

# Indian Opinion

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## EDITORIAL NOTICES.

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CORRESPONDENCE.—Letters and other communications should be written on one side of the paper only. When articles of "Correspondence" are signed with the writer's name or initials, or with a pseudonym, or are marked "Communicated," the Editor must not necessarily be held in agreement with the views therein expressed. In such instances, insertion only means that the matter or point of view is considered of sufficient interest and importance to warrant publication. Space being a consideration, correspondents are requested to be brief and to the point. Letters should be addressed:—The Editor, "Indian Opinion," Phoenix, Natal.

## Indian Opinion

SATURDAY, OCTOBER 24TH, 1908.

### Keep Firm

Keep absolutely firm to the end. Suffering is our only remedy. Victory is certain.—Mr. GANDHI, from Volksrust Gaol.

No more inspiring thought could have been presented to last Sunday's Mass Meeting in Johannesburg than that contained in Mr. Gandhi's last message prior to his incarceration at Volksrust. The language is typical of the man—simple, straightforward, penetrating, lofty. The note of determination running through this encouraging valedictory is in harmony with all that we know of Mr. Gandhi—when things look blackest, that is the moment when the supreme effort must be made.

It is fair to say that the Transvaal Indians present at the meeting appeared fully to realise the significance of the occasion. This is the second time that their chief adviser has been snatched from their midst—not because he had, in reality, committed any very heinous offence, beyond that of standing at the cross-roads and pointing out the path of safety, but because he had chosen not to separate himself from his less fortunate brethren, and had determined to share their fortunes, to make their lot his own. And realising this fact, the Transvaal Indians have nobly responded to the call upon their best energies. The frame of mind of the people is very different from what it was nine months ago. Then they

were untried; they had not then passed through the fires of adversity, and their mettle had still to be proved. Now, they are conscious of a recent past upon which they can look back with pride. They are not unmindful of the confession that they forced from General Smuts last February, when he admitted his impotency against a people who solidly refused to co-operate with him in his administration of laws affecting their welfare, and which they had determined to disregard, seeing that they had not been consulted in the framing of them. And, from this retrospective attitude of mind they may now also look ahead to the not distant future when they will have achieved their mild ambition, and have once more saved the small remnants of national honour and communal self-respect that the Imperial and Transvaal Governments have generously refrained from annexing.

The meeting that was held in London, towards the end of last week, has undoubtedly done much to encourage the Transvaal Indians, for they have been once more permitted to know that their sufferings have gone to the hearts of their brethren in the capital of the Empire, and that these have united to warn the Imperial authorities once again of the grave Imperial danger that has arisen through the narrow-minded folly of the Transvaal Government. Sir Mancherjee Bhownagjee's stinging rebuke to the Transvaal has, no doubt, aroused a considerable amount of indignation among those parochial defenders of the sacrosanct white inhabitants of the northern Colony.

It is just as well, as Burns has so delicately put it "to see ourselves as others see us." And perhaps General Smuts may learn from the reflection of his repressive policy that has been projected from Sir Mancherjee's mirror. Let us hope that contact with some of the more reasonable and broad-minded statesmen of South Africa, that the Cape has sent to the Convention, will widen his own horizon, and enable him to see just a little beyond the tip of the Transvaal's nose.

THE LETTER THAT WE REPRODUCE IN another column from Mr. Polak's pen in reply to the usual vitriolic attack of the *Star* upon Mr. Gandhi specially, and the Transvaal Indian community generally, makes very interesting reading for the Philistines, who prefer to take the stellar dicta of Johannesburg *cum grano salis*. The editor of the *Star*, besides being impervious to the lessons of experience, appears to

be singularly ignorant of the contents of his own back files. Last January, on the day following Mr. Gandhi's first sentence of imprisonment, at the Fort, the *Star* expressed the following opinion: "The theory which underlies their (the Government's) present activity . . . is that the removal of the principal agitators will break its back (that of passive resistance). With that theory, we are entirely in accord." Ah, if only we looked before we leapt! The cocksure *Star* had a meteoric fall barely three weeks after the above sentiments were enshrined in print, for "the principal agitators" were enlarged, and the passive resistance movement was triumphant. And last week, with a sublime indifference to the most elementary experience of the recent past, our contemporary perpetrated a similar absurdity, by warning the aspirants to the honours of temporary leadership, during Mr. Gandhi's absence, that they would place themselves within the reach of the long arm of the law, and that their removal would end the present cross-grained resistance to the omnipotent will (or, rather, won't) of Mr. Smuts. It is unfortunate that Mr. Smuts himself confessed that his policy of last January was that of sheer and unmitigated bluff. What admirable statesmanship! What a lofty conception of public policy! Well, we leave it at that. Let us see what the editor of the *Star* and General Smuts have to say in the near future. It will doubtless add to the gaiety of the nations.

WE COMEND THE ATTENTION OF THE authorities to the temperate and reasonable letter from Mr. G. Williams addressed to the *Natal Mercury* on the 10th inst. Its contents indicate a great hardship inflicted upon religious teachers of faiths other than the Christian and the Jewish. We do not doubt that the railway administration has no antipathy to priests of the Hindu or Mahomedan religion as such. Unfortunately, these gentlemen, in all probability, wear a skin the colour of which differs from that worn by the Christian or the Jewish cleric. The test of religious privilege, then, appears to be the amount of pigment deposited in the subcutaneous tissues. We may not accuse the powers that be of religious intolerance. But their colour-range is singularly limited, and that restricted vision is causing a great deal of comment amongst those reasonable members of the European community who say with Robert Burns "A man's a man for a' that"—and so is a clergyman, even though he be a Mahomedan or a Hindu.

