

# Indian Opinion

VOL. VI.

PHOENIX, NATAL, SATURDAY, SEPTEMBER 5TH, 1908

No. 36

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## Indian Opinion

SATURDAY, SEPTEMBER 5TH, 1908.

### Equal Rights

If persons are admitted, they must be given civil rights. "Free" or "not at all" seems to me the sound principle for the British Empire.

If any one is admitted under the British flag, he must be a potential citizen and must, sooner or later, be given equal rights with all other men.

It was a strong thing to ask that any subject of the King should be deprived of his living and set about his business through no fault of his own.—COLONEL SEELY, in the House of Commons, on the 31st July.

THE quotation we have given above is taken from the speech made by Colonel Seely, the Under Secretary of State for the Colonies, on the motion of Mr. A. E. W. Mason. Colonel Seely's speech will be found fully reported elsewhere. General Smuts resented Mr. Gandhi's remarks that he claimed for British Indians partnership with the European inhabitants of the Transvaal, but a greater than General Smuts has vindicated the right. There is no false ring about Colonel Seely's remarks, and there can be no doubt that for British Indians there is no other position possible. They must take every opportunity of asserting the right. As has been pointed out, it does not mean trenching upon white predominance in the Colonies, it does not mean that British Indians have the remotest intention of usurping the governing power that the Europeans enjoy in

the Colonies, but, if they are to be treated as British subjects, they must gain full civil liberty, and, in order to gain that, they must accompany their assertion with the weapon of passive resistance, whenever it becomes necessary to wield it. It is because General Smuts fails to recognise the justice of the claim that he resents the possibility of a few educated Indians entering the Transvaal as of right. The speech made by Colonel Seely shows that the Imperial Government is still negotiating with the Transvaal Government in connection with the position of British Indians in that Colony, and British Indians have only to continue in their determination to suffer in order, ultimately, to get what they are entitled to.

BECAUSE MR. EBRAHIM OSMAN IS AN Indian, as also Mr. E. M. Pattel, of Vereeniging **Is it Barbarous?** the former's incarceration under the extraordinary circumstances reported in our columns, and the sale of the latter's goods in the manner reported elsewhere in this issue have attracted little notice. They would have been termed savage and barbarous, had the parties been wearers of a white skin. Mr. Ebrahim Osman is a well-known merchant of Piet Retief. He was known to the Corporal who gave evidence for the Crown. His connection with the permit held by him was also irrefutably demonstrated before the Court, and yet he was sentenced to pay a fine of £5 or suffer imprisonment for 14 days without hard labour, because he declined to give his thumb impression. What a parody of justice! Mr. Ebrahim Osman knows English well. He can sign his name, but he must give his thumb-impression because he is an Asiatic! Yet the Legislators of the Transvaal had no hesitation in saying that they wanted to treat Indians with justice and fairness. Sir George Farrar declared that he recognised his Imperial obligation. The administrators of the laws of the Colony discharge this obligation in the name of the local Parliament by treating respectable Asiatic residents of the Transvaal as if they were common felons. Mr. E. M. Pattel was fined £1 7s. 6d. He bravely refused to pay the fine. There was no alternative of imprisonment. His goods were therefore sold, and for £1 7s. 6d., a Bill of costs due to the Messenger of the Court was taxed at £4 18s., and, in order to recover the sum of £6 5s. 6d., goods to the value of nearly £20 had to be sold. It will be said, in answer to this, that Indians have brought it on themselves, and so they have.

The question, however, is not that the Indians are now opposing a law that they consider to be unjust, but it is that of the Government and the Parliament of the Transvaal having made their position so intolerable that they cannot do otherwise. Mr. Ebrahim Osman would not have refused to comply with the regulations had they not been galling, and Mr. Pattel would not have allowed his goods to be sold if General Smuts had kept his promise. Lord Selborne said the other day at Vereeniging that the Asiatics who were entitled to remain in the Transvaal should be treated with justice. We do not know whether his Lordship considers the forced sale of Mr. Pattel's goods and the incarceration of Mr. Ebrahim Osman to be equitable treatment.

IT IS AGAIN OUR PRIVILEGE TO JOIN with our brethren throughout India and the Colonies **The G.O.M.'s Birthday** on the occasion of the birthday of Mr. Dadabhai Naoroji, the greatest living Indian. Yesterday he entered upon his eighty-fourth year. His life has been a strenuous one, devoted to his people and his beloved country. Now the aged patriot is living in quiet retirement in India, enjoying the rest which he has so nobly earned. Indians in South Africa, and especially those in the Transvaal, may take courage for the fight by remembering that Mr. Dadabhai has spent practically the whole of his life fighting for the rights and freedom of his fellow-countrymen. Therefore, the greatest honour we in South Africa can do him is to follow his example, never flinching from the struggle until we have gained for ourselves, and for the generations to follow, that complete freedom which is the right of every subject of the King-Emperor.

### Answers to Correspondents

SHRIDASTHUM. We have every reason to believe that the Hon. Mr. Khare's advice is being widely accepted in South Africa.—Ed. I.O.

VERB. SAP. You should use your personal efforts amongst non-readers of INDIAN OPINION. "Open letters" will not do much good.—Ed. I.O.

BHUSSMASOOR. We regret that it is difficult, if not impossible, to come to any other conclusion than that indicated by Mr. Connolly, who is to be congratulated on having the courage of his convictions.—Ed. I.O.

## Asiatics Registration Amendment Act (1908)

### Full Text

We print below the full text of the Act "To validate the Voluntary Registration of certain Asiatics who failed to comply with the provisions of Act No. 2 of 1907 and to make further provision for the registration of Asiatics," recently passed by the Transvaal Parliament:—

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of The Transvaal as follows:—

1. In this Act unless inconsistent with the context:—

"adult" shall mean of the age of sixteen years or over;

"application for registration" shall mean an application to be placed on the register of Asiatics made in the manner and form prescribed by regulation and accompanied by the particulars and means of identification required by regulation;

"Asiatic" shall mean any male person belonging to one of the native races of Asia and shall include a coolie, an Arab and a Malay but shall not include—

(a) a Malay born and resident in any British Colony or possession in South Africa; or

(b) a person introduced into this Colony under the Labour Importation Ordinance 1904; or

(c) an officer of any consular service;

"certificate of registration" shall mean a certificate of registration under Act No. 2 of 1907, or a certificate under this Act in the form set forth in the Schedule to this Act or as prescribed by regulation;

"commencement of this Act" shall mean the date on which this Act came into operation;

"Governor" shall mean the officer for the time being administering the Government of this Colony acting by and with the advice and consent of the Executive Council thereof;

"guardian" shall mean the parent of a minor Asiatic or any other person under whose care such minor is living for the time being, or failing any such person the employer of such minor;

"lawful holder" as used in relation to any certificate of registration shall mean the person (other than a minor named therein) whose registration is thereby certified;

"minor" shall mean under the age of sixteen years;

"register of Asiatics" shall mean the register to be kept for purposes of this Act in manner prescribed by regulation;

"registrar" shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;

"regulation" shall mean any regulation made under section *seventeen* of this Act;

"unregistered Asiatic" shall mean an adult Asiatic who is not the holder of a certificate of registration.

### Part I.

#### VALIDATION OF VOLUNTARY REGISTRATION.

2. (1) Every person—
- (a) who is an Asiatic as defined by Act No. 2 of 1907; and
- (b) by or in respect of whom an application for registration was on the tenth day of February 1908, or on any day subsequent thereto up till the tenth

day of May 1908, made to the registrar or other duly authorised officer; and

(c) to or in respect of whom a certificate in the form set forth in the Schedule to this Act was issued by the registrar;

shall, when in possession of such certificate, be deemed to be the lawful holder of a certificate entitling him to enter and reside in the Colony.

(2) Every person who, having been the lawful holder of a certificate of registration under Act No. 2 of 1907, has been permitted to obtain a certificate in the form in the Schedule to this Act in substitution for such first-mentioned certificate, shall also be deemed to be the lawful holder of a certificate entitling him to enter and reside in this Colony.

(3) Every Asiatic who holds any certificate mentioned in this section shall be subject in all respects to the provisions of this Act and not to the provisions of Act No. 2 of 1907.

### Part II.

#### REGISTRATION OF ASIATICS AFTER THE COMMENCEMENT OF THIS ACT

3. An Asiatic shall be entitled to registration under this Act if—

(a) he satisfies the conditions described in sub-sections (2) or (3) of section *four*, whether he was or was not in this Colony at the commencement of this Act; or

(b) being the lawful holder of a certificate of registration issued under Act No. 2 of 1907, he desires to exchange such certificate for a certificate of registration under this Act; or

(c) having been a minor resident in this Colony at the commencement of this Act, he first entered the Colony with an adult Asiatic who was his guardian and who was registered under Law No. 3 of 1885 or any amendment thereof or is registered or entitled to registration under this Act; or

(d) he was born in any part of South Africa which was at the date of his birth within the boundaries of The Transvaal.

4. (1) Every unregistered adult Asiatic resident in this Colony at the commencement of this Act shall before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may by notice in the *Gazette* prescribe for particular areas of this Colony, make application for registration, and the registrar shall, on being satisfied that such Asiatic is entitled to registration, issue to him a certificate of registration.

(2) Every unregistered adult Asiatic resident outside the Colony at the commencement of this Act, shall,

(a) if he was resident in The Transvaal for three years prior to the eleventh day of October 1899; and

(b) upon application for registration from a place in South Africa but outside the Colony within one year after the commencement of this Act; and

(c) upon satisfying the registrar of the facts mentioned in this sub-section;

be entitled to obtain a certificate of registration.

(3) Every unregistered adult Asiatic resident outside this Colony at the commencement of this Act but who was—

(a) duly authorised to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof or issued between the first day of September 1900 and the date of the passing of the said Ordinance (unless such permit shall have been fraudulently obtained); or

(b) was resident and actually in this Colony on the thirty-first day of May 1902;

shall be entitled, upon satisfying the registrar of the fact set forth in paragraph (a) or (b) of this sub-section and upon application for registration from a place in South Africa but outside the Colony, to obtain a certificate of registration.

#### MINOR ASIATICS

5. In respect of every unregistered minor Asiatic born in this Colony, not being the child of a labourer introduced into this Colony under the Labour Importation Ordinance 1904, the following provisions shall apply:—

(1) If his guardian is an Asiatic, the minor's name, his age, his residence and his relationship to his guardian shall be included in the certificate of registration of his guardian.

(2) Within one month after such minor attains the age of sixteen years he shall make application to the registrar for a certificate of registration; provided that, if he be absent from the Colony on attaining that age or one month thereafter, he may, from a place in South Africa but outside the Colony, make application to the registrar for registration and upon satisfying the registrar that he is entitled to registration, the registrar shall issue to him a certificate of registration, and his name shall thereupon be expunged from the register of Asiatics as a minor and shall be deemed to be no longer included in his guardian's certificate of registration.

6. (1) Whenever the registrar is satisfied that any Asiatic claiming to be entitled to registration under section *three* is not so entitled, he shall refuse to issue to him a certificate of registration, and notice of the refusal shall be sent by post to such Asiatic at the address given upon his form of application.

(2) In every case of refusal by the registrar to issue a certificate of registration, an appeal may, within fourteen days of the date of the notice of refusal, be noted by letter addressed to the Colonial Secretary, and such appeal shall be heard by a magistrate specially assigned by the Governor to hear such appeals, and such magistrate shall be deemed, when hearing any such appeal, to be an inferior court within the meaning of section *nineteen* of the Administration of Justice Proclamation 1902.

