Colonel SEELY replied that the Bills had been received, but he thought it would be wiser not to lay them on the table until they had been introduced into the Natal Parliament and they saw what form they were likely to take.

Sir H. COTTON asked whether there was any precedent or parallel for similar legislation to this in the annals of any Colonial Legislature.

No answer was given.

Mr. KEIR HARDIE asked whether the Colonial Office would advise the Governor to reserve these Bills until the House had had an opportunity of looking at them.

Colonel SEELY said there was a clause in two of the Bills which made it necessary that they should not come into operation before the signifying of His Majesty's pleasure.

June 16

Transvaal Gold Law

Mr. HAROLD COX (Preston) asked the Under Secretary of State for the Colonies whether the Government have received any reply to their communication to the Governor of the Transvaal on the subject of the draft Gold Law of the Colony, especially in respect of Sections 127 and 128 thereof, under which special disabilities are to be imposed upon coloured persons, including British Indians.

THE UNDER SECRETARY OF STATE FOR THE COLONIES (Colonel Seely,

Liverpool, Abercromby): We are still awaiting the reply of the Governor to the questions on this subject addressed to him by the Secretary of State.

Asiatics and Natives in Natal

Mr. HAROLD COX asked the Under Secretary of State for the Colonies whether his attention had been drawn to the draft Local Government Bill of the Transvaal; whether the Bill restores town regulations which were in vogue under the Kruger régime, forbidding any coloured persons, irrespective of race, to use the footpaths, and excluding natives and Asiatics from the tramcars; and, if so, will he say if he proposes to take any action in the matter.

COLONEL SEELY: The Secretary of State has seen the Bill referred to by my hon. friend. It is not clear whether it introduces any material change in the existing arrangements for regulating the use of side walks and tramcars by natives and Asiatics, but the Governor is being requested to furnish a Report on the subject. The Bill has a suspending clause under which it will not come into operation until His Majesty's pleasure has been signified.

East and West

As *The Times* is not in the habit of publishing romance, it may be taken that there is foundation for its statement, repeated in our cable columns yesterday, that it is proposed to call an international conference at Seattle next year to consider the whole question of Oriental emigration to Western countries. The reference to Seattle as the meeting-place suggests that America is taking the initiative. This is not only characteristic of Mr. Roosevelt—with whom there can be little doubt Mr. Taft, in view of his experience of difficulties with Asiatics, will be in sympathy—but, if it may be said without offence, is only fitting. Of not a few attacks directed against Asiatics, in circumstances upon which the white races can hardly plume themselves, the least creditable have been those in British Columbia, engineered by an ex-convict from California, and those in California itself. Among the greater countries affected, the only one which has handled this trying business in a statesmanlike way is Canada, which went, in the person of one of its Ministers, frankly and direct to Japan and explained its difficulties. As a result a reasonable if possibly temporary working arrangement was negotiated. It seems to us that Canada's action points clearly to the indispensableness of making any conference comprehensively international; and, further, of having directly represented, by leading men of their own races, the Hindu and Mahomedan peoples of our Indian Empire, whose relations with the European races of self-governing States of the Empire constitute such an important part of the difficulty.

Let us explain the nature of that difficulty and our own resolves fully and freely to them.