WE ARE GLAD THAT THE NATAL Indian Congress and the Durban Anjuman Islam have taken active steps in regard to the breach of faith on the part of the educational authorities in giving notice of dismissal of all Indian boys over the age of 14 years studying in the Durban Higher-Grade Indian School. There is no doubt that grave hardship will be inflicted upon the Indian community, and the children especially, by this high-handed action of the Department. The Higher-Grade Indian School was definitely appointed for the organization of the higher education of the children of the members of the Indian community. Attempt after attempt has been made by the Government to get behind the spirit of the agreement, and now a deliberate blow is being aimed at the intellectual welfare of the coming generation of Indian children. Whether it is that the Government fears that an educated Indian community will necessarily be more powerful to resist encroachments upon its liberties than an uneducated community, or whether this is merely an instance of crass departmental stupidity and ignorance of previous arrangements made with the leaders of the Indian community, is doubtful, for the moment. But we do hope that the Congress and the Anjuman Islam will not rest content with pressing resolutions, but will proceed to stronger action to obtain fair play for Indian students whose parents are ratepayers and taxpayers equally with European parents.

THE IMMIGRATION OFFICIALS OF NATAL

Another Immigration Muddle.

are getting as nervous as mice. Evidently the horrors of the Transvaal have got upon their nerves, or, may be, it is the subtle aroma of Closer Union, bringing with it the rare spirit animating the procedure of Mr. Chamney's department. Messrs. Cowley and Cowley's letter to the *Natal Mercury* will cause a fluttering in a good many dove-cotes, and may possibly stir the papers in not a few obscure pigeon-holes. The facts of the letter, briefly, are these. A Mahomedan priest arrived at Durban per s.s. *Gouverneur*. His presence was badly needed by the congregation of the West Street Mosque, who made formal application for a visiting pass on his behalf, in order that he might minister to their spiritual needs during the coming festival of the Id. But the Immigration Officials, and, later, the Colonial Secretary, were obdurate, and the priest had to depart for India without setting foot on this sacred soil of Natal. No reason was given for this arbitrary refusal. No reason, apparently, need be given when Indians are concerned. After all, an Indian is an Indian—voteless, voiceless, powerless. And the West Street

Mosque congregation is without its priest, and the Immigration officials are happy. There is evidently something radically wrong with the State of Denmark: The official mind is becoming slowly numbed by that narcotic which is gradually sapping the vitality of South African administration and robbing it of its reasonableness and common-sense. One swallow does not make a summer, nor does one priest indicate an invasion. Surely Mr. Harry Smith must have had a bad attack of Transvaalitis when he sent this priest packing to India.

THE AMAZING STORY OF BRUTALITY

No Better than a Sheep.

told before Mr. Hime, A.R.M., of Maritzburg, and recorded in our last week's issue is almost beyond the bounds of belief. Briefly, it was as follows. A certain Armitage employed an indentured Indian, who was some time ago convicted of an assault upon the employer's wife. Armitage knocked his employee down, jumped on his shoulders, and cut off the lobe of his right ear with a pen-knife. The defence was, practically, that the Government allowed the cutting of sheep's ears, and the complainant was no better than a sheep. The Magistrate, we are glad to learn, expressed his feelings very strongly at the recital of this atrocity. He "was horrified to think that a person having charge of human beings could do such a thing. He did not think that Mr. Armitage was a fit man to have Indians in his charge. He was bound to find that there was no justification for the action that had been taken by the accused. The poor man had been disfigured for life, and Mr. Armitage had come before the Court and classified the Indian with a sheep. . . . If that sort of thing was allowed to go on, Indians in the employ of white people would not be safe with their lives. His Worship hoped that the penalty that he was about to inflict would be a warning to other employers." The penalty imposed was a fine of £20 or one month's imprisonment. The alternative of a fine was given because the Magistrate "was satisfied that the accused's mind must have been unhinged." The man Armitage appeared desirous of noting an appeal. We sincerely hope he does. In that event, we shall look forward to some particularly interesting comments from the Supreme Court. Meanwhile, it is of interest to observe that the Magistrate thought it necessary to impose what he considered to be a severe penalty as a warning to other employers. We have been told again and again that certain employers of Indian indentured labour regard their employees in the light of cattle. The man Armitage was apparently anxious to improve upon the experience of these employers by treating his own employee like a sheep. Obviously, there are in

Natal white people who still hold firmly to a belief in the ancient doctrine of transmigration!

The Komatiepoort Allegations

Inquiry Refused

The following letters show the position up to date in regard to the Komatiepoort allegations:—

Pretoria, 13th October, 1908.

Sir,—I have the honour to acknowledge the receipt of your letter of the 9th instant and to refer you to the statement regarding Messrs. Essop Mia and Polak's allegations which was communicated to the Press and published in the *Leader* and *Rand Daily Mail* on the 10th instant.

I have the honour to be, Sir,

Your obedient servant,

E. M. GORGES,

Assistant-Colonial Secretary,  
Chairman, British Indian Association.

15th October, 1908.

The Honourable, the Colonial Secretary, Pretoria.

Sir,—I have the honour to acknowledge the receipt of your letter No. 53/E/675 of the 13th instant, referring my Association to the statement regarding Messrs. Essop Mia and Polak's letter, which was communicated to the press and published in the *Leader* and the *Rand Daily Mail* of the 10th instant.

My Association's letter of the 9th instant, to which the above is a reply, has apparently been misinterpreted. My Association's object was to ask for an impartial, open, and judicial inquiry into the above-mentioned allegations, in view of the statement that had appeared as emanating from Mr. Chamney. Having regard to Mr. Chamney's official relations towards those who are implicated, my Association respectfully urges that a reference to Mr. Chamney's statement, which amounts to a denial of the allegations, does not contemplate the relief requested by my Association; and I, therefore, once more venture to request that both the allegations made by Messrs. Essop Mia and Polak and the statement in reply thereto made by Mr. Chamney be referred to a Commission of Inquiry on the lines indicated above.