(3) In the case of an Asiatic who is in South Africa but outside this Colony, the officer in charge of the Immigration Department shall, as soon as the date has been fixed for the hearing of such appeal, send by post to the appellant at the address given upon his application for registration a temporary permit entitling him to enter and remain in the Colony until the appeal has been determined. If the appeal be dismissed, the said magistrate shall make an order in writing directing the appellant to be removed from the Colony, and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act 1907 or any amendment thereof.

(4) In the case of an adult Asiatic in the Colony who has not within a period prescribed by sub-section (2) of this section noted an appeal or whose appeal having been noted has not been proceeded with or has been dismissed, the said magistrate shall make an order in writing directing such Asiatic to be removed from the Colony, and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act 1907 or any amendment thereof.

#### REMOVAL FROM THE COLONY

7. Any adult Asiatic who, after such date or dates as may be notified by the Colonial Secretary in the *Gazette*, is found within the Colony and fails, upon such demand as is mentioned in section *nine* to produce a certificate of registration of which he is the lawful holder, may be arrested without warrant and brought before a resident or assistant resident magistrate and if he fails to satisfy such magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required to make application for such certificate has not expired the magistrate shall, save as in the next succeeding section is provided, make an order in writing directing him to be removed from this Colony and every such order shall be deemed to be an order made under section *six* of the Immigrants Restriction Act 1907 or any amendment thereof.

8. If an adult Asiatic who has failed to make application for registration in accordance with the provisions of sub-section (1) of section four shall satisfy the magistrate before whom he is brought that such failure was due to some good and sufficient cause, the magistrate may, instead of making such order as aforesaid, direct such Asiatic forthwith to make application for registration within eight days, and if such Asiatic shall comply with such direction, his application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said sub-section and all the provisions of this Act which would have applied if the application had been so made shall apply accordingly, but, if he shall fail to comply with such direction, the magistrate shall make an order for removal as aforesaid in respect of such Asiatic and any such order shall be deemed to be an order made under section six of the Immigrants Restriction Act 1907 of any amendment thereof.

**Part III.**

**GENERAL AND MISCELLANEOUS.**

9. Every Asiatic who enters or is within this Colony shall, upon demand made upon him by any European member of a police force lawfully established therein or by any other European person authorised thereto by the Colonial Secretary, produce the certificate of registration of which he is the lawful holder, and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by regulation. Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in section eight.

10. (1) If at any time any certificate of registration is lost or destroyed, the person to whom it was issued shall forthwith apply to the registrar to have the same renewed and the registrar shall, upon compliance by such person with such procedure as is prescribed by regulation and upon payment of a fee of five shillings, renew the certificate. Such fee shall be denoted by means of revenue stamps to be affixed to the application for renewal and shall be defaced by the said registrar.

(2) Any person into whose hands shall have come any such certificate shall, unless he is the person to whom it was issued, forthwith deliver or transmit the same as soon as may be to the Registrar of Asiatics, Pretoria.

11. Every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof is entitled to enter and reside in this Colony; provided that this section shall not apply to persons who have, under section five or six of the Immigrants Restriction Act 1907 or any amendment thereof, been removed from the Colony.

12. Whenever, in any prosecution or other proceeding under this Act the age of any Asiatic is in question such Asiatic shall unless and until the contrary be proved be taken to be of the age which the registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

13. Any affidavit or sworn declaration which is required by regulation to be made by any person who makes an application for registration shall be exempt from stamp duty.

**TRADING LICENCES**

14. (1) No Asiatic shall obtain any trading licence under the Revenue Licences Ordinance 1905 or any amendment thereof or under any bye-law or regulation in force within the jurisdiction of a local authority, unless he produce to the person appointed to issue the licence a certificate of registration of which he is the lawful holder and either give his signature in English or supply such other or additional particulars or furnish such means of identification as the Colonial Secretary may either generally or in particular cases prescribe.

(2) Any trading licences issued under such Ordinance or under any such bye-law or

regulation between the tenth day of February 1908 and the commencement of this Act to an Asiatic who made such application as is prescribed in sub-section (1) (b) of section two of this Act shall, notwithstanding anything in section thirteen of Act No. 2 of 1907 contained, be deemed to have been lawfully issued.

(3) Section thirteen of Act No. 2 of 1907 shall be and is hereby repealed.

**THE PENALTIES**

15. Any person who—

(a) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration, commits any fraudulent act, or makes any false statement or false pretence;

(b) forges or prior to the commencement of this Act has forged any document in the form set forth in the Schedule to this Act or forges any certificate of registration or utters any such document or certificate knowing the same to be forged; or

(c) uses or attempts to use as a certificate of registration any such forged document or any such certificate of which he is not the lawful holder;

shall be guilty of an offence and liable to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and imprisonment, and any person who incites to, or aids or abets any other person in, the commission of any such offence shall be liable to the like penalty.

**TEMPORARY PERMITS**

16. Notwithstanding anything in the Immigrants' Restriction Act 1907 or this Act contained, the Governor may approve the issue of a permit, in the form prescribed by regulation, authorising an Asiatic to enter and remain in the Colony for any period named in such permit, and after the expiry of such period the person in respect of whom such permit was issued shall be deemed to be a person not duly authorised to be in this Colony, and if found may be arrested without warrant and the provisions of section six of the Immigrants' Restriction Act or any amendment thereof shall apply to such person, as if he were a person mentioned in paragraph (c) thereof.

**THE GOVERNOR'S POWERS**

17. The Governor may from time to time make, alter, or rescind regulations for any of the following purposes:—

(1) Prescribing the form of the register to be kept for the purposes of this Act.

(2) Prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished by any applicant for the purpose of or in connection with such application.

(3) Prescribing the form of certificates of registration.

(4) Prescribing the particulars to be supplied and the means of identification to be furnished

(a) by any Asiatic upon such demand as is mentioned in section nine;

(b) by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed.

(5) Prescribing the procedure to be observed on or in connection with appeals to the magistrate mentioned in section six.

(6) Prescribing the form of permit to be issued under section sixteen.

(7) Generally for the better carrying out of the objects and purposes of this Act.

18. Any Asiatic or the guardian of any Asiatic failing to comply with any requirement of this Act or of the regulations shall, except where otherwise specified, be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

19. Notwithstanding anything to the contrary in sub-section (b) of Law No. 3 of 1885 as amended by Volksraad Resolution Article 1419 of the twelfth day of August 1886 the portion of Erf No. 373 Church Street Pretoria which was registered in the name of the late Aboobaker Amod and which at the commencement of this Act was registered in the name of Henry Salomon Leon Polak may be transferred into the name of the heirs of the said Aboobaker Amod.

20. This Act may be cited for all purposes as the Asiatics Registration Amendment Act 1908 and shall not come into operation unless and until the Governor shall have declared by proclamation in the *Gazette* that it is His Majesty's pleasure not to disallow the Act and thereafter it shall come into operation on such date as the Governor shall by like proclamation declare.

**Schedule**

**TRANSVAAL ASIATIC REGISTRATION CERTIFICATE**

Name in full.....  
Race.....Age.....Height.....  
Description.....

Right Thumb Impression.	..... Registrar of Asiatics.
	Date of Issue.....
	Holder's } Signature } .....

Name of Wife.....Residence.....  
SONS AND MALE WARDS under the age of 16 years.

Names.	Age.	Residence.	Relationship to Guardian.

No alterations or endorsements are to be made on the face of this Certificate except by the Registrar of Asiatics.

**OUR SUPPLEMENT.** The fourth of September being the 84th birthday of the Hon. Dadabhai Naoroji, we give with this issue his portrait as a special supplement.

**DADABHAI NAOROJI.** The British Indian Association has sent a cable of congratulation to the Hon. Dadabhai Naoroji on the occasion of his 84th birthday. The Natal Indian Congress has sent a similar cable.

**CLARE ESTATE ROBBERIES.** The Secretary of the Indian Patriotic Union has been informed by the Government that the Police have been authorised to establish a Police Station at Clare Estate or Springfield. This communication is a reply to the Petition forwarded by the Union some time ago.

## Durban Mass Meeting

### The Licensing Question

On Saturday afternoon last, a huge gathering of Natal Indians met together in the Indian Market, Grey Street, Durban, to protest against the passage of the two Licensing Bills recently passed by the Natal Legislature. The chair was taken by Mr. Abdul Cadir, in the absence of Mr. Dawad Mahomed (President of the Natal Indian Congress).

Amongst those on the platform were Messrs. Dada Osman, Abdulla Hajee Adam, Advocate Gabriel, Mahomed Ebrahim, Hassim Jooma, Ebrahim Camroodeen, Ismail Bayat (Maritzburg), Ismail Gora, A. M. Omar (Ladysmith), Kalidas Gandhi (Tongaat) Moulvi Fateh Mahomed, R. Lungunberthy, E. M. Haffajee (Estcourt), and Goolam Rasool (Charlestown).

Delegates attended from Maritzburg, Ladysmith, Newcastle, Charlestown, Verulam, Tongaat, Stanger, Chakas' Kraal, Nonoti, Ixopo, Pinetown, Northdene, Greytown, Estcourt, Ennersdale, Port Shepstone, New Germany and other places.

The chairman, in the course of his speech, which was delivered in Hindustani, said that the object of the meeting was to offer their protest against the two Bills prohibiting Indians from holding licences in Natal. These he described as arbitrary, unjust, and unconstitutional. He then went on to relate the history of the Indian question in this Colony from the early days when what is now called the "Garden Colony" was but a barren waste. Natal was then a Crown Colony, and the administrators were statesmen, with broader views, higher ideals, great foresight, and, above all, men well imbued with the traditional love of British justice and fairplay. The financial condition of the country was then in a very bad way, and those administrators of the day, after a careful survey, due deliberation, and with a popular vote, introduced the Indian labourers into the country, and the result of such a policy was so marvellous that in three years the revenue was four-fold, and the barren waste had blossomed into a fruitful garden, and the white population began to increase; and since then it has gone on increasing in wealth, prosperity, and population and for that the country is solely and wholly indebted to the Indians. The trader naturally followed the Indians. One great outcome of such a policy was the granting of Responsible Government to the country. The British Indian residents of the Colony were handed over to the tender mercies of the white Colonists, with a nominal reservation of all colour legislation for the approval of the Imperial Government, and it was a lamentable fact how seldom this veto was exercised on their behalf. It had been the

fashion to foster the belief that all the ills that South Africa is heir to should be on the devoted heads of the Asiatics, and, this being the easiest way to get in public favour, there were not lacking people to take advantage of it, and a campaign of calumny and agitation was started, culminating in these Bills, against which they were there that day to protest. There were three Bills before the Parliament:— (1) Stoppage of indentured immigration; (2) stoppage of the issue of new licences to Asiatics after Dec. 31, 1908; (3) stoppage of the existing licences after 1918. If there were need for passing any Asiatic legislation the crying need was for the stoppage of indentured labour. It would not serve any purpose to go into details on how these poor Indians were beguiled into accepting this form of slavery, for the benefit of the white men, and it is a patent fact that they have inundated this Colony with successive thousands of the indentured Indians, then thrown them over to the country at large after the completion of their indenture, to eke out a living as best they could. These poor wretches, after their indentures, are made to pay £1 poll-tax, £3 head-tax, £3 for their wives—in all, £7—per year to the Government. Thus after getting as much as they can by his cheap labour, he is further exploited for the benefit of the white Colonist by such iniquitous imposts. What makes it more objectionable is that the poor Indian was penalised to this amount, in spite of the arrangements with the Government of India to the contrary, and, now and again, even the few trinkets of his wife are forcibly taken away, under order of the magistrates to recover this tax. The question naturally arises under such circumstances: Where is the Protector of the Immigrants, and what does he do to protect his charge? The designation is a misnomer. He is not a protector of the Indian immigrants, but is the protector of the farmers, whose servant he is, and is consequently afraid to exercise his authority. Not only is the Indian thus handicapped, but the laws regulating his employment are such that his employer is made liable for all arrears, and hence it becomes increasingly difficult for the time-expired men to find work in the Colony, nor is the farmer willing to re-indenture him, as he can easily get a new man at a nominal price. This system has caused immense suffering amongst these poor Indians, so much so that about three thousand of them went to Lobito Bay in search of work and there more than half of them seem to have died through disease. The Bills will deprive a few men of their legitimate right of earning a living for themselves and their families so that a few whites, mainly foreign, may get an opportunity to step into their shoes and leave the farmer his cheap labour supply undisturbed, and thus continue to flood the country