In the meanwhile, it is to be hoped that our Government will be asked to enquire from the Imperial Government as to the correctness or otherwise of the report. If such a movement be afoot it may serve to modify the immediate difficulties of the local situation. The points at issue between the Government and the Asiatics do not seem, with one possible exception, to present insuperable difficulties. What has happened in Australia and New Zealand shows that it is possible without the use of force to keep Asiatics out of countries where for a variety of reasons this is desired. Our Government might find it worth while to acquaint itself with the exact nature of the means employed. If we succeed, as the Colony is practically at one in resolving that it will succeed, in keeping out henceforth all Asiatics of the average class who come here, it seems to follow that it would be no great matter if a dozen highly educated Asiatics managed to scrape through the exceedingly strict tests under the Immigration Restriction Act; because, if the general body of the Asiatics be not increased, there would hardly be a livelihood for more Asiatic professional men than there are now, and the Europeans do not employ this class. Still, we believe there are tests not unknown to immigration officials which a modern Admirable Crichton would boggle at. Upon this aspect we need say no more. We imagine that there will be a consensus of opinion, which is intelligent and aware of the Imperial considerations involved, that the Government should protect Asiatics here or abroad who can prove their right to be here. For the purpose of making good such claims we are clear that there should be free access to the Supreme Court, either in the first instance or by way of appeal from any lower court or the view of any official. On the other hand we feel that the Government will have a united people behind it in so applying legislation that the Colony shall not undergo a fresh irruption of Asiatics, who would be establishing new vested rights prior to the possible unification of South Africa or the holding of an Imperial or international conference. If yesterday's report be well founded, every South African Government will hail it with satisfaction, for this country has before it no more difficult question than that represented by the presence of the Asiatics.—*Transvaal Leader*:

ADMISSION OF ORIENTALS TO WESTERN COUNTRIES.—London, July 9th. It is proposed to hold an international conference at Seattle, on the Pacific coast of the United States, next year, to discuss the entire question of Oriental immigration into Western countries.—*Reuter*.

## Mr. Churchill and the Transvaal Trouble

### Mr. Ritch Retorts

The following letter to the *Standard* was addressed by Mr. L. W. Ritch, Secretary of the South Africa British Indian Committee on the 30th May immediately after Mr. Winston Churchill's speech at the South African Dinner:—

Of the many debatable statements of Mr. Churchill at last night's South African Banquet, perhaps none were more open to criticism than that in reference to the Transvaal Indian policy. Said Mr. Churchill:—

“Upon the Indian policy—a most difficult and complicated matter—the Transvaal Government had shown a regard for Imperial interests which had not been surpassed by any Colony in any part of the British Empire.”

While refraining to follow Mr. Churchill in the comparisons he sees fit to draw, the following examples of recent Anti-Indian legislation may perhaps warrant the differing from Mr. Churchill's convictions under this head.

The Draht Gold Law of the Transvaal, gazetted the 30th March, prohibits the acquisition of mining rights by coloured persons, which term includes British Indians, (Section 127); and prohibits the same class of persons from residing or trading on proclaimed gold areas, e. g. Johannesburg, Boksburg, and Krugersdorp, “except in bazaars, locations, mining compounds and such other places as the Mining Commissioner may permit.” (Section 128)

The probable effect of the latter section will be to compel the removal of British Indians who are now free to reside and trade where they please, into locations away from the rest of the community.

A Draft Local Government Bill of the present month, restores Town regulations which were in vogue under the Kruger regime forbidding any coloured person, irrespective of race, to use the foot-path, and excluding natives and Asiatics from the Municipal tram-cars.

Still more recent cable information is to the effect that some 5,000 British Indians, domiciled in the Transvaal but who have not yet returned, will be refused admittance unless they accept registration in terms of the obnoxious Registration Law. It is claimed by the resident British Indian community that the repeal of this Act was a condition of the compromise effected in January last between them and the Transvaal Government.

The pursuance of so marked an Anti-Indian policy may of course in some esoteric way, be not inconsistent with a true regard for Imperial interests. Unfortunately the indignation meetings held in India at the beginning of this year and presided over by such unquestioned loyalists

as The Aga Khan, and Sir Pherozeshah Mehta, would appear to indicate the possibility of another view and that too in a not unimportant quarter of the Empire. There is, moreover, good reason to believe that unless a very distinct modification is made in the character of the legislation above referred to, the protests of responsible India will again be aroused.

It may not also be out of place to refer to one other statement of Mr. Churchill:—

“The Transvaal,” said he, “was an open British Colony; it was open to anyone who chose to go there; there was no closing of the door.”