I have the honour to be, Sir,

Your obedient servant,

E. S. COOVADIA,

Acting Chairman, British Indian Association.

PUBLIC OPINION. The English people are the English Government. In the long run their wishes and opinions shape the foreign policy of this country.—*World*.

## Sir Richard Soloman and the Transvaal Situation

A letter to "The Times"

Mr. Ritch's Reply

Writing to *The Times* under date the 20th September, Sir Richard Solomon says:—

While no one regrets more than I do the failure of the compromise effected last February between the Government of the Transvaal and the Asiatics resident in that colony, I strongly deprecate the attempt which has been made by Lord Amphill and others to attribute the cause of this failure to the refusal of the Transvaal Government to carry out its part of the bargain, which, they allege, was the repeal of the law which required Asiatics lawfully resident in the Transvaal to register themselves.

Mr. Smuts, the Transvaal Colonial Secretary, has publicly stated on more occasions than one that no promise, express or implied, to repeal the Registration Act was ever made by the Government. His statement is completely borne out by the compromise itself, which is in writing, and as far as I can see, free from ambiguity. It is embodied in two letters, of which the first is signed by Mr. Gandhi and other two leaders of the Asiatics, and is addressed to the Colonial Secretary and dated January 28, 1908; the second letter is a reply to the first, and is dated January 30, 1908, and signed by the Assistant Colonial Secretary.

I cannot trespass on your valuable space by inserting here the full text of the first of these letters; but I would call attention to the following statements contained in it as showing sufficiently clearly that were the precise terms of the compromise:—

Our opposition has never been directed so much as first the finger print requirements of the regulations under the Act—in so far as such finger prints were deemed necessary for identification of Asiatics who could not very well be otherwise identified—as against the element of compulsion contained in the Act itself. On that ground we have repeatedly offered to undergo voluntary registration if the Act were repealed. And even now at this late hour we would urge on the Government the adoption as far as possible of the course more than once proposed by us.

We recognize that it is not possible during the Parliamentary recess to repeal the Act, and we have noted your repeated public declarations that there is no likelihood of the Act being repealed. We would, however, point out that the periods fixed for registration under the Act by the various Government notices have expired, and that, therefore, any registration at present would necessarily have to be of that voluntary nature which we originally prayed the Government to concede.

Under these circumstances we would once more respectfully suggest to the Government that all Asiatics over the age of 16 years should be allowed within a certain limited period, say three months, to

register themselves and that to all who to register the Act be not applied, and that the Government take whatever steps they deem advisable to legalize such registration. Such mode of registration should apply to those also who being out of the colony may return and otherwise possess the rights of re-entry.

The reply from the Assistant Colonial Secretary to this letter is brief, and is as follows:—

I have the honour to acknowledge the receipt of your letter of yesterday's date addressed to the Colonial Secretary in which you tender voluntary registration of all Indians and Chinese legally resident in the Transvaal and entitled to register. The Colonial Secretary instructs me to say that he appreciates the wisdom of the step you have taken in response to his repeated public declarations that if the Asiatics in the Transvaal volunteer to register in a body an opportunity for registration should be given them. You have correctly set out the legal position in your letter and in default of registration under the Act which is no longer possible after the expiration of the notice the Colonial Secretary can only accept registration in a form similar to that prescribed by the Act and subject as regards the regulations to the small alterations you mention, and lay the matter before the Parliament at its next session. In the meantime the penalties of the Act will not be enforced against those who do register, and the Colonial Secretary accepts your assurance that you will use your influence with your compatriots to make this registration effective and final.

It is quite clear from these letters that the terms of the compromise are contained in the third paragraph of the first letter which I have italicized. Much as the Asiatics may have desired the repeal of the Registration Act, they saw it was useless to make such repeal a condition to their offer to register voluntarily, as they had noted Mr. Smuts's "repeated public declarations that there was no likelihood of such repeal."

Under the arrangement comprised in the letters I have referred to practically all the Asiatics who are domiciled in the Transvaal made application for registration. Altogether according to the figures given by the Colonial Secretary to the Transvaal House of Assembly, the number of applicants were 9,158, of which 7,773 have been recognized as lawfully resident in the Transvaal, and certificates of registration have been issued to them. I may mention that of the 9,158 applicants for registration 7,010 gave finger impressions, 1,960 gave the two thumb impressions, which was considered equivalent and sufficient for the purpose of registration. Only 70 declined to give finger prints, and in these cases the signature or other means of identification were resorted to. It will be seen, therefore, that the impression which existed at one time—that the principal difficulty centred around the regulations made under the Act requiring finger prints for purposes of identification—was not correct.

The Asiatics having registered voluntarily, it was the duty of the Government, in terms of the compromise I have mentioned, to introduce

a Bill into Parliament to validate these registrations. This was done; but, in order to meet, as far as possible, the objections of the Asiatics to the Registration Act, the Bill was referred to a select Committee consisting of the Colonial Secretary and Mr. Jacobz (Ministerialists), Sir Percy FitzPatrick and Mr. Chaplin (Progressives), and Mr. Wybergh (Independent). An amended Bill was brought up by the Select Committee, which was passed unanimously by both Houses of the Transvaal Parliament, and which certainly met some of the objections taken by the Asiatics to the Registration Law of 1907.

In an interview with Mr. Gandhi, published in the *Transvaal Leader* of August 22, it would seem that he admits the Act passed during last session considerably improves the Registration Act, but intimates that nothing short of the repeal of that Act and the admission into the Transvaal of educated Indians on the same terms as educated Europeans will satisfy the British Indians.