with time-expired Indians, and perpetuating the mischief they are so anxious to exterminate. Could inconsistency further go! The Bill to stop the issue of new licences is a second instalment of the Act of 1897. Although the wording of the latter Act is made to apply to trades in general, in practice it has been entirely made operative against the Indians, and has been the means of gradually depriving many an old resident trader of his means of livelihood on some pretext or another. So much so that the Indian community has been trying its utmost to get the law altered, by the appeal from the Local Board to the Supreme Court re-established, and the justice of the grievances was even admitted by the late Secretary of State for the Colonies. The second Bill, for the stoppage of the existing rights, if passed, would be nothing short of legalised robbery. It was even tame to stigmatise it thus. The Act of 1897 had been worked very unscrupulously. They had been landed into no end of expenditure, and even after complying with all the demands they had been deprived of their licences. The vagaries of Local Boards (which are mainly composed of rival competitors), and from whose judgment there is no appeal, had been so pronounced at times that even the Supreme Court had denounced the Act. And now, at one fell stroke, it was contemplated, not only to deprive them and their legitimate right to trade, but to deprive them indirectly of the fruits of their life-long industry and thrift. The Imperial Government had a great responsibility thrown upon it, and had an onerous duty to perform. He hoped that, His Majesty's Ministers would be guided by what is best in them, and by that traditional love of justice and fairplay, instead of hastening a catastrophe by sanctioning these iniquitous measures. (Loud applause).

Mr. Abdoola Hajee Adam then moved the first resolution, as follows:—

"That this mass meeting of the Natal British Indians emphatically protests against the two Licensing Bills recently passed in the Natal Parliament, and considers them unjust, unconstitutional, and the worst type of class legislation ever enacted in the history of the British Empire, and earnestly prays the Imperial Government to exercise its veto in the best interests of the Empire."

He referred to the apathetic attitude of the Imperial Government. We see in the Transvaal, he said, what steps the Imperial Government has taken to protect the disenfranchised Indian. We find that, on the very day the Responsible Government of the Transvaal assembled, it passed an oppressive Act against Asiatics, which the Imperial Government sanctioned, although it vetoed the same Act

previously. The Imperial Government finds itself powerless to protect British Indians against the Colonies, and that it has openly stated, which has given an impetus to other responsible and the Crown British Colonies to follow in the footsteps of the Transvaal in framing oppressive laws against British Indians. Are all these innumerable hardships against the British Indians to the credit and honour of the British flag? My countrymen, can you imagine such untold miseries being caused by any Government against its own subjects? Why are not those laws that are enforced against us not applied to the subjects of foreign nations, such as Germany, Italy and Russia? Because the Colonists know full well that if any oppressive laws were applied to foreigners their respective Governments would take up their cause very actively and promptly, and thus lead the British Government into serious complications, which, if not amicably settled, might lead to war. Besides the foreign Governments would be able to retaliate in the treatment of British subjects in their country. But in the case of the British Indians there is no fear for the British Government of complications, for they are dealing with their own subjects. We have no hope of getting any redress from the Colonial Governments. My countrymen, he continued, the only course upon to us is to depend upon ourselves for the redress of our grievances, and to suffer whatever consequences there may be for that end. I have not the slightest belief that the Acts will ever be sanctioned by the Imperial Government; but they show the attitude towards us of the Colonists of Natal. I trust you will all warmly support this resolution. We will protest, and protest, and protest, till we get redress. (Applause.)

The resolution was seconded by Mr. Ismail Bayat (Maritzburg) who said that their claim to-day here to every right of citizenship had been increased by the well-known fact that, in the late war India saved Natal. British troops, recruited, equipped and maintained from India's revenue, stopped the Boer march to the sea, and saved Maritzburg and Durban from the ravages of war. The white man was always in a hurry to become rich, and when he found any coloured section keeping the wolf from the door by patient toil, sober life, and industrious habits, he always grumbled at them. But a true business man was never afraid of competition, and never found time to cavil at others, and that was why the honourable section of the community took no part in this agitation. The Government forgot the Imperial aspect of this Colonial effrontery, disregarding the effect of their excess in India, and the present state of the National development, when millions of his Majesty's subjects are watching the course of events on the other side of the Indian Ocean, when by such a law British

rule was brought into disrepute. If ever such drastic legislation were passed here against subjects of another European Power, then the guns of that nation would come along, thundering on the Bluff breakwaters, but being British subjects their position becomes awkward in the Colony where the same flag flies. It would seem that one of the inestimable advantages of being taken into the bosom of the British Empire is that as a full-blown British citizen, you may be limited from other British Colonies or compelled to submit to some ignominious restrictions, whilst as a foreigner who has never shared the glory of British citizenship you are, if white-skinned, sure of being treated at least with respect.

Mr. Hassim Jooma, in supporting the resolution said: I never believed that Colonists would propose and pass such a measure as those we are about to protest against, and which were chiefly engendered by certain members of the shifting population of the United Kingdom, who were attracted to the Southern Hemisphere by the boom after the war. That the two Houses of Parliament should be so much carried away by the temporary wave of prejudice as to flagrantly violate the Sovereign's gracious and solemnly declared principles, and to disregard the fundamental principles of British justice, that such a law should be passed in a British Colony in the 20th century, passes my comprehension. It may be that these measures, unparalleled in the history of the British Empire, may more prominently bring this Colony before the world in the way of advertising its incompetency in the matter of statesmanship, only to be made a laughing-stock by European Powers and to bring her name into contempt in India. Our Colonial friends must remember that we were not uninvited to this Colony, having only followed the labourers imported from our country, and, to speak the truth, Natal must hold the responsibility of introducing us into South Africa. Before our introduction here, and, still more, after our commercial activities, we were restricted to East Africa, having regard to its geographical proximity to the rest of India. On arrival in this Colony we were encouraged in our undertakings, allowed to acquire vested interests, treated with the Government and municipalities unopposed, and, after long residence, through thrift and honest labour, law-abiding and peaceful character, discharging all our civic duties, have won for ourselves the absolute right of residence and trading in this country unassailable by any legislation. And now we are commanded to clear by a certain time bag and baggage, from this Colony to gain the selfish ends of a section of the community. If they take up the position that they have a right to eliminate from their preserves the coloured races, a time will undoubtedly come when the same arguments

and reasons might be urged against them by the Asiatic races for preventing them from entering their countries.

The resolution was also supported by Mr. Rooknudeen and Mr. Pillay of Maritzburg and was carried unanimously.

The next resolution was proposed by Mr. Ismail Gora, and was as follows:—

"That this mass meeting of Natal British Indians earnestly prays that his Excellency the Viceroy will intercede on behalf of his Majesty's Indian subjects in Natal, who are threatened with ruin by the contemplated Licensing Bills."

The resolution was seconded by Mr. A. M. Omar (Ladysmith), and supported by Mr. M. M. Suleman (Umzinto).

On being put to the meeting, the resolution was carried.

The third resolution, proposed by Mr. Bernard Gabriel, and seconded by Mr. Kalidas Gandhi (Tongaath), was as follows:—

"That this mass meeting of Natal British Indians strongly urges the stoppage of indentured Indian immigration to Natal under the present state of the law, which reduces indentured labour to a form of slavery."

Mr. Moulvi Fateh Mahomed and Mr. R. Lugunberthy supported and it was carried unanimously.

The fourth resolution, proposed by Mr. Mahomed Ebrahim, and seconded by Mr. E. M. Haffjee (Estcourt), was as follows:—

"That this meeting of Natal British Indians hereby authorises the chairman to forward copies of the above resolutions to the Colonial Secretary, for transmission to the Secretaries of State for the Colonies and India."

Mr. Goolam Rasool (Charlestown) supported and it was carried.

This terminated the proceedings.

**A PETITION.** A largely signed petition has been presented to the Natal Parliament by the British Indian citizens of Maritzburg praying for the abolition of the £3 tax.

**A SUCCESSFUL ZULU.** Alfred Mangena, a pure-blooded Zulu, has a record of which a white man might well be proud. His father, Stomels, was a veteran of Cetewayo, and fought with his tribe against the British in the Zulu war; and Mangena was born near Ladysmith, in Natal, afterwards educated at Clarkebury mission station, Cape Colony; next served an apprenticeship with the Roodepoort mine to become an assayer; and was after that at the Collegiate School, Capetown. In 1902 he went to London, and has now been "called" by the Honourable Society of Lincoln's Inn, and is entitled to be addressed Alfred Mangena, Esquire, barrister-at-law.—*East Rand Express.*



## Transvaal Parliament

### Sir George Farrar's and Sir Percy Fitzpatrick's Speeches

In the debate on the Asiatics Registration Bill before the Transvaal Parliament, the following speeches were delivered, after the Colonial Secretary's speech which we published last week:

Sir G. FARRAR (Boksburg East) said; I am very glad to say that we on this side of the House will unanimously support the Government in passing this measure. (Government cheers.) I recognise that the Government was faced with a somewhat difficult position, and it is our belief that questions of this sort should be kept entirely apart from party politics. (Hear, hear.) Some nine months since a similar trouble arose over this Asiatic question, and that arose from administrative details and questions of regulation for which we perhaps were not responsible. The difficulty has been to reconcile the demands of the Indians and the desire which everyone has to treat them with liberality, and at the same time to provide a definite and settled policy for the white people of this country in regard to the restriction of immigration of Asiatics. Therefore it is all the more necessary to be scrupulously fair to the people who have been resident in this country, and who have had some claim to reside here. The concessions we have made are wide and generous, although they may possibly not appear to be so to the Asiatics to-day, and to that great Indian Empire, which is watching the progress of this movement. Moreover, it may not have seemed to those people in the Mother Country, who do not understand the position, that this question of competition as between white people and Asiatics is a very serious one to us in this country. I contend that in making these concessions we have to consider how we shall protect the white people of the country, and that in doing that we have acted for the best interests of the whites who live here and those of the whole of the Empire. I would repeat, Sir, the words of the hon. the Colonial Secretary that this is a matter over which it is necessary to keep cool. There is no necessity for passion or for losing one's head. If we keep cool I think when this Bill is placed on the Statute-book it will be a reasonable solution of the question. I regret the passive resistance which is taking place to-day, and I hope the Indian community will be well advised, because this Bill is as far as Parliament can go, and on this question Parliament represents the united white population of this country. (Cheers.) It is just as well that the Indian community should understand that we intend to recognise our Imperial obligations. We are prepared to be reasonable and fair in every possible way, but at the same time anyone who comes into this country must respect the law. I sincerely hope, therefore, that when this Bill becomes law the Indians will be well advised and accept the position as it is. (Cheers.) If the position is accepted, we will be prepared to make reasonable concessions in every possible way. I am glad to say that on this side of the House we are unanimous in supporting the Government in passing this measure. (Cheers.)