As a matter of fact the Immigration Restriction Act of last year “Banged, bolted and barred” the doors of the Transvaal both back and front to Indian immigration.

Mr. Churchill's statement would have truly applied to the late Transvaal Republic. It is only since our annexation that the door has been closed to one section of British subjects.

## Land Tenure in British East Africa

### The Indian Position

A Parliamentary paper has been issued by the Colonial Office, containing Correspondence relating to the Tenure of Land in the East Africa Protectorate. In various dispatches the Governor discussed the terms on which leases should be granted to settlers, and Lord Elgin, replying on March 19, gave his decision on all the questions raised. There was a considerable divergence between the views of the Home Government and of the Land Board, on which there is a large unofficial majority, and Lord Elgin explains the causes of this divergence.

The conditions of which he approved are:—

Land for farms should be granted to settlers on leasehold tenancies of 99 years at rentals revisable on a basis of 5 per cent, of the unimproved value of the land, subject (except where the land in question at the time of valuation is included in a township) to “maxima” of 9d. and 2s. 3d. per acre respectively at the 33rd and 66th year, with complete reversion to the Crown at the end of the term on payment of compensation for improvements. Notice of the rent based on the revaluation should be given before the end of the 32nd and 65th years; and if the lease should not within six months of such notice accept the new rent, his lessee should determine at the end of the current period. Six months before the determination of the lease the land should be offered in one or more blocks at the rent fixed by the Board, and at a

premium representing the value of the improvements made by the late tenant. The latter sum should be paid over by the new lessee to the outgoing lessee. If no tenant should be found within six months of the determination of the lease, the Commissioner should pay from Government funds the assessed value of the improvements to the late lessee less any amount due from him under the expired lease, and should then be at liberty to offer the land at a reduced rent. A temporary occupation title should be granted in the first instance, and the settler should be on probation for five years, during which he must spend a sum equal to 40 times the amount of his rent on development (i.e., on certain specified improvements), and after which, if he fulfils the conditions, his title should be confirmed on the leasehold tenure described above. If within a period of not less than three years he spends the stipulated sum of money on development, it should be open to him to claim a secure title then. If on the other hand, the land leased has been unoccupied for any period exceeding nine months, or if at the end of the probationary period the stipulated sum of money has not been expended, the Government should have the power to resume on giving compensation for improvement. The probationary period should be included in the first term of 33 years. The improvements should be those specified in Schedule A of the report of the Land Board.

In a dispatch dated December 17 last the Governor said:—

“There is a growing tendency amongst the white settlers in the uplands to keep the Indians not only out of the uplands but out of the country altogether. The spirit of akin to that prevailing in Natal and elsewhere, and is due to the fact that the white cannot compete in the east with the Indian shopkeeper for supplies of provisions and articles in daily use, or as a petty trader.

“By all means let us keep the land in the uplands, known as the white settlement area, for whites only, but outside this I see no reason why we should not give small allotments of land to agricultural Indians—not to Indian traders, who would not themselves cultivate—on the terms proposed by the Commissioner of Lands. I am instructing Colonel Montgomery accordingly.”

Lord Elgin, in his concluding dispatch, approves of this view.

THANKS. Mr. Sorabji Shapurji has received numerous telegrams and letters of congratulation and encouragement from different parts of South Africa; he desires to thank the senders heartily.