Lord Amphill in his letter published in *The Times* of September 16 asserts that the Immigration Restriction Act passed by the Transvaal Parliament during its first session "restricts fresh immigration to such persons only as can conform to certain requirements in regard to moral character, property, and education, irrespective of their race or colour"; and again, later on in his letter he says:—

Supposing, however, that the Indians domiciled in the Transvaal had assented to the Registration Law, the Immigrants' Restriction Act would still—according to the construction placed upon it by high legal authority—have admitted this qualified class of Asiatics [that is to say, Asiatics of good character, high educational attainments, and substantial property]. That this is the case is evident from General Smuts's anxiety, to get the resident Indian community to assent to an alteration of the Immigration Law, which would indiscriminately exclude all Indians. The present deplorable situation is entirely due to the attempt to impose this new and harsh condition on the fulfilment of the Government part of the bargain which was struck in the compromise.

If Lord Amphill's construction of the Immigration Restriction Act is correct then clearly that Act makes no distinction between the immigration of Asiatics and that of Europeans into the Transvaal, and the Asiatics "of good character, high education all attainments, and substantial property" who were charged with entering the Transvaal from Natal in violation of the provisions of the Immigration Restriction Act were improperly convicted. If this be so, why has there been no appeal from the convictions and sentences of the magistrates in these cases to the Supreme Court of the Transvaal? If the object of those Asiatics was to assert their right to enter the Transvaal, one would have thought they would not have remained satisfied with the opinions of the magistrates on so important a question as the construction of the Immigration

Act, but would have appealed (as under the law of the Transvaal they had a right to) from those opinions to the Supreme Court. There has been no such appeal, for the obvious reason that the Asiatics know that the Immigration Restriction Act, makes every Asiatic not entitled to a certificate of registration a prohibited immigrant. The latter Act defines those who are entitled to such certificates substantially as follows:—

(1) Any Asiatic duly authorized to enter and reside in the Transvaal by a permit issued under the Indemnity and Peace Preservation Ordinance, 1902, or any amendment thereof.

(2) Any Asiatic resident and actually in the Transvaal on the 21st May, 1902.

(3) Any Asiatic born in the Transvaal since 31st May, 1902.

Any Asiatic, therefore, not included in any of the above classes would not be entitled to a certificate of registration, and is, therefore, under the Immigration Restriction Act, a prohibited immigrant.

There was, therefore, no necessity for Mr. Smuts to show any anxiety "to get the resident Indian community to assent to alteration of the immigration law which would indiscriminately exclude all Indians," since no alteration for that purpose was required in the existing laws which had been unanimously passed by Parliament.

The real reason why the Asiatics insist on the repeal of the Registration Act is not because of any objection to its provisions as amended by the Act of last Session, but because, as long as it continues in force, under the Immigration Restriction Act, even educated Indians not falling within the classes mentioned above are prohibited from entering the Transvaal. Anxious therefore as the Parliament of the Transvaal was to meet the objections of the Asiatics to the Registration Act, with absolute unanimity it refused to give way in the slightest degree to the demand that the Act should be repealed, knowing that the effect of such repeal would be to admit Asiatic immigrants into the Transvaal on the same terms as Europeans. Rightly or wrongly, the policy of the total prohibition of Asiatic immigration which is given effect to in the two Acts, the Registration Act and the Immigration Act, read together, is one on which both Houses of the Parliament of the Transvaal are unanimous. Any attempt on the part of the Asiatics to alter this policy is doomed to failure. It is most regrettable that this attempt should take the form of deliberately breaking laws unanimously passed by Parliament.

Asiatics in the Transvaal are, on the advice of their leaders, trading without licences, merely because they refuse to produce their certificates of registration which the law requires before trading licences can be issued. Asiatics in Natal are entering the Transvaal not because they believe they are entitled to do so under the Immigration Restriction Act, but be-

cause they think they ought to be so entitled, and they desire to assert rights which they know they do not possess, as the law stands, but which they think they ought to possess.

Complaint is made because the Asiatics who deliberately break the laws I have referred to are on conviction sentenced to imprisonment with hard labour. I am sure that no one regrets more than the Transvaal Government does that sentence of imprisonment should be passed on respectable men; but what is to be done? The law cannot be broken with impunity. I give no opinion as to whether these sentences are unnecessarily harsh or not. They are not imposed by the Government but by magistrates of experience. Under the law of the Transvaal, an appeal lies to the Supreme Court, not only against the conviction of a magistrate, but against his sentence, and that Court would not hesitate to reduce a sentence if, in its opinion, it was unnecessarily severe in view of all the circumstances. No appeal has, as far as I know, been made against sentences which Lord Amphill describes as "suggestive of vindictiveness," but which, he forgets to mention, offer the convicted person, in almost every case, the payment of a fine as an alternative to imprisonment.

#### A Conclusive Reply

Mr. L. W. Ritch replied to the above in a letter to *The Times* dated the 23rd September:—

Lord Amphill left for a remote part of Scotland yesterday where even *The Times* may not penetrate with its ordinary regularity. I cannot hope to trespass upon your space at sufficient length to deal extensively with Sir Richard Solomon's letter, but nevertheless trust that you will extend to me the opportunity of replying to the more important points.

Sir Richard Solomon quotes portions of two letters which he alleges, doubtless in perfectly good faith, to have constituted the compact between the parties. The construction he places upon these makes it obvious that even by themselves they are not free from latent ambiguities. For instance, he deduces from this correspondence, an attitude of mind in the Asiatics which they were quite justified in denying existed.

The words, "any registration at present would necessarily have to be of that Voluntary nature which we originally prayed the Government to concede, may, with even more reason be read to mean the registration that was voluntary in the sense that it was to be tendered and accepted without being over-shadowed by the element of compulsion. For, it was such registration that the Asiatics had originally offered and once before, as far back as 1903, carried out at the request of Lord Milner,

But the compact did not consist merely of the two documents to which Sir Richard refers. He is evidently unaware that numerous interviews between Messrs. Smuts and Gandhi, supplemented by much correspondence, also took place and that the alleged undertaking to repeal the Law is the net total of all these factors.