Sir P. FITZPATRICK (Pretoria South-Central): Mr. Speaker, as one of the members of the Select Committee I should like to say a few words in support of what the Colonial Secretary has said, and also in order to make our position even more amply clear, if possible, than it has already been made. In a grave question of this kind I think perhaps a little too much explanation would be a pardonable mistake to make. This is a grave question. We have taken a certain decision, and we intend to abide by that decision. We have approached this case unanimously with the desire to see in the words that were expressed to the representatives of the people that we met—to have it marked by justice, reason and finality—

(cheers)—out of consideration for the people to whom we stand in a kind of fiduciary capacity as the Parliament of this country. Knowing the gravity of what was before us, we desired to make our own case so unassailably strong, so firmly founded upon justice, that there would be no man living who could reasonably turn to us and say, "Here you have failed. You might have done something more reasonable." I am convinced, Sir, that motive actuated us all, and I cannot say anything in what we have done to show that we have failed. The Colonial Secretary has mentioned what the result has been, and in endorsing what he said when he appealed to all to keep calm, and what was said by my hon. friend that this was not an occasion for anyone to lose their heads, and in helping to strengthen that appeal, I would like to add that we must bear in mind that possibly if the representatives of the Indian community had the draft Bill before them when they sent in their reply they would not have sent in such a reply. We appreciate that. We hope and believe that when they go into this draft Bill, when they peruse it carefully and give it due consideration, they will see that we have done everything consistent with justice and the governing powers of the country to meet them in every possible way. (Cheers.) I do not want to interpret the reply, Sir, as a dictation to the Government; I do not want to interpret now the stipulation about Mr. Sorabjee as a command to this Parliament to suspend its laws; the repeal of the Act as a breach of faith; the submission of the provisions that come before Parliament of the British Indian Association as an absurd idea; the general provisions for educated Indians as a provocative act. I do not want to interpret things in that way. I desire that the Indians should have time to consider the whole matter, and that we should accept this reply of theirs as meaning simply what they would prefer, and that what they put forward was in good faith. Let them have time to think over the Bill and what the Colonial Secretary has said, "Here is the law, and by this law you must abide." We told them firmly, Sir, that this was their last chance. Every pains had been taken to ascertain what their views and grievances were, and every effort was made by us to meet them. I do not know if whether behind it all there is the big question on their side that there is on ours. All the world knows that this country has been divided upon another Asiatic question in the past, but the history of that question shows that it was not the same as this, that the introduction of the Chinese was for a specific purpose, and designed by all of us who advocated it to be on such conditions that the vital interests of the Colony were safeguarded. But simultaneous with the introduction of the Chinese we were absolutely firm on the policy that this Colony was not going to be the home for immigrant Asiatics (Cheers.) Now, Sir, that policy was founded upon profound conviction in most of us. South Africa was redeemed from barbarism by the white people. Its position has been built up to-day by the white people. It is the traditions, instincts, and inspirations of the white people that brought it to its present development. It is the white people who will have to carry it on, and to defend it if needs be. (Cheers.) I have said this, Sir, to the Asiatics, and they have replied that that is common ground. They don't dispute that. They recognise that there is nothing offensive in saying it. We meet on common ground, and if it is in the mind of any of the more ignorant of them that that ground can be abandoned, it would be better for them to realise that it cannot be done. (Cheers.) The people of this country are determined to build up a white civilisation—(cheers)—to the best of their ability, and this policy is not the result of impulse. It is fundamentally necessary for the development of South Africa as a white man's country and a civilised country. Having said that, I wish to add that we have to put ourselves now in a position of the greatest responsibility. Anything that we have the power to do, we must do for these people. There should be no room for criticism. We

have endeavoured to deal, and I think we have succeeded in dealing, most justly and most generously with them, but it is quite impossible for us to open the door to further Asiatic immigration. I mention this, Sir, because if the suggestion of allowing educated Indians to come in is designed to be the establishment of a principle which will gradually be extended, it must be given up. It is a delusion. Such a principle cannot be admitted here. The white people of this Colony cannot and will not admit it, but we have endeavoured to substitute something else that would meet them. That is the provision to which the Colonial Secretary has made reference—that educated Asiatics can come in when it is necessary for them to come on application to the Governor for a permit, and for such purpose as the Governor-in-Council may determine. Is it reasonable to ask us to go further than that? I do not think it is. The Governor-in-Council, recognising the necessities of these people, will endeavour to deal justly with them, and will issue permits for such purposes as are necessary. Now they can get all they claim in argument if necessary by this provision, but for them to claim it is an absolute right is going too far. I hope the words which have been spoken in this House will reach the Asiatics, and be carefully thought over by them, because what does it mean but to plunge them all into another long struggle, which will raise feeling in this country based upon colour or racialism, which must in the end be disastrous to them, as it will be injurious to the cause of justice. It will be impossible to administer justice when feeling comes to be thoroughly inflamed as in other countries. Who will suffer? Only the poor ignorant people who are being misled into an unwise and unjustifiable opposition against the Government. What will they suffer for? There is no man under this law who has a right who cannot come and exercise that right. Those who claim to have rights in the country are recognised under the law; those who claim to have resided here before the war have the right to reside here—they have only to prove that right. Those who were not here when the voluntary period was determined are no longer subject to what they considered to be a humiliation, and if they are not in the country their right will be considered. I cannot, for the life of me, see any single individual whose rights are not recognised in this law. What, then, is this trouble for? It is to establish the theoretical right of someone to come at some day and establish a right—not the right of a man who is here and who has a right, but the rights of some who may come in future, and, for the sake of that, they are going to plunge 9,000 into a struggle and plunge the country into turmoil, and what for? They say for a principle; I admire them for standing for a principle; but they can go too far in the interests of someone who perhaps do not exist. (Hear, hear.) I think that the white people of this country have gone as far as they can go, and I sincerely hope that the Asiatics will realise that this is an effort founded upon justice, reason, and finality. (Cheers.)

Mr. W. HOSKEN (Von Brandis) thought the Bill fairly, honestly, and clearly set out the various points discussed at the meeting, and provided for those points. . . . He would be perfectly frank with the House, and so he stated he had already communicated with the Indian people in Johannesburg, and had briefly stated to them the provisions of the Bill, and had urged upon them to accept them. We said that he thought it would meet the case, and that it provided for all the points raised, and he trusted they would accept the Bill as a real and honest attempt on the part of the Government and the House to meet the difficulty that had arisen. In fairness to himself and the Indian people, he stated that on one point he differed, and had expressed his dissent at the Conference; that was in regard to the education test. It had not been to the credit of their Administration that they wished to exclude professional men. The proposal was that barristers, doctors, priests, or the holders of university degrees, should be admitted. Their number would probably be

small. It was asked that a residential permit should be granted these people by the Governor in Council. He thought they were reactionary in not accepting such a provision. Any semi-civilised Government would to-day admit teachers of religion, and for the Government to say they would give no residential permit either to teachers of religion or to any other qualified person under the educational test seemed to be such a narrow interpretation that he could not agree to it.

The COLONIAL SECRETARY: We don't do that.

Mr. W. HOSKEN (Von Brandis) thought that otherwise the Bill was a fair reflection of the discussion at the Conference, and provided for the demands of the Asiatics in a reasonable way, and he trusted it would be accepted by the House and by the Indian people.—*Transvaal Leader.*

## Imperial Parliament

### Asiatics in the Colonies

#### Colonel Seely points the Way

In the House of Commons on July 31st, on the motion that the House do adjourn until October 12, MR. A. E. W. MASON called attention to the report submitted by Mr. Mackenzie King as the result of his mission to this country to consult with the British authorities upon the immigration of Asiatics. That report was of great value, if only for the extreme cordiality of its tone and frank recognition by Canada of obligations of citizenship within the Empire; but it was also valuable as a settlement of a particular incident and the statement of a problem which would have to be faced in the years to come, and, if not treated, would be a constant danger and even a cause of destruction to the integrity of the Empire. All the features of the problem were presented from the Colonial and Indian points of view. The question of Asiatic emigration was one to which the House would have to give the most careful consideration. The problem was bound to grow. In the frontier districts, in Madras, and other parts of India, the desire to spread abroad was growing greater. They could not shut their eyes to the problem, and he believed that, in the paper to which he referred, there was the principle of a definite policy which was capable of great extension and which, if extended, might save us from a great danger. He thought that, if they could get some continuance of co-operation between the Governments of the Colonies and the India Office they would be taking a very great step towards solving this difficult question; and there was in the new machinery that had been invented by the Government a means by which this co-operation could be established. What was wanted nowadays was some sort of Imperial Intelligence Department and the conference secretariat might be used to work out that end. (Hear, hear.) If that office could be enlarged so that it would form a clearing ground for information, we should save ourselves from dangers such as we had certainly passed through and would

have to face in the future unless the question was deliberately grappled with. (Hear, hear.)

COLONEL SEELY observed, in the course of his reply, that the whole future of the Empire depended on the steps now taken. (Hear, hear.) The matter was brought to a stage of acute difficulty only a few months ago and, in consequence, they had this report; and he wished to say at once on behalf of the Government that they appreciated most warmly the manner in which the Canadian Government had met them in this most difficult matter. He would not dwell on the Japanese immigration, because the Japanese Government had agreed to restrict emigration as far as possible, and had shown the most friendly desire to co-operate with the Canadian Government and our own Government. (Hear, hear.) But, in the general question, might he appeal to the House not to adopt any superior attitude in this matter—not to say, as people were tempted to say, "Surely all men in the Empire are equal," and not to hold too closely to the right of a man to say "*Civis Romanus Sum*, and, being a citizen of the Empire, I can go where I please," and that any attempt to exclude a citizen of the Empire was unjust and must be resented by the Imperial Government. It was easy to utter those very proper sentiments because we had no corresponding dangers in this country. Not only had we no menace of the kind, but objections were raised at the slightest symptom of Asiatic immigration. He had heard a statement from the President of the Board of Trade that he was proposing to take action in regard to the increase of Chinese seamen in British ships. He did not say we ought not to take these objections, but he said we did, and, therefore, we ought not to take up a superior attitude against the Colonies who found themselves confronted with a far more urgent danger. (Hear, hear.) The outward extension of Asiatics was not likely to diminish, but there were indications in the Colonial Office and, he understood, also in the India Office that there was plenty of work in India for able-bodied men to do, and that the tendency towards extension was confined only to certain areas. He admitted, however, that the matter was of urgent importance. The burden of the cry of those who said that we must take a stronger attitude to induce our Colonies to accept Indian immigration was "*Civis Romanus Sum*." A citizen of the British Empire, it was said, ought to be able to go where he pleased. When we had some great function here a citizen of the Empire from India shook our statesmen by the hand, and immediately afterwards citizens of the Empire from Australia and Canada went through the same ceremony. On the other hand, it was said that Euclid's statement that things which were equal to the same thing were equal to one another was not always capable of