### A Scathing Report

The following is an extract from the report of the Administrator of the *circumscriptão* Manhica in the Province of Mozambique.—The whites and Asiatics in the interior dedicate themselves to trade only, and even then they trade in very restricted lines—almost limited to the sale of wines and cotton prints, the latter being a speciality of the Asiatics. Both one and the other suffer all kinds of privations, and it is frequent to find less comforts in the houses of Portuguese than in the huts of natives. These traders, far from civilisation, debase our race in the eyes of the natives, and, so far from exercising a civilising influence on the native, the native exercises his influence on the white. They exhibit all the evil tendencies of the natives, they practice degrading acts and deceit of all kinds as long as by these practices they can get the natives' money. The spirit of independence and equality with which the natives are endowed takes possession of the traders, and the latter imbibe the natives' ideas concerning social equality. They are white and as such equal to all other whites. They become less courteous and have little respect for the authorities. They degenerate physically and become fever-stricken and peevish or morose, and, though their numbers are few, it is more difficult to deal with them than with the whole of the native population. The climate, the inadequate food, and the want of hygiene enervates them, and the end of almost all of these unhappy people is death from fever. Completely enervated, they become incapable even to carry on the life they have elected to follow, and they do not seek to learn the native or his language in order to discover means of being more useful to themselves and to society in general. Amongst Portuguese established in this *circumscriptão* only one is familiar with the country, and this exception is due to the fact that the man was formerly a clerk of the Administrator. The others know only the route from Lourenço Marques *via* the River Inkomati, and some of them have been here for 12 years. The Asiatics may be a little more advanced, but, as the instinct of trade is hereditary in them, and they are accustomed to worse and more unhealthy climates, and are very parsimonious in their food, and accustomed to lack of consideration, they are relatively happy. They are submissive and respectful to authority, and they deceive the natives as much as they can, having the knack of extorting the last penny whether the native wants to spend it or not. They adapt themselves perfectly to their surroundings, they learn the language with facility, and they are the "arbiters of fashion" amongst the natives. They exercise

no civilising power over the native; on the contrary, they adopt many of his habits, including that of selling their half-caste female children for money."—*Lourenço Marques Guardian*.

### The Persian Mystics

Jami \*

The volume before us may be called a companion volume to Jalal d'in Rumi. Jami was both a poet and a mystic, his full name being Nur-Addin 'Abd-Alrahman Jami. He was the last of the line of the brilliant Sufis to have enriched the magnificent Persian literature and Persian thought. Qazi Rum spoke of him thus: "Since the building of this city (Samarqand), no one equal in sharpness of intellects and power of using them, to young Jami, has ever crossed the Oxus." The works of Jami dealt with in the little book are "Salaman and Absal," Lawa'ih," "Yusuf and Zulaikha," and the "Baharistan" or "Abode of Spring." The following from the "Lawa'ih" is the key-note to Jami's teachings: It is entitled "Deliver us from Ourselves."

"O, God, deliver us from pre-occupation with worldly vanities, and show us the nature of things 'as they really are.' Remove from our eyes the veil of ignorance, and show us things as they really are. Show not to us non-existence as existent, nor cast the veil of non-existence over the beauty of existence. Make this phenomenal world the mirror to reflect the manifestations of Thy beauty, and not a veil to separate and repel us from Thee. Cause these unreal phenomena of the Universe to be for us the sources of knowledge and insight, and not the cause of ignorance and blindness. Our alienation and severance from Thy beauty all proceed from ourselves. Deliver us from ourselves, and accord to us intimate knowledge of Thee."

The following, on purity of heart, is hard to beat:—

"Make my heart pure, my soul from error free,  
Make tears and sighs my daily lot to be,  
And lead me on Thy road away from self,  
That lost to self I may approach to thee!

Set enmity between the world and me,  
Make me averse from worldly company,  
From other objects turn away my heart,  
So that it is engrossed with love to Thee.

My lust for this world and the next efface,  
Grant me the crown of poverty and grace  
To be partaker in Thy mysteries,  
From paths that lead not towards Thee  
turn my face."

Throughout the volume one learns of the universality of religion. The Editors of this series are undoubtedly bringing East nearer to West, by showing that men are much the same at their best, even though they may be born under different skies.

\* "The Persian Mystics—Jami," by F. Hadland Davis, "Wisdom of the East Series." Published by John Murray, Albemarle St., London, W. Price 2/- nett.