As one of South Africa's most eminent jurists, Sir Richard will, I am sure, be the first to admit that such verbal understandings, especially when subsequently placed on record, have a considerable bearing upon the two letters he believes embody the whole compact. Space forbids my attempting to set out these recorded interviews and letters at length, but I may perhaps hope to be allowed to refer to one or two of the more important:—

The letter of the 28th January addressed to General Smuts from the gaol was immediately followed by one such interview between General Smuts and Mr. Gandhi, in reference to which Mr. Gandhi writes to the General on January 31st that:—

A conversation he has just had with the Registrar of Asiatics has disturbed his mind and created the impression that registration that will now proceed will be legalised under the Act; that at that interview with the Colonial Secretary he, Mr. Gandhi, did not understand any such thing at all; and that he considers the joint letter from the gaol makes that clear. He requests re-assurance on this point and says that to legalise voluntary registration under the Act would be to re-open the question at the sorest point.

This promptly brings a wire in reply requesting Mr. Gandhi to come over and see the General. On February 1st, the day following this interview, I receive a cablegram from Mr. Gandhi, "compromise contemplates repeal Act and same as voluntary offer before." This cablegram is confirmed by a letter of the same date, in which the writer says:—

At the end of three months, if the registration is not satisfactory, the law can be made to apply against those who have not registered. On the other hand, it is understood that if we fulfil our contract, the Law will be repealed by amending legislation. The Bill will be introduced at the next session of Parliament legalising what has been done.

On February 1st. General Smuts made his oft-quoted Richmond speech. Said he:—

"The Indians' second contention was that they would never register until the law had been repealed; that the law was an indignity and a disgrace. . . . Until every Indian in the country had registered, the law would not be repealed."

On May 9th the period for voluntary registration closed and the Asiatics were complimented for having so faithfully carried out their engagement.

Their organ, *Indian Opinion*, called upon the Government to do its share and repeal the Act and to legalise the registration in a manner satisfactory to the Asiatics.

It is not till May 12th that Mr. Gandhi is made to feel uncomfortable as to what is meant. He then learns from the Registrar of Asiatics that voluntary registration will not be accepted from those domiciled Asiatics who are returning to the Colony and writes to General Smuts:—

"I am sure you do not mean this at all. . . . I venture to hope that the necessary instructions will be issued and that voluntary registration will be accepted from those who may now come in."

General Smuts refuses to accept, and considerable correspondence follows, and on May 21st Mr. Gandhi writes that:—

General Smuts' decision not to register the returning Indians under the compromise has created a turmoil among them and the people believe he has betrayed them and begs that a very simple thing may be done, viz., announce that the Act will be repealed.

General Smuts' reply is silent about repeal of the Act.

On May 25th Mr. Gandhi learns for the first time that it is General Smuts' intention to legalise voluntary registration *under the Act*. An interview follows on June 6th which Mr. Gandhi promptly records in writing in a letter to the General pointing out that "it was not satisfactory because *General Smuts still hesitates to repeal the Act*" adding, "I hope you will allow me to make a definite statement that the Act is to be repealed, otherwise I shall be compelled to fall back on my letter to Mr. Channery as to the withdrawal of the application forms."

On June 15th a further interview took place and another on June 20th. On June 22nd, Mr. Gandhi writes to me:—

"General Smuts will repeal the Act, but on conditions I cannot accept."

And the conditions recited are that the amendment of the Immigrants' Restriction Act will exclude as prohibited immigrants the return of domiciled Asiatics and Asiatic newcomers possessing educational qualifications.

It having leaked out that an impasse has been reached between Messrs. Smuts and Gandhi, the Transvaal Press report the fact and also a statement from the Colonial Secretary that the latter was willing to repeal the Act and to treat Indians in future coming into the Transvaal as prohibited immigrants under the Immigration Act, if the leaders of the Indian community would agree to such an amendment. That these amendments had been submitted to Mr. Gandhi but that they did not satisfy him.

I would ask you to bear with me to the extent of one other point in Sir Richard Solomon's letter. Sir Richard questions Lord Anphtill's interpretation, which is that adopted by the Indians, to the Immigrants' Restriction Act. He asks if fresh Asiatic immigrants may claim admission if able to pass the same tests as Europeans, why has there been no appeal from the convictions and settl-

ences of the magistrates in these cases to the Supreme Court of the Transvaal?

The simple answer is that for some unexplained but fairly obvious reasons the Government have refrained from prosecuting under the Immigrants' Restriction Act and that the convictions against these men who expressly entered the Colony to test their right under the Immigrants' Restriction Act, were secured against them under the Registration Law or for hawking without permits.

In the solitary case that was brought under the Immigrants' Restriction Act, that against an uneducated Indian named Laloo, the judgment of Sir William Solomon leaves hardly any doubt that had Laloo been able to pass an educational test in an European language, he would not have come under the term "prohibited immigrant."

In the light of more recent happenings, it becomes abundantly clear that the Registration Law, which, at the time it was originally passed, we were assured was merely intended to identify lawfully domiciled Asiatics, was inspired by a somewhat more subtle and extensive motive, while the Immigrants' Restriction Act was in a scarcely lesser degree designed to operate particularly against Indians of attainments even while it ostensibly placed them on the same footing as European immigrants.

### Clergymen's Concession Tickets

Mr. G. Williams writes to the *Natal Mercury* on the above subject as follows:—

Kindly permit me space to call attention of ministers of the Christian Church to the following facts, of which I believe few of them are aware. The concession of reduced railway fares granted to ministers only applies to those of the Christian and Jewish faiths. I cannot think for a moment that this partiality would, if generally known, receive the approval of the body it is meant to benefit, as the administration of British laws has always given the widest latitude and privilege to religious sentiment of those of other faiths. If the concession were extended to Mahomedans and Hindus, it would receive great appreciation, especially at the present time, as there has arrived among them the principal of the Anglo-Vedic College, Lahore, who intends touring in Natal, and whose visit will prove of inestimable moral and spiritual benefit to this community. His work would be greatly facilitated by the extension of the privilege to him. Considering our present relationship with the Oriental, may it not be an appropriate opportunity, in extending this privilege, to show them that political considerations do not bias our sense of justice in granting them equal spiritual privileges.