application to political matters. There were reasons which made people of a particular race determined not to admit persons of another race or another stage of civilisation. Notwithstanding the temporary abandonment of the doctrine of "*Civis Romanus Sum*," there was reason why they need not regard it as a complete disaster. He would remind the House of a better Latin saying: "*Homo sum; humani nihil a me alienum puto*." (Cheers.) In English he would say, "God made all men in his own image; and therefore all men are my kith and kin." That was a wider doctrine than the doctrine that in matters of civil liberty the citizens of the Empire should have a privilege over citizens of the world. Even that wider doctrine could not be applied, first of all because of climatic conditions. Mr. Mackenzie King's report was conclusive on that point. The immigration into Canada that did take place resulted in great suffering to the Indian immigrants. He had seen all the papers, confidential and other, and he could assure the House that Indian immigration into Canada had been a failure from the point of view of the immigrants themselves. Then there was the economic difficulty—the trade union difficulty—caused by the determination of the men in the country not to have their wages cut or a race introduced which could work for less because on account of its physique it could live on less, and because on account of its habits it did not require such a high development of comfort. That was the point which must never be lost sight of. Great white communities could not be expected to allow their economic standard to be lowered in this way. But the most important difficulty was racial antipathy. It was all very well to say that all men were equal and brothers; there were many people who would not assent to that doctrine. It was the duty of philosophers and Christians to remove racial antipathy before statesman and politicians introduced an alien element. To take the opposite course and enforce the principle that a citizen of the Empire should be able to go all over the British Empire before a favourable state of feeling had been created could only cause infinite suffering to both the races concerned. A striking, almost tragic, illustration of this fact was to be found in the present situation in the Southern States of America, where the presence of an alien race had caused acute suffering to both black and white races. What policy ought they to pursue? The first principle was that while they trusted that the self-governing Colonies would realise to the full the immense difficulties that must be brought upon the Empire by a policy of cruel exclusion against the 300 millions of Asiatics who formed an integral part of the Empire, they must agree to the demand that those Colonies might exclude whom they

pleased. Speaking on behalf of the Government, he declared that they admitted that if a self-governing Colony decided that they must exclude a certain class of persons, the Home Government could not interfere. Why was there anything contrary to the best doctrine in that assumption? He would ask those who considered it a cruel doctrine to reflect on the words of Herbert Spencer. "I am," Herbert Spencer said, "entirely in favour of the policy of excluding Asiatics from America or restricting them within the narrowest limits, and for this reason—if they come in large numbers either they will mix with the population or they will not. In the latter event they will ultimately become, if not slaves, practically in the position of slaves. If they do mix they will form a bad hybrid. In either event difficulties must arise, and in the long run immense social disorganisation." Though the Government had no wish or intention of interfering with our self-governing Colonies in regard to the policy of exclusion, certain principles could be laid down to which he thought the whole Empire would agree. If persons were admitted they must be given civil right. "Free" or "not at all" seemed to him the sound principle for the British Empire. He would not trench on controversial ground. Some people might say that this raised the whole problem of Asiatic immigration into the Transvaal. He thought not, for those who were in favour of that course always stated that it was a temporary expedient to overcome an emergency caused by the war. If a people were admitted at all, there should be common standard of liberty and all should be potential citizens. There was the other plan of making the best of both words—admitting people and then sending them back after using their labour. He believed nobody in that House favoured that policy as a general system. So he thought they could agree on the second point—that if any one was admitted under the British flag, he must be a potential citizen and must, sooner or later, be given equal rights with all other men. The third point was that those we had with us we must treat well, generously, and fairly. He had two Blue-books before him dealing with the situation of the Indians in the Transvaal. He did not pretend that the Government heeded without concern what must happen to these Indians when the policy underlying exclusion was carried beyond exclusion and pushed to the point of dismissing those who were in the country. It was a strong thing to ask that any subject of the King should be deprived of his living and set about his business through no fault of his own. Negotiations were at this moment proceeding, and he was not able to make a statement on that portion of the subject. But they might agree as to this, that if the self-governing Colonies asked that they

might exclude fellow-subjects of the King because of economic reasons, because wages should not be cut down, because the climatic conditions made them unhappy, because racial antipathy caused riots and dismay, then they might say at least that those subjects who were there already should be treated with the utmost generosity. The Government asked that for them, and it would be seen from the report that Canada had met the Government in the friendliest spirit. In all the conversations that had taken place there was but one note—namely, that Canada was determined to make things as easy as possible for the Home country in dealing with this difficult problem. They had confidence also that the Governments of Australia, Natal, the Transvaal, the Cape, and New Zealand would show the same spirit as Canada had shown, realising that it was a great heritage that could only be solved by mutual forbearance of all sides. It had been suggested that they might bring this mutual forbearance a little nearer and make it more real by asking the Imperial Secretariat to take up this matter. He agreed with that view. He thought that it was necessary to make the Imperial Secretariat a reality, to make it, indeed, the great clearing-house of the Empire, where all the different laws might come and might be examined and reported upon to all the other Colonies as to what was being done, so that it might be possible for every part of the Empire to know what each was doing. He would represent this view to the Secretary of State; but if the matter was difficult he did not think that it was insoluble to the extent at least of preventing co-operation among all the departments concerned. (Hear, hear.)

Sir GILBERT PARKER pointed out that the Colonies must have at least the control of their own immigration, and that where their jealousy was aroused it was not alone in respect of the influence of an alien invasion on the standard of labour and wages. The Colonies did not want to incorporate into these countries the effects of the old plantation life, which meant simply that the white man would not do the lowest forms of work as long as the black man did the same work. The real reason why Canada and Australia objected to Asiatic immigration was the fear produced in the Southern States, in the West Indies, Queensland, and wherever Oriental labour had been introduced. The white workman eventually said, "I will not do black man's work"; and, unless the structure of national life were built up from the beginning by white men in a community the state of society must become rotten in the end. The white citizen should do all kinds of work, from the lowest forms up to the highest, otherwise the civilisation would be unsound; and this belief lay behind the action of Canada and Australia. The words uttered by the Under Secretary would be re-

echoed in every corner of the Empire, because the Government had recognised the true opinion of the Colonies in the constitutional and national position which they had taken up. He commended the Government for taking the right view in appealing to the Colonies, and in conferring with them.—*India.*

## Deputation to Lord Crewe

Introduced by Sir Charles Bruce

An influential and numerous attend deputation waited last week on the Secretary of State for the Colonies says the *Times* of the 3rd August, to make representations on behalf of the British Indians in the Transvaal, Natal, and Rhodesia. SIR CHARLES BRUCE, late Governor of Mauritius, introduced the deputation, which included Lord Reay, the Bishop of Southampton, Sir M. M. Bhownag-gree, Sir E. Sassoon, M.P., Mr. Harold Cox, M.P., Mr. J. M. Robertson, M.P., and the Hon. G. K. Gokhale, C.I.E.

In his introductory remarks, SIR CHARLES BRUCE dwelt upon the loyal, peaceful, and industrious character of His Majesty's Indian subjects in the Colonies as experienced by him during some forty years of office in Mauritius, British Guiana, and elsewhere. He pointed out and deplored the dangerous effect that the ignoring of Indian pride and sentiment in the Colonies where they had settled might have upon the trust and faith in the Raj which had always been so strongly marked a characteristic. He assured the Secretary of State that the deputation realized the difficulties surrounding this question, and that their object was to ask his lordship for an assurance that he would use his friendly offices with the Colonial Governments in the interests of our Indian fellow subjects who being unrepresented in these Colonies, were compelled to turn for assistance to the parent Government. He appealed to his lordship to take such steps as would satisfy British Indians that their interests and welfare were as dear to the Imperial Government as those of any other section of His Majesty's subjects.

Mr. L. W. RITCH, of the South Africa British Indian Committee, presented the case of the grievances complained of by the British Indians and the history leading up to them. LORD REAY, the BISHOP of SOUTHAMPTON, Mr. HAROLD COX, Mr. J. M. ROBERTSON, Mr. GOKHALE, and SIR M. BHOWNAGGREGREE addressed his lordship from different points of view, emphasizing the hardship of the lot of the British Indians in these Colonies, and of the grave danger their undoubted grievances constituted to the peace of the Empire.

LORD CREWE replied sympathetically, and expressed his appreciation of the moderation and the recognition



of the difficulties shown by the speakers. He stated that he was prepared to make friendly representations if and when occasion required, and expressed the opinion that the misunderstanding between the Transvaal Government and the British Indian community should not be incapable of a friendly settlement.

### Abdul Hamid's Accession

#### Medina Railway Opening

#### Congratulatory Cables

The Mahomedans of Durban celebrated on Tuesday last the 33rd anniversary of the accession of his Majesty Sultan Abdul Hamid Khan of Turkey, who is the spiritual head of the Mahomedan world. Additional importance was attached to the celebration from the fact that on the same day the Medina Railway was inaugurated, in Arabia, at the hand of Prince Burhanudin, the eldest son of his Majesty, who was specially deputed to perform the mission. Business was suspended, and prominent Indian buildings were tastefully decorated with flags and bunting.

A meeting of the Anjuman Islam was held, in the Congress Hall, Pine Street, which was presided over by the chairman, Mr. Abdul Cadir, and the following two cables of congratulations were passed, and despatched from the hall amidst tremendous cheers:

Secretary, Majesty Sultan, Constantinople.

Mussulmans enthusiastically celebrate Khalifatul Morninees 33rd auspicious anniversary, and cordially join Prince in Holy Medina Railway inauguration. Pray many happy returns of this propitious day. Business suspended. Elaborate decorations night Mawlood. Please place respectful greetings at the feet of Ottoman Throne.—Anjuman Islam.

Prince Burhanudin, Medina.

Mussulmans in mass meeting hail Medina Railway inauguration on Sultanul Muazzam's 33rd anniversary, and join in happy rejoicings. Business suspended. Elaborate decorations night Mawlood. Separate congratulations cabled direct Constantinople.—Anjuman Islam.

#### At Johannesburg

The Hamida Islamic Society held a meeting and passed resolutions of congratulation on the anniversary of the Sultan's accession; and also upon the event of opening of the Hijaj Railway. A large number of the Transvaal Mahomedan leaders attended and took part in the proceedings which were most enthusiastic. The following cables were sent:—  
Sheriff, Medina:

Hamidia Islamic Society joins whole Moslem world in congratulation opening Hijaj Railway. Private Secretary His Imperial Majesty, Sultan of Turkey, Commander of the Faithful, Constantinople.

Hamidia Islamic Society humbly congratulates His Imperial Majesty on anniversary accession and opening Hijaj Railway. [A fuller report of the Hamidia Islamic Society's Meeting will appear next week.]

### Correspondence

#### The £3 Tax

Nutkens (Overport) writes confirming "Verb, Sap's" remarks on this subject, and adds:

I know of a poor Indian woman, who was employed in Berea as a nurse; and as her earnings did not meet the demands made upon her she had to give herself to a man, with whom she lived at Overport. The constables were constantly after her. This poor woman was arrested by the Sydenham Police very often in 1906, sometimes two or three times in a month, but was not brought to Court every time; she had to go and sleep a night in the cell and return in the morning. I am thoroughly prepared with proof if called for. When such things were done to her she had to take up a disgraceful life. What was the consequence: the husband could not bear such things, and she could not stop such acts; so they had to separate. Why were all these done? To fill the Government's coffer.

Writing again on the same subject "Verb, Sap" says:—

In our very midst are daily evidences of the consequences of the Tax. To obtain the necessary Tax money, many a woman has descended to that last of resources, viz. prostitution.

It is useless to clothe the matter in less plain language. Prostitution is resorted to, in very many cases, rather than the poor woman shall have to face a bench of Magistrates with the likelihood of imprisonment. What homes have been broken up by this curse! What numbers of families have been separated, heart-broken! We wonder if our European brethren realise in the slightest degree the horror and the misery which is the result of this unfair and vicious Tax. Do they, as a matter of fact, ever think of the Indian side of the question at all? And as a last word: What are we ourselves doing to remedy the existing evil? We must do something for ourselves, ere we seek to obtain the assistance we shall need to obtain some redress from our present burdens. Let us suggest that the leaders of our community in Durban take the matter up in deep earnestness, that they consider what steps it would be advisable to take to secure relief; that they call a meeting of every Indian

tax-payer and that at such meeting these leaders of Indian society be prepared with some scheme for approaching the Government, either by petition or deputation, in order to lay before the proper Minister the terrible hardships the Indian tax-payers are called upon to endure; and above all, to place before such Minister the depraving effect upon our womenkind these hardships are causing.