### Cape British Indians

In the Cape Legislative Assembly, on the 2nd instant,

COLONEL CREWE moved that the petition of A. G. ISMAIL and others, inhabitants of East London; on the subject of the disabilities of British Indians at that place, presented to the House on June 24, be referred to the Government for inquiry and report.—Colonel Crewe said it was all a question of walking on the footpaths by people who belonged to an older civilisation than was known in this country. The East London municipal regulations referred particularly to barbarians, but they also embraced, it appeared, people of position, wealth and status—such people whose servants, oddly enough, were entitled to more privileges than themselves.

The COLONIAL SECRETARY said he would inquire into the matter, but he understood the question raised the validity of the municipal regulations of East London, and nothing could be done without investigation.—*South African News*.

### Transvaal Parliament

HOUSE OF ASSEMBLY.

Wednesday, July 8.

#### The Budget

In the Debate on the Budget, Mr. J. W. QUINN said that, he proposed very seriously that the Government should do away with traders' licences. By that he did not mean liquor licences or any purely revenue licences. In the United Kingdom there was no such thing as traders' licences. If a man had capital and enterprise, he could start a business, and he could not understand the principal which allowed a man to make bricks without a licence, but that when he sold them he required a licence. He regarded it as a handicap to trade, and asked the Treasurer to delete the estimate of £60,000 from this source of revenue. He saw no reason why a distinction should be drawn between a professional and a business man in this respect. In fact, the trader had more claims to consideration, for not only was he a greater employer of labour, but the establishment of any business meant the investment of a certain amount of capital. The acceptance of his suggestion would be appreciated by a large number of the public.

Mr. J. A. NESER (Klerksdorp): Coolies.

M. J. W. QUINN (Union) regretted that coolies so perturbed the hon. member's mind. He saw no reason why the fact that a coolie participated in a benefit should prevent its being granted. If taxation could be reduced all round both as regarded white men and coolies, would it not be the duty of the House to do that?

July 13.

**Draft Gold Law**

The MINISTER of MINES moved the second reading of the Draft Gold Law. As regards the clauses dealing with coloured persons, he thought they could be altered in the Select Committee to which he would propose the Bill be referred for inquiry, but not for the taking of evidence, as the Commission and a Committee had exhaustively dealt with evidence. At any rate, they should save the rights of those coloured persons who had acquired such rights up to the present, whatever future provision was made.

July 14.

The second reading was agreed to by 42 votes to 6.

**The Latest Phase**

[SPECIAL TO INDIAN OPINION]

On Tuesday afternoon, the British Indian Association was unofficially informed that General Smuts had agreed to waive his conditions in regard to the first three classes of Asiatics whom he desired to make statutory prohibited immigrants, viz.,

- (a) *bona fide* holders of £3 Dutch registration certificates;
- (b) *bona fide* pre-war residents without certificates;
- (c) voluntary applicants whose claims had been rejected by Mr. Chamney.

All these were to have the right of appeal to the Courts of Justice of the Colony.

On the fourth point, however, namely, the question of amending the Immigrants' Restriction Law to exclude even educated Asiatics, General Smuts was obdurate.

A Committee Meeting of the British Indian Association was hastily called, to discuss the new position, and it was decided to convene an informal meeting of representative members of the community that same evening, Mr. Gandhi being specially requested to absent himself therefrom.

Some 200 representatives met in the precincts of the Hamidia Mosque, Fordsburg, and discussion took place from 7 o'clock until eleven. The proceedings were enthusiastic, and it was unanimously decided that the passive resistance movement should continue so long as the Government still made repeal of the Registration Act conditional upon the assent of the community being given to an amendment of the Immigration Law totally excluding British Indians who might be possessed of the highest educational qualification. The general feeling was that, to give way on this crucial point, was tantamount to accepting a racial insult, and that the community, without educational leaders, would be at the mercy of the Government any time that it thought fit to adopt reactionary repressive methods.