### The Detained Children.

We have received for publication the following correspondence:—

Pretoria,

13th October, 1908.

Sir,—With reference to your letter of the 10th instant, I have the honour to inform you that a further opportunity for complying with the Registration Law will be afforded to 56 adults recently convicted of being prohibited immigrants and sentenced to pay a fine of £25 each or undergo two months' imprisonment. These Indians were returned to Mozambique to-day and if they apply for registration from there their applications will receive consideration in terms of Act 36 of 1908. The 17 minors referred to in your letter accompanied them

I have the honour to be, Sir,

Your obedient servant,

H. R. M. BOURNE,

for Assistant Colonial Secretary.  
The Chairman,  
British Indian Association.

15th October, 1908.

The Hon. the Colonial Secretary,  
Pretoria.

Sir,—I have the honour to acknowledge the receipt of your letter No. 56 E/675 of the 13th instant in reply to my Association's letter of the 10th instant, informing my Association that a further opportunity of complying with the Registration Law will be afforded to fifty-six adults recently convicted at Barberton and returned to Mozambique on the 13th instant.

I respectfully beg to represent that my Association's letter of the 10th instant seems to have been misunderstood. That letter contains no discussion as to the privileges of the fifty-six adults in regard to application for registration either in the Transvaal or in the Province of Mozambique. My Association's letter was respectfully directed to the fact that the seventeen minor children referred to therein were being detained by the police at Barberton, although no charges had been framed against them, and it is a matter of painful surprise to my Association that nothing was done by the Government to release them from that detention. Although the seventeen minors accompanied the adults who returned to Mozambique, they have also accompanied them upon their return from that Province, and are again being detained at Barberton. Consequently, the humble requests made in my Association's letter of the 10th instant, remain valid. My Association ventures to suggest that, if the Government is unable to allow these children to travel to Johannesburg, they should be forthwith prosecuted, when they will be defended in due course.

I have the honour to be, Sir,

Your obedient servant,

(Sd.) E. S. COOVADIA,

Acting Chairman,  
British Indian Association.

## Mr. Polak and the "Star"

### Lessons from History.

The *Star* of the 15th instant, has the following leaderette:—

Mr. Gandhi is happy. He says so himself and we do not doubt his word. Whether he is, as he claims, "the happiest man in the Transvaal to-day" is another question. For our part we have no wish to deny him whatever measure of happiness he can extract from the two months' imprisonment with hard labour imposed upon him by the Volksrust Magistrate. Seriously, we consider that the Transvaal Government has been unduly lenient towards the malicious activities of the leader of the Asiatic movement. We will do Mr. Gandhi the justice of admitting that he may be honestly convinced that in advocating resistance to the law and in organising raids from Natal he is serving the best interests of his compatriots. But whether he is sincere or is merely courting notoriety does not affect the merits of the agitation which he has initiated and carried on with great resourcefulness. If the Indian leader acted in his individual capacity the Government would have been foolish to grant him the crown of martyrdom which he has sought. Mr. Gandhi, however, has not only gloried in his recalcitrance, but also in his supposed ability to reduce the administration of the Asiatic Laws to a farce. Well, the Government had either to accept his challenge or to treat the law as a dead letter. It is probable that others may be found ready to assume Mr. Gandhi's mantle during his incarceration. In that case the Law Department must not hesitate to enforce the law. With the leaders out of the way, the rank and file of the Asiatic community may be brought to a recognition of the futility of a struggle in which they have absolutely nothing to gain and a great deal to lose. A law-abiding class, they have no real grievance. But whether they bow to the inevitable or not, the authorities cannot permit the agitation in its present aggressive phase. Far better is it that the gaols should be crowded than that the native population—already somewhat unsettled on the Rand, as the criminal records show—should be tempted to emulate the tactics of their coloured brethren from the Far East. The Transvaal Government is so completely in the right and Mr. Gandhi and his followers so completely in the wrong that the busybodies in England, to whom the Asiatics look for a reversal of the Transvaal's policy, possess no longer any weapon that can do us any harm.

Mr. H. S. L. Polak replies to the above as follows:—

History appears to have few lessons for you. Others of us, however, are not superior to its experiences, and for

their advantage if not, perhaps, for your own, I would ask permission to hark back to the pre-"settlement" days of just nine months ago, when a similar incident occurred to that which took place on Wednesday at Volksrust. Then, too, it was hoped and believed—by none so ardently as yourself—that Mr. Gandhi's compulsory withdrawal from the scene would end the resistance of the Indian community forthwith, but all prophecies to that effect were astoundingly false. No doubt, the wish was father to the thought. The end did not come—at least not in the way you anticipated.

When the compromise was arrived at, you remarked editorially: "The complete control which he (Mr. Gandhi) exercises over his compatriots is the best possible omen for the success of the new arrangements." If Mr. Gandhi's control is complete, do you believe that it is any the less so because of his personal withdrawal from the scene of operations? After all it is Mr. Gandhi's personality that tells, and not his person, and, if you think otherwise, you are committing a fatal error. Later, you remark as follows: "It is the best possible evidence that they (Mr. Gandhi and his colleagues) have their followers completely in hand." Do you think that the situation has changed to-day from what it was nine months ago?