Letters written to the local papers cause but a very minute interest to be aroused, but a strong public protest by the Indian population in the way of great and united meetings, widely signed petitions, etc., cannot fail to arouse in the minds of Europeans some keener perception of the difficulties and the hardships Indians in Natal are at present undergoing.

We also received the following letter:

Sir,—I have carefully followed the letters of "Verb, Sap" appearing in your recent issues on the £3 Tax question, and am of the same view as your correspondent.

These Indians pay taxes in various forms and, in the bargain, they have to hand over another 60/- annually for taking the air of this sacred soil.

Now these Indians work from day to day and earn perhaps 25/- to 30/- a month, out of which sum they have to keep themselves and their wives and children; they might be just able to drive the wolf from the door. But alas! instead of leaving them to manage themselves with what they earn, the Government demands them to pay £6 for the husband and wife and another pound for the husband's head.

Assuming that all men should pay a certain tax, if benefiting from the country they are living in, why on earth are the poor Indian women made to pay this uncalled for tax? I know of women whose husbands have abandoned them because they could not support themselves and of these women some are gathering bones, irons, tins, and corks from street to street, corner to corner, so as to be able to pay the Government in His Majesty's name their taxes.

Yours, etc.,

"BHUSSMASOOR."

PROTEST MEETING IN LONDON.—London, August 21.—A meeting entirely Indian is being summoned in London, to protest against the expulsion of Parsee Sorabjee from the Transvaal.—Reuter.

A CASE OF INDIGESTION. The Transvaal Government apparently has bitten off a good deal more than it can conveniently digest and a compromise is again largely prominent. What the ultimate result is to be is a matter of conjecture, but it would appear that the Asiatics in the end will not appear the most foolish.—Recorder (Volksrust).

## The Indian Struggle in the Transvaal

### What They Really Want:

Mr. W. Hills, late Secretary to the East Rand Vigilance Association, writes lengthily to the *Star* of the 25th ulto. He concludes his letter in the following significant terms:

I have the sincerest admiration for Mr. Gandhi in his fight for a principle. It is the fortune of war that the Europeans realise that the welfare of the country ultimately demands the elimination of the Asiatic element. Mr. Gandhi, with equal foresight, sees that if he can only continue driving the Government backwards the spoils will rest with the Indians. Unfortunately the Transvaal is too small for both Europeans and Asiatics—hence the present struggle. It is not racial, but economic.

The Government appears to think the battle now being fought with the Indians is merely a matter of registration. It is nothing of the kind, despite the assurances of certain public men that if the Asiatics will only register all their troubles will end.

The resolutions of the National Convention of 1904 still stand, with an Executive to see them made law as soon as practicable. They include the confinement of all Asiatics to bazaars for trading and residence, and it is therefore folly and worse to indulge in a game of make-believe with the Asiatics. Instead of further concessions, let the Government fight the question out to the finish. If they do so, they will have the whole of the white population behind them.

### What the Home Press Thinks

The *Yorkshire Daily Post* of August 6th says:

Lord Selborne's declaration in his speech at Vereeniging last week concerning the attitude of the Imperial Government towards the British Indians in the Transvaal, has not helped the friends of the Indians in London who were making representations on the subject to the Colonial Office. "The position of the Imperial Government" so Lord Selborne was reported to have said, "was to draw the distinction between the few thousands of British Indians in the Transvaal before the war and future immigration." That the people of the Transvaal alone, as Lord Selborne argued, must determine the limits of future immigration, is generally admitted to be the inevitable corollary of self-government; albeit the wider question appeals to the Indians, of their citizen right under the old promise made to their fathers after the Mutiny, of free entry into the dependencies of the Crown in all parts of the globe. But if the Imperial Government is "bound in honour to see that the Indian's position is not worse after than before the war" the Colonial Office cannot tolerate, consistently

with that obligation, the present proposals of the Botha Government to close the gates of the Transvaal upon 9,000 registered Indians there, and keep out other 2,000 Indians, who were equally domiciled in the Colony before the war, and have been detained in India by reason chiefly of the troubles that arose as between their compatriots and Secretary Mr. Smuts. It is in behalf of liberty to those Indians who still desire to resume their ante-war domicile in the Transvaal, where they possess investments, that the friends of those Indians in London are now seeking the intervention of the Colonial Office. Respecting the larger problem of racial antipathy, Colonel Seely's oracular utterance in the House of Commons on Friday, that "it was the duty of clerics, philosophers, and Christians to remove that antipathy before statesmen and politicians introduced the alien" is regarded by those who know the subject in all its historical bearings as childish, and as evidence of the lamentable weakness of the present Colonial Office.

The *Dundee Advertiser* of August 1st says:

Colonel Seely appealed to the House of Commons yesterday not to adopt a superior attitude towards the Colonies on the vexed question of Asiatic immigration, and said, what is quite true, that it is easy for us, who do not come into practical touch with the problem to express very proper sentiments about the rights of citizenship. It is perfectly obvious, however, that unless this matter is settled in a manner fair and satisfactory to British subjects, who have the misfortune to possess brown or black skins, the fabric of our Empire will stand in very serious peril. The question indeed is much more far-reaching than many people at the present time seem to realise. Yesterday, for instance, the *Times* correspondent at Vancouver mentioned a striking incident connecting the unrest in India and the treatment which Indians are receiving in British Columbia and in other British territories. A native non-commissioned officer, who was absolutely trusted by his superiors, was found to be implicated in the sedition movement in India. This man's brother, it appears, is one of the Indians who were badly treated in the recent disturbances at Vancouver. The correspondent remarks that there must be hundreds of similar cases, and no doubt there are. We have here the race problem presented in its most dangerous form. The native Indian takes up the cause of his kinsman who has been harshly treated in a British Colony, and he vents his resentment by plotting against British rule in India. The man who can reconcile colonial sentiments on this question with the wider interests of an Empire which embraces all races will indeed deserve the name of statesmen.

## Protest Meeting at Pretoria

### Deportation of Leaders

### Burning Certificates

An enthusiastic meeting of British Indians of Pretoria was held on the 28th ulto., at the Asiatic Bazaar, Pretoria, to protest against the summary deportation of Messrs. Dawad Mahomed, Parsee Rustomjee, M. C. Anglia and S. J. Randeria. Over two hundred Indians attended on the shortest notice.

Mr. V. M. Bagas presided. After he had addressed the meeting in Gujarati, some two hundred certificates were burned amid great enthusiasm.

Mr. T. Vyas then read Mr. Bagas' speech in English as follows:—

Friends and Gentlemen,—We, the Indians of Pretoria, meet this afternoon under most extraordinary circumstances. Some of the best Indians of South Africa, the Indians whom we have come to revere and who, claiming pre-War residence in the Transvaal, came to the Colony to test their right and to help us in the struggle in which we are engaged, have been summarily deported. It will be remembered that they were under notice to quit the Colony under a judgment of the Magistrate's Court at Volksrust. We are advised that it was not possible for them to appeal against the removal notice. They should have been convicted under the Peace Preservation Ordinance before the matter could have been taken to the Supreme Court. This opportunity was not allowed to our Leaders, but whilst they were engaged in discussing the situation at a Meeting held specially to meet them at the Anjuman Islam of Pretoria, they were, without warning, arrested. Naturally, being under a deportation warrant, bail was refused, and, whilst I am free to acknowledge that the Police Authorities gave them every consideration and courteous treatment, I cannot help remarking that this method of dealing with British subjects—British subjects, moreover, of standing and repute—cannot commend itself to any sensible or fair-minded man. It has created consternation and indignation among British Indians, of which fact this Meeting is an ocular demonstration.

### Suffering—the Remedy

We have gathered together this afternoon on the shortest notice to express our respectful protest. I declare in the name of this Meeting that if the Government consider that by such high-handed proceedings they will bend us to a law which we cannot possibly accept as men, they are sadly mistaken. When a body of people are determined to undergo every form of suffering rather than surrender principles which

they hold dear, I cannot conceive how they can be compelled to submit. Whatever the Government may intend doing, I trust that the British Indians in the Transvaal will adhere to their resolution not to accept the benefits to be conferred by the new Bill until and unless our modest request, conveyed in the most respectful language possible, has been granted. And what is it that we ask for?

**Repeal of the Old Act**

We ask that General Smuts should redeem his promise, which he has not seriously disputed in his speech on the second reading of the new Bill, namely, that the Asiatic Act was to be repealed. We are told that the Act will remain a dead letter and that, therefore, we should have nothing to say against it. This is hardly true, and the proceedings that took place only the other day in Johannesburg after the passing of the Bill, shew that the Asiatic Act is not, and is not intended, to remain a dead letter. An Indian who has taken no active part in the movement against the Asiatic Act was tried under it, although he is covered by the Bill. It is perfectly true that we do not wish to accept the benefits under the Bill, but, if the Government intend to stand by their Bill, why is it that this gentleman was tried and given notice to quit the Colony? The only witness for the Crown admitted that there were several Indians occupying the same position. Is the Colony then to be denuded of such Indians; if so, what is the meaning of the Government Bill, and what is the meaning of the Asiatic Act being a dead letter? This case illustrates the precarious position in which we have been placed, and it justifies also the charge of incompetence brought against the Registrar of Asiatics, and the determination of British Indians to secure, by all lawful means, repeal of the Asiatic Act which the Government declare they no longer require.

**Educated Indians**

The other point which we have brought before the Government is a recognition of the status of highly-educated Indians. We want only the principle recognised, and in this, too, I state what has been stated from Indian platforms so often that we ask for nothing new. We enjoyed this right before the War and this right was not taken away after the War either. We deny that it is taken away under the Immigrants Restriction Act. It is only the Asiatic Act, which we have never accepted, that stands in the way.

**Equal Civil Rights**

We do not wish to flood the Colony with Indians, educated or otherwise, but it is not proper for the Colonists either to expect us to sit still under an insult that would be undoubtedly offered to us if we accepted the principle of racial distinction even with reference to Indians of culture. We

have no desire to question the predominance of the white race in South Africa, but do we claim, in the words of Colonel Seely, that if we should be allowed to remain in the Transvaal, or in South Africa, we should have equal civil rights, and if that position is constituted it follows that such Indians of culture as we may require for our progress and evolution we are entitled to have in our midst. No one has ever raised the question of unfair competition on their part, and if such Indians are not allowed, we may be pardoned for disbelieving the statement that there is any desire to give us fair play and justice.

**Deportation—No Terror**

Under the summary deportation of the Natal Leaders our hands can only be strengthened so far as our own ability to undergo suffering is concerned. We have met here to burn what certificates we have still left. A large number of Pretoria Indians have already allowed their certificates to be burned at the Johannesburg Mass Meeting. The balance of voluntary Certificates we burn this afternoon. It is still a question whether we shall get those of our countrymen who have submitted in a weak moment to the Asiatic Act to burn theirs. Let me hope that they will throw in their lot with us; I invite them to do so. I am sure that they do not want to look on and see their other country men suffer, whilst they fancy that they are enjoying liberty in the country. I am sure that they will decline to call their status under the Asiatic Act a status of liberty; but, whether we receive their support or not, we must, for their sakes as also for ours, continue this struggle till our sufferings reach the Almighty and our prayer is heard, as it must be, if truth is on our side.