As a result of this discussion, on Wednesday morning, Mr. Essop Mia, Chairman of the British Indian Association, Imam Abdool Cadir Bawazeer, Chairman of the Hamidia Islamic, and other important leaders of the community applied to the Johannesburg Municipality for hawkers' licences, but refused to give their thumb-prints as required by the Registration Act. It will be noted that most of the applicants are wealthy merchants, who already have licensed stores. The licences were refused in some instances. It is, however, the intention of these gentlemen to trade as hawkers without licences, and so challenge arrest. Their main purpose, of course, is to protest in most emphatic terms against the autocratic attempt of the Government to rob the community of existing rights prior to fulfilment of General Smuts' promise.

The Municipal Offices are surrounded by pickets who explain, to those who intend to take out licences, the new position that has arisen, and especially that, in giving the thumb-print that is being demanded, they will be binding themselves under the Registration Act, and also placing themselves and the community at a disadvantage in the struggle for rights. The names of the pickets are: Bhaijee Ebrahim Alli Ismail, Mulji G. Patel, Alli Omer, Ranchhod Mitha and Bagas Bapoo.

A mass meeting will be held next Sunday in the Mosque grounds.

**EDUCATIONAL GRANTS.** The following amended regulation with regard to grants-in-aid for educational purposes appears in the *Natal Government Gazette*:—"Grants-in-aid will not be given to any schools which are not under European supervision, and the grantee must be a European, or any specially-qualified native of whom the Department approves, provided that the native nominated shall produce written permission from the Church authority employing him for him to undertake the duties of grantee." Indians are not mentioned in the new regulation, but it would appear that it is not possible for an Indian Schoolmaster to hold his position if the school is to continue receiving Government Grant.

**CRIME AT SPRINGFIELD.** A general meeting was held in Mr. Baboolall's store, Clare Estate, to consider the matter of crimes being committed in the district. Attempts are being made to break into houses nearly every night, and it was therefore decided to form patrol parties to watch for the burglars during the night. It was also decided that a police camp was necessary, and the chairman, was directed to forward a petition to the Government, requisitioning the latter provision, and the petition is now in course of preparation.

**Late News**

[SPECIAL TELEGRAMS]

Johannesburg, Thursday.

The *Star* last night says that a definite settlement of the present difficulty can be expected, and adds: "The point at issue does not appear to be essential to the general principles involved, as educated Indians could not, outside their community, make an adequate competence; and if the rights of the white community are sufficiently safeguarded otherwise, it is improbable that the parties interested will not be able to effect a compromise."

Mr. Essop Mia, Chairman of the British Indian Association, replies to the *Star's* article to-day stating, as a protest against the breach of faith on the part of the Government, and to place themselves in the same critical position as the poorer sections of the community, he and other prominent leaders, holding annual trading licences, applied for hawkers' licences which were refused. They are now trading as hawkers without licences.

Mr. Gandhi last night addressed by invitation a well-attended meeting of the Southern Suburbs Debating Society, Turffontein, Johannesburg, on the Asiatic question, and was cordially received. The meeting, which was presided over by councillor Northcroft, was a great success. A debate followed wherein Mr. H. S. L. Polak took part.

In the Legislative Assembly yesterday the Gold Law was referred to a Select Committee.

Mr. Essop Mia (Chairman of the British Indian Association), Mr. Imam Abdul Cadir Bawazeer (Chairman of the Hamidia Islamic Society) and Messrs. Mahomed Ebrahim Kunke and G. P. Vyas (members of the Committee of the Association) went out to-day hawking, without licences, various commodities. Mr. Essop Mia, carrying two baskets of fruit, went to various well-known wholesale houses selling, and was surrounded everywhere by a crowd of European sympathisers.

Mr. Sorabji Shapurji has written to the Commissioner of Police stating that he has no intention to leave the Colony under the order and that he is willing to appear before the Court at any time the Government desires.

**CAPE INDIANS.** We are sorry that we are compelled to hold over the report of the Deputation which waited upon the Cape Colonial Secretary recently, but we hope to publish it next week.