If I may be absolved from the charge of heaping coals of fire upon your head, I would ask leave to inform you of the following illuminating extract from General Smuts' speech at Richmond last February, as reported in the press at the time: "He had sent every leader to prison (exactly what you suggested last night, Sir), and hundreds more, and it had had no impression." They are the same community now, and the leaders are unchanged. Are you prepared to advise the Government to repeat the fiasco of last January? But let Mr. Smuts speak for me! His eloquence is inspiring. "The policy of imprisonment was a very good policy as a threat, but every sensible man knew it was a policy which could not be carried out in this country. . . . They would have to fill the country with prisons, and that was a course which was not only physically but morally impossible. It was a moral impossibility, because he thought it would injure the reputation and prestige of the white people of the Transvaal if they had abused their enormous power they were wielding and put people who had conscientious objections in prison." Well, General Smuts has apparently made an excellent meal of his own words. You, Sir, seem desirous of emulating his illustrious example. But it is a dyspeptic sort of a diet at best, and you are not to be envied the after-effects.

You "consider that the Transvaal Government had been unduly lenient towards the malicious activities of the leader of the Asiatic movement." Rest content, Sir, it did its worst; and

but for the fact that the Magistrate imposed only two-thirds of the maximum sentence possible for the offence with which Mr. Gandhi was charged, it would have succeeded. But, mark you, Mr. Gandhi is one of General Smuts' conscientious objectors, even though he be set to pick-and-shovel work. You appear to have a marvellously draconic temperament, you out-Herod Herod when you suggest that a sentence of two months' hard labour is too lenient a punishment even though it be for the leader of a community of admittedly political offenders.

I have already indicated the fallacy that the removal of Mr. Gandhi should bring the passive resistance movement to a speedy end. It is true that there is only one Gandhi, but there are a number of leaders, many of whom, as conscientious objectors, have already gone to gaol, and all of whom are prepared to suffer in like capacity. Your minatory language, for what it is worth, is scarcely likely to have a perceptible effect upon them. There are many Europeans, too, who, with me, will accept Thoreau's dictum that "Under a Government which imprisons any unjustly, the true place for a just man is also prison."

One last quotation, and I conclude. It is from Hume's "History of England." "To inspire the Puritans with a better humour was, both for their sake and that of the public, a laudable intention of the Court, but whether pillories, fines, and prisons were proper expedients for that purpose may admit of some question." Sir, you seem unwilling to learn from the recent past. Perhaps the history of a couple of centuries ago is in better perspective. Will you learn from this?

## Should Indians be Starved into Submission?

### Final Reply.

The Secretary to the Law Department writes from Pretoria on the 16th instant:—

I am directed to acknowledge the receipt of your letter dated the 8th instant addressed to the Attorney-General on the subject of prison diet for Indian prisoners, and in reply, to inform you that the Attorney-General can add nothing to the communication you have received in the matter from the Director of Prisons.

COL. SEELY AND THE DIET QUESTION. In the House of Commons on Saturday Col. Seely said the Colonial Office was communicating with the Transvaal Government on the subject of the complaints as to inferior dietary, supplied in the Transvaal prisons to the Indians undergoing sentence. —Reuter.

## THE MASS MEETING

### A Fine Spirit

#### Important Resolutions

Last Sunday, in the precincts of the Hamidia Mosque, Fordsburg, a Mass Meeting of British Indians was held to discuss the present situation, and to protest against the action of the Government in prolonging the struggle for the sake of an insignificant trifle to the European inhabitants of the Transvaal.

The new Chairman of the British Indian Association, Mr. A. M. Cachalia, presided over an assembly of some 1,200 to 1,500 people, including delegates from Krugersdorp, Germiston, Boksburg, Pretoria, Fortuna, Standerton, Rustenburg, Pietersburg and other places. Among those present were Messrs. David Pollock, G. Isaac, H. S. L. Polak, and a large number of the members of the Committee of the British Indian Association. Two black flags were set at half-mast, in token of mourning for the penalties imposed upon those courageous members of the community now in gaol. Probably, had the meeting been held on any other day than Sunday, a much larger number of European friends would have been present in token of sympathy. The proceedings were enthusiastic, and punctuated with frequent cries of "Shame" at the recital of the hardships inflicted upon innocent men. Mr. David Pollock's speech was much appreciated by his audience, who felt that they were face to face with one who had worked hard on their behalf and was prepared to suffer for his own opinions in regard to them. The proceedings commenced shortly after 4 p.m., and closed just after 6 p.m.

The Chairman delivered the following address in Gujarati, which was rendered into English by Mr. N. A. Cama :

#### Chairman's Speech

Gentlemen and Delegates,

I had hoped that the first occasion when I should preside at a gathering of these dimensions would be a happier one than this. I had trusted that it would be my pleasant duty to congratulate the Government, to congratulate our many friends outside our community, to congratulate you all, upon the satisfactory conclusion of a long and painful struggle. I had hoped to be able to report to you that our reasonable requests had been graciously granted by the Government, that the real spirit and meaning of our struggle had at length been realised by our European fellow-colonists, that our extreme moderation had called forth the rewards merited by it. I had anticipated being able to ask you to close your eyes to the dark picture of the last two years, and to fix your gaze hopefully upon

the future of the community, that you might prepare yourselves for that communal development, that self-study and self-training, without which no people advances along the path of progress.