**The Resolution**

Mr. V. S. Pillay moved the following resolution:

This Mass Meeting of British Indians in Pretoria respectfully protests against the summary deportation of the Natal Leaders who had come to the Transvaal claiming pre-War residence, or Educational qualifications under the Immigrants' Restriction Act, in spite of notice served on the Superintendent of Police in charge of the Leaders to the effect that the summary deportation was in contravention of the Laws of the Colony in that it was claimed on behalf of the Leaders that the prosecution at Volksrust, under which they received notice to quit the Colony, was improper.

It was seconded by Mr. Suliman Suji, who said that Mr. Gandhi was to be blamed for having advised Indians to undergo voluntary registration.

Mr. Ismail Juma supported. Messrs. P. K. Naidoo, Omarji Sale, Thumbi Naidoo and A. M. Cachalia also spoke supporting the resolution which was carried unanimously.

**Volksrust Day by Day**

[SPECIAL TO INDIAN OPINION]

**A Travesty of Justice**

On Friday, the 28th ulto, at Volksrust before Mr. Mentz, Acting A.R.M., Mr. Ebrahim Osman, brother of Mr. Dada Osman, Joint Hon. Secretary of the Natal Indian Congress, was charged with contravening Section 9 of the Asiatic Law Amendment Act, by refusing to give a thumb-print of identification to Corporal Cameron, of the Transvaal Police, upon demand.

The accused, who pleaded guilty, was defended by Mr. H. S. L. Polak. The circumstances of the case were, briefly, as follows. On arriving at Volksrust station the previous evening, Mr. Ebrahim Osman had been met by Constable Weymouth, who asked for his papers. He produced his permit and registration certificate and was asked to give a thumb-print of identification. Aware that he was being asked to do so under the Asiatic Act, he refused, and was taken to the Charge Office, where, in reply to a similar request made by Corporal Cameron, he again refused. Early on Friday morning, he was taken over to the Gaol, where he was a third time asked to give his thumb-print, but again he refused, for, although he knew he would be liable to punishment under the Gaol Regulations for this refusal, he realised that the giving of the impression before conviction would enable the police to identify him by comparing it with those on the documents that he had produced, and he would then be liberated, whereas he sought to submit to the penalties of the Asiatic Act (supposed to be a dead letter!). He was accordingly charged as above.

Corporal Cameron testified to having known accused in 1906 at Piet Retief, where accused was carrying on business under his own name, and he had then a licence. He also remembered having examined accused's documents there, and having satisfied himself as to accused's identity. Had he not been satisfied, he would have proceeded against accused. He had no reason to suppose that the permit and registration certificate before the Court were not the same as those submitted to him in 1906, and he had no reason to believe that accused was not telling the truth when he said those documents were his lawful property. His instructions were to stop all Asiatics entering the Colony with documents like those before the Court, and demand thumb-prints of identification, under Section 9 of the Asiatic Act.

The Accused, giving evidence on his own behalf, stated that he was a storekeeper at Piet Retief, and was the lawful owner of the permit and registration certificate before the Court. He had obtained them at the office of the Chief Secretary for Permits in November, 1905, when he had paid

the £3 required by Law 3 of 1885. On that occasion, as a voluntary act, he had placed his thumb-impression on the documents. He had refused to give a duplicate thereof the day before as it was under compulsion. So long as the Asiatic Act was on the Statute Book, he would refuse to accept its benefits but would submit to its penalties.

Mr. H. S. L. Polak, giving evidence, stated that he was articled clerk in Mr. Gandhi's employ in November, 1905. He recollected receiving instructions to accompany accused to the office of the Chief Secretary for Permits, where accused's claim was examined and admitted by Mr. C. Moore, the chief clerk, who caused the permit and the registration certificate before the Court to be issued to the accused, and whose signature witness identified. Witness was also present when accused placed his thumb-print upon the documents.

Addressing the Court, Mr. Polak remarked upon the absurd and awkward position in which the Court and all parties concerned were placed by this prosecution. Here was a man concerning whose identity the Court could have no possible doubt. The Corporal had identified him, the accused had given full evidence on his own behalf, and he himself was present when the accused received his domiciliary documents. And although this man was fully identified, the brutal mechanism of this law compelled him to identify himself afresh unnecessarily, and as he had refused to do so, the Court could have no option but to convict.

Giving judgment, Mr. Mentz admitted that he had no alternative but to convict. He found accused guilty, and sentenced him to pay a fine of £10 or go to gaol without hard labour for 14 days. Mr. Ebrahim Osman elected to go to gaol, where, after conviction, he cheerfully gave all the means of identification required by the gaol regulations, and these, on comparison, were found to exactly tally with the thumb-print on the documents produced before the Court.

On Monday, before Mr. De Villiers, A.R.M., Valli Jooma and Gokaldas Govindjee were remanded until the 7th inst., pending inquiry and indictment. Both claimed rights of residence as pre-war Transvaalers.

Valji Ladha, jeweller, was charged under section 9 of the Asiatic Act, for refusing to give a thumb-print. He pleaded guilty, and was defended by Mr. Polak. The Police Officer who gave evidence for the Crown testified to accused's proffering a voluntary registration certificate, which he had no reason to suppose was not accused's.

Addressing the Court, Mr. Polak reminded the Court of the similar case of Ebrahim Osman on Saturday. Here the registration certificate showed the complete physical description of the accused, including pock-

marks and a missing eye. It was not possible to counterfeit all these marks of identification and a thumb-print was totally unnecessary. Nevertheless, though the Court must be convinced of the accused's identity, there was no alternative but to convict him. In giving judgment, the Magistrate admitted that he had not the slightest doubt but that the accused was the right man, that the certificate was his lawful property, but as the law stood, he must find him guilty. He sentenced him to pay a fine of £5 or or to go to gaol for 14 days without hard labour.

Four Chinese, Kan Tong, Ah Wing, Long Lee, and Ho Sing were similarly charged. Mr. Polak defended, and Mr. M. Easton interpreted. All pleaded guilty. They all had permits and registration certificates, but the Magistrate said that the description thereon, apart from the thumb-print, was not sufficient to satisfy him that they were the lawful property of the accused, and he would sentence him to pay a fine of £5 or go to gaol with hard labour for 7 days. All the accused elected to go to gaol.

#### The Durban Leaders

On Monday afternoon, Messrs. Dawad Mahomed, Parsee Rustonjee, M. C. Anglia, and S. J. Randeria, who had returned from Charlestown that morning, had their hearts gladdened by being admitted to His Majesty's hospitality, they being marched up to the local gaol, rather than be a burden to the local community. As it was too late for them to receive the usual evening prison meal, they received this from their friends outside. But on Tuesday, their meals were ordinary prison fare for awaiting-trial prisoners—breakfast, mealie-pap; dinner, rice, potatoes and bread; supper, rice and potatoes.

On Tuesday morning early, eleven of the remaining men, who had entered the Transvaal, were deported to Charlestown, in charge of Supt. Vernon, a sergeant, and a constable. They had been kept in confinement the previous day and closely guarded in the train. They were put across the border by rail and released with the usual formula. They complain of the lack of sleeping accommodation. They travelled as they were dressed when arrested, and were not given blankets or bedding on the train, being awakened at every stopping place by the flinging open of the compartment by their guards, letting in frequent draughts of cold air. They returned from Charlestown, marching in military formation into Volksrust at 8-15 a.m., and made straight for the Charge Office, where they surrendered themselves. They were detained, and all brought before the Magistrate, Mr. De Villiers, and formally remanded, with their four predecessors, until next Tuesday. No definite charge was framed, and Mr. Polak protested against the remand, urging that these

men should be charged or discharged. He was, however, overruled by the Magistrate. Bail was fixed at £10 each. All preferred to remain in gaol.

Ismail Amod Patel and Alli Mahomed were charged with refusing to give thumb-impressions. Both pleaded guilty.

The Magistrate regarded these constant refusals to furnish means of identification in the light of a defiance of the law, and stated that in future he would give hard labour. He accordingly sentenced the accused to pay a fine of £5 each or go to gaol with hard labour for seven days. Both chose to go to gaol, where all the Indian prisoners, whether awaiting trial or under sentence, are sticking manfully to the prison diet, and wearing prison underclothing.

Late on Tuesday afternoon, on advice from the British Indian Association, Messrs. Dawad Mahomed, Parsee Rustonjee, and M. C. Anglia availed themselves of the facilities of bail, and in the evening left for Johannesburg, to collect certificates and funds. Mr. Polak left for Durban the same night.

The Volksrust Gaol was overcrowded on Tuesday. Not counting the three Durban leaders, there were 19 Indians and 4 Chinese inmates. It is believed that the European prisoners will be removed to make room for the new arrivals.

All the Indian stores in Volksrust were closed in honour of the occasion of the anniversary of the Sultan's accession last Tuesday.

#### Notes on the Struggle

BY OUR TRANSVAAL REPRESENTATIVE

##### Six to One

It will be remembered that Mr. E. M. Pattel, a merchant of Vereeniging, was prosecuted for hawking without a licence. He was fined £1 7s. 6d. without the alternative of imprisonment. Mr. Pattel naturally declined to pay the fine, and allowed his goods to be sold. About £20 worth of goods were taken away for sale. The sale was duly advertised, and the following is the Bill of Costs taxed on behalf of the Messenger as certified by the Clerk of the Court:—

	s. d.	£ s. d.
By Amount realised at Sale		7 13 0
To Service, etc. of Writ	3 0	
„ Making Attachment	10 6	
„ Making Inventory and Copy	2 6	
„ Cost of Advertisement, postage, etc.	12 6	
„ Making out Advertisement	2 0	
„ Cartage of goods and preparing sale	3 9	
„ Commission 2½% on amount realised	3 9	
„ Care of goods for 12 days at 5/-	60 0	
„ Amount of fine paid into Court	27 6	
		6 5 6

Amount due to Defendant 1 7 6  
It will be seen that the total amounted to £6 5s. 6d. and the goods realised

£7.13s. od. £4 odd was charged for Messenger's costs in connection with a fine of £1 7s. 6d. What wonder if the process is called legalised robbery!

**How the Government do it**

When Mr. Dawad Mahomed and his companions were torn away from the Anjuman Islam Hall at Pretoria under a warrant of deportation, Mr. Blake, at midnight, served the following notice on Supt. Betts:

[COPY]

Pretoria, 27th Aug., 1908.  
Superintendent Betts,  
Police Station, Pretoria.

Sir,

re Dowd Mahomed, Parsee Rustumjee, M. C. Anglia, and S. Randaree.

Adverting to the interview had this evening between the writer and yourself, I hereby call upon you to forthwith release the above-mentioned parties, or failing release not to execute the Warrant of Deportation, copy whereof I was allowed to take, on the following grounds:—

- (a) That the notice given by the Court at Volksrust was not in order, in that the prosecution was premature.
- (b) Under the ruling of the Supreme Court the abovementioned parties are precluded from appealing against the said Order, until proceedings under Section 7 of the Peace Preservation Ordinance have been taken for disobeying said notice.
- (c) It is not competent for the Colonial Secretary to issue a Warrant of Deportation, in that Section 8, Sub-section (3) of Act No. 2 of 1907 contemplates proceedings under Sections 7 and 8 of the Peace Preservation Ordinance (No. 5 of 1903). In the event of your not complying with this request you will render yourself personally liable.

I have, etc.

(Sd.) A. G. BLAKE.

I do not know whether the grounds set forth are good or not, but this is certain: that, if the prosecution at Volksrust was bad, it is quite evident that the defendants had no chance whatever of having their case heard before the Supreme Court until there was a penalty imposed on them for disregarding the notice to quit. Was it right then to spirit them away from the Transvaal before they were given a chance? The Supreme Court has certainly ruled that seven day's notice is not a penalty, and until there is a penalty awarded by a court, there are no criminal proceedings from which an appeal can be properly brought. There undoubtedly was the expensive process of *habeas corpus* available to the Defendants, but when people are willing to suffer they do not give way on the slightest pretext, their work is simply to accept the suffering that the Government chooses to impose on them. It was, therefore, as well that the Natal leaders left the Supreme Court alone, but the deportation warrant is reduced to a farce. Below is a copy of the warrant signed by

Mr. Smuts under which these gentlemen were deported:

Warrant for removal of a person under Section 6 of the Immigrants' Restriction Act 1907

Whereas . . . . . having been ordered to leave the Transvaal under Section 8, Subsection 3 of Act No 2 of 1907 has failed to comply with the terms of such Order, you are hereby ordered in his Majesty's name immediately to arrest the said . . . . .

. . . . . and remove him from the Colony and place him over the Transvaal-Natal border at the point where the Railway line between Volksrust and Charlestown crosses the said border.

(Sgd.) J. C. SMUTS.

**Dismissed for Honesty**

Mr. Nadirsha Cama has suffered for being upright. Mr. Cama, it will be recollected, was dismissed last year for having refused to demean himself by accepting the Asiatic Act. But on the compromise being effected he was reinstated. Mr. Cama, it is well known, used to speak at the Asiatic meetings last year. Mr. Cama has been again dismissed. His views on the Asiatic Act were known to everybody. Mr. Cama could not bear the idea of his countryman and co-religionist banished. He could not bear the idea of General Smuts breaking his promise. He had the courage to be honest. He spoke at the Indian Mass Meeting recently held. He has, therefore, been dismissed. Civil servants are rightly prohibited from taking an active part in political meetings. But the Indian meetings could hardly be termed political meetings in the strict sense of the term. Indians do not want political rights, but they are fighting for their very existence. And even a civil servant on £15 per month may not be prohibited from fighting for dear life.

Mr. Dildar Khan, who was employed by a firm of European wholesale merchants, has been dismissed for similar reasons. He was told by his employers that he should not take part in the Asiatic struggle. Mr. Dildar Khan boldly refused to accept any such dictation outside the scope of his work, which he always performed to the satisfaction of his employers. The proverbial last straw was on the 1st instant, when, owing to the Mahomedan celebration, he asked for leave, and an objection was raised by his employers. Mr. Dildar Khan valued his self-respect and love of his country before the wages he received from his employers.

**A Mountain in Labour**

Mr. Moosa Essop Adia of Pretoria has been fined £1, and the Pretoria Committee advise me that his store has been forcibly closed, and the key removed by the Messenger in order to make good his execution for the fine of £1, which Mr. Adia has

declined to pay. He was fined £1 for trading without a licence. There was no alternative of imprisonment. The Messenger's action is, of course, totally illegal, and Mr. Adia has been advised to re-open the store and continue his business, and face the consequences. I understand that a notice has been served on the Messenger holding him personally liable. However, all such high-handed and tyrannical action accentuates the struggle. It shows the absolute necessity of carrying it on.

**Overdoing It**

The Crown, not being satisfied with having sent Mr. Ismail Essop Balim, of Christiana, to gaol for one month with hard labour, for trading without a licence, a licence that he was quite willing to take out without having compulsorily to give his thumb-impression, it has now summoned his manager, Mr. Ebrahim Adamji Balim, for trading without a licence. If the manager is merely a servant, the Supreme Court will stand in the way of the Crown securing a conviction; but, evidently, in their policy of persecution, the Government do not care whether the prosecution fails or succeeds, so long as they can follow up their policy of pin-pricks.

**At Work**

The three Natal leaders arrived, on Wednesday morning, at Johannesburg. They have come to work, and they have found plenty to do. They have set about collecting funds for the Association, and have, at the time of writing, already collected nearly £100. They have been welcomed wherever they have gone. They intend making the most of the few days at their disposal before appearing at Volksrust.

**A Leaf from the Old Testament**

When the Natal leaders with their companions were first arrested at Volksrust, Mr. Osman Ahmed Effendi sent the following characteristic telegram to them. I hope that, on due occasion, Mr. Osman Ahmed Effendi will copy the brilliant example of the heroes of the Old Testament.

Congratulate you all. Trust in God. Pray to Him. Obey Him who saved Noah from deluge, Moosa from Pharaoh, Abraham from fire, Joseph from the well, Ayoob from sickness, Enoos inside a whale, and our Prophet when he was in the cave. He is with us and he is ever just.

HELD OVER. Owing to great pressure on our space, we are obliged to hold over until our next issue, the continuation of the Hon. Mr. Maydon's article, "Problems of the Empire," Correspondence, and other important matters of interest.



## At the Heart of the Empire

### A Monthly Survey

London, August 1, 1908.

#### Athletics in Excelsis

On the whole the weather was kind to the IV. Olympiad, held in London last month, when twenty-two nations were represented at the great games, and strove for the honour and victory. The enormous Stadium, erected for the purpose and forming a part of the attractions of the Franco-British Exhibition, was the scene of most of the contests, although Bisley and Henley have witnessed the Olympic rifle shooting and rowing. King Edward and Queen Alexandra were present at the opening of the games—in heavy rain—; the Queen was also in the Stadium at the final of the Marathon race, and the following day she presented the prizes. Running, jumping, cycling, swimming, throwing the hammer, and the old game of throwing the discus, javelin throwing, high diving, archery, rifle shooting, and rowing have been among the contests, and not a few new records have been made in swimming, high and long jumping, and foot racing in certain distances. But the event which attracted the greatest attention and evoked the wildest excitement, was the Marathon race of twenty-six miles from Windsor Castle to the Stadium. Our cherished traditions of romantic events in the Past stand in danger of being destroyed by the cool, clear light of solid fact; we are no longer permitted to believe that William Tell would have won an "Olympic" record for shooting an apple on his son's head in the presence of a tyrant; it is not fact, but romance. So this Olympiad has destroyed another soul-moving record to the effect that the famous Greek runner, who accomplished the journey from Athens to Sparta and back again in an incredibly short time for the purpose of arousing the Spartans to help Athens to drive back the Persian foe, was not the man who carried the fateful news to Athens of the Greek victory over the Persians at Marathon, and expired as soon as his message was delivered. It is Browning's fault or somebody else's, that we love the fiction, but, all the same, few can fail to read unmoved his magnificent poem, "Pheidippides," and secretly, at least, we shall continue to hug the belief that it was Pheidippides who did it, after all!

But glorious as was the start of the Marathon race when fifty runners, in prime condition, started from the Terrace of Windsor Castle at the sound of a pistol, fired electrically by the Princess of Wales, the finish was a heart-rending exhibition of a man in mortal agony, so much so that many of the eighty thousand spectators in the densely packed Stadium believed that Pietri Dorando had fallen lifeless before he reached the outstretched tape. But no. He staggered to his

feet, fell again, rose and fell again, until helping hands, unable to resist the human impulse to aid, pushed him to the goal, and so dashed the cup of victory from his grasp. He fell senseless once again, and was carried off the arena on a stretcher—a fate which befell other runners. But the ghastly appearance of the man, his tottering steps, guided only by a reeling brain, moved not only the Queen but all spectators to an agony of sympathy. Gruesome and horrible, with all the glamour burnt out of the event!

Mercifully the sequel did not prove disastrous; the gallant Italian recovered within a short time; the American Hayes who came next and who was acclaimed victor managed to do full justice to an ample dinner within three hours of his final effort in the Stadium, and no one else appears to have suffered, not even those who had to drop out by the way and wait to be picked up by the motor bus for derelicts. The third man, who, of course, takes the second place, was C. Hefferon, a South African, who was leading when only two miles from the finish. The heat of the day was very great, but Hefferon declares that he was more impeded by the good will of the onlookers who, when he was nearing the end, persisted in slapping him on the back to encourage him. However gratifying the attention might have been from one or two, when it was extended indefinitely over a mile or two it became both tiring and trying—a clear case of "Save me from my friends."

It fell to the first lady in the land, Queen Alexandra, to devise instantly a means of consolation for the sorrowing Italian, who had to learn that he won, but yet lost, the race. No one could doubt the justice of the judges' decision that Dorando was disqualified by being helped, but popular opinion was with him, and the Queen satisfied the onlookers and gratified the vanquished by undertaking to present him with a personal gift, a gold cup in remembrance of his great effort. When, the following afternoon, the ceremony took place, cheers rent the air as a smart, lithe figure, so different from the decrepid, almost-crazy, bundle of humanity of twenty-four hours before, stepped forward, and received not only congratulations and assurances of personal gratification, but a gold cup with this inscription: "For Pietri Dorando, in remembrance of the Marathon Race from Windsor to the Stadium. July 21, 1908. From Queen Alexandra." Dorando also received the sprig of Windsor oak and its tricoloured ribbon, presented by King Edward to each victor. From Lord Desborough, the President of the Games, he received this message, "You had the sincere sympathy of every man and woman in the Stadium." So the loser won, for it must be confessed that Hayes who carried off the coveted trophy, did not get all the enthusiasm that was his due. There are limits even to keenest excitement. In

the final count it appears that Britain has won twenty-three events; America takes second place with eighteen. It has been between these two nations that the closest struggles have been witnessed; others have won two, three, and four events, but many have only one success to their credit. The international rivalry points to the fact that British athletes—saving the Marathon race where they evidently set the pace too fast at the beginning—succeeded in contests which required endurance, and the Americans won on specialised training. There were some complaints about management, about the decisions, and about the exclusively British committee of judges, but, in so large a gathering, this was probably unavoidable. On the whole expressions of appreciation and thanks have been predominant, and the spirit of the contests seem to have been all that was generous and fair.

#### A Great Possibility

One of the events of the month which has been passed over with less attention than it deserves is the possibility of the summoning of a truly Imperial Conference by inviting the leading newspaper proprietors and editors of the Mother Country and of the Britains Overseas, to confer together in London next spring. It is a frank recognition of the power of the Fourth Estate, and has in it the possibility of great good. But there must be no limitation of representatives to one set of ideas. India is distinctly mentioned in the list of participants; the terms should include not only Anglo-India but India, if a fair attitude is to be preserved. The clearer understanding that would result by bringing together men of diametrically opposite views should make for true Imperialism, and when one learns that Lord Burnham, Lord Northcliffe, and Mr. C. Arthur Pearson are working together to ensure the success of the conference, one begins to hope that rivalries will not be allowed to detract from the value of bringing into friendly intercourse representatives of the Press from all parts of the Empire. It is to be hoped that the Editor of INDIAN OPINION, will come as well as the Editor of the "*Kand Daily Mail*."

(To be Continued)

INDIAN MAIL. For Bombay, per s.s. *Kanster*, until 3-30 p.m., Tuesday, the 15th instant.

INDIAN NATIONAL CONGRESS. *The Parsi* (Bombay) says that this year's Congress will be held at Calcutta and that the Hon. Dr. Rash Beharee Ghose will be the President.

ANOTHER COLONIAL-BORN INDIAN BARRISTER. Our readers will be interested to learn that Mr. Joseph Royeppen, B.A. (Cantab.), has been called to the English Bar. This makes the fourth Natal-born Indian barrister.