But, alas, my hopes, your hopes, have remained unfulfilled. We have all seen how our earnest and respectful representations have been consistently ignored by the Transvaal Government. We have seen an almost vindictive spirit at work, endeavouring to undermine the very foundation and fabric of our self-respect. We have discovered that our religious susceptibilities are to be deliberately disregarded. We have had it borne in upon us that the spirit that animated the struggle for freedom on the part of our European fellow-colonists and their ancestors was a laudable one, whereas, when we find it moving in ourselves, when we find ourselves uplifted by its majesty, we are reminded that we are a people in revolt, that we may not attain to grace until such time as we have expiated our so-called lawlessness. We see many of the goals of the country full to overflowing with men whom General Smuts himself has called conscientious objectors. We know that some of our foremost men, the flower of our community, are suffering imprisonment with hard labour, like common felons, for daring to strive for liberty of conscience and freedom of communal growth. We know that, amongst those who are to-day in gaol, are professional men and hawkers, educated men and merchants, men who possess medals gained by services of mercy during the great War and the Natal Rebellion, whilst at least one ex-soldier is suffering imprisonment for the sake of his fellow-countrymen. We know that Indians claiming pre-war residence in this Colony, men born in South Africa, long-domiciled residents of the Transvaal furnished with authority to enter and reside in this Colony, are incarcerated. We have heard of the shocking allegations of ill-treatment and neglect of Indian men, women, and children returning to the Transvaal from India via Mozambique and Komatiapoort. These allegations have been denied in official statements emanating from Mr. Chamney's Office, but our experience of statements and denials emanating from that source does not encourage us to accept them as being in any degree final, and we have requested a complete, open, and judicial inquiry into the allegations and denials, so that the exact truth may be arrived at and proof or disproof obtained on either side. But this elementary right has been denied us, and we have been obliged once more to urge upon the Government to appoint this commission of inquiry for the sake of the good name of the Colony.

We have seen how children of tender years, entering the Colony

with their fathers, have been detained in custody and lodged in gaol, because the community at length refused to be a party to the maintenance as prisoners of little children whom the Government refused to proceed against or to discharge. I am glad, however, to inform you that these children have at length been released, owing to our strong representations to the Government that this fight should be fought with clean hands by both parties to the struggle, and that it was, if not inhuman, at least undignified, for the Government to wage a bitter warfare against little children.

And now we are faced with the imprisonment with hard labour of our honorary secretary, Mr. Gandhi. That act on the part of the Government has been the climax of a long and severely fought campaign of passive resistance on the part of British Indians. Last January, I would remind you, the Government thought it necessary to remove Mr. Gandhi temporarily from the forefront of the struggle. It was then supposed that his removal would cause the rest of us to waver in our allegiance to our principles. But no such result supervened. Many of our most respected leaders were arrested and sentenced, and it was hoped that our resistance would crumble away. Today, a similar policy is being pursued. We are warned, in high quarters, that those who dare to don the mantle of leadership that Mr. Gandhi has, for the moment, laid aside, must be prepared for the pains and penalties of recalcitrancy. Well, we have long been prepared for that. We have all felt that the assumption that the Indian community had entrusted its will-power and determination to the care of a single member of the community was a fallacy of the first order. We disproved it last January, and we are prepared to disprove it to-day. On Wednesday last, with that vast self-sacrifice, that bold courage, that noble desire to suffer for his brethren, that have made him beloved and trusted by them, Mr. Gandhi ventured to assume all the burden of responsibility of advising his fellow-countrymen to pursue their present course of action and to accept the penalties rather than the privileges of unjust laws bearing harshly upon them. But that is a position that we would be cowards to admit. It is true that we have accepted Mr. Gandhi's advice. But it is equally true that we have done so willingly, with our eyes open, believing that that advice was good—nay, the best that could be tendered to enable us to meet the attack that had been made upon our national honour and our self-respect. And having accepted that advice freely, we have, each one of us, assumed our individual burden of responsibility. Each one of us must be prepared to play the leader, if need be, and I am confident that, if we be put to the proof, we shall

show that it is principles that matter, and not the men who put them forward. To-day, we are fighting for principles. We are fighting for that impalpable reality, that spirit of all true communal well-being, that has been behind every struggle for freedom since social reform had its beginning. It is the idea that is permanent, and we are fighting to-day for great ideas. What, after all, are our requests? They are two only. Every thing else is subsidiary to these, and can be dealt with by way of detail when these requests are acceded to. The first is the repeal of the Asiatic Act, which we have been told is, for all practical purposes, a dead-letter on the Statute Book of the Transvaal. We do not accept that view. Since the coming into operation of the new Registration Act, which was supposed, in practice, to replace the old Act, there have been at least two successful prosecutions under the old Act, and it is well within the bounds of possibility that the old Act will, in the near future, be found to be very much alive. But the old Act is a perpetual menace to our self-respect and a standing insult to all that we hold to be a matter of deepest religious truth to us, and it must go.

The second request that we make is that the present privileges which we possess under the General Immigration Law of the Colony, apart from the old Asiatic Act, may be retained.

On our part, we are prepared to assent to the Government, by administrative methods, making the education test as severe as it pleases, thus effectually keeping out all except the infinitesimal number of cultured men of our race—barristers, doctors, priests, teachers—who are necessary for our communal development, and the raising of our children to a position of intellectual and moral responsibility, fitting them to take their proper part in the future well-being of the State; and as proof of our complete good faith, we have agreed that the number of the cultured Indians, whom we may require to minister to our higher needs, may be administratively limited to six in any one year. We ask that the test shall be educational and not racial. It is little enough to ask, but it is essential and right. And so we express our determination to persist in our passive resistance movement, undeterred by arrests and imprisonment, ill-usage, and the hundred and one pains and penalties, mental, physical, and spiritual, that the nature of the struggle may impose upon us.

Gentlemen, the Transvaal Government has, by its policy of heedless repression, already done for British Indians in South Africa that which it is now the endeavour of South Africa's statesmen to obtain for our European fellow-colonists. We have long since achieved closer union amongst ourselves, for it was peremptorily necessary that we should unite to face the

tremendous attack that was being made upon our very existence as a self-respecting community. But British Indians in South Africa look with dread and the utmost apprehension to the accomplishment of the closer union of the South African States. We fear that the Colonists have not yet realised the true lesson of this, our struggle—that it is impossible to govern without the consent of the governed, that there can be no legislation regarding the politically subordinate and unrepresented peoples of the sub-continent without previous full and free consultation. And we fear, consequently, that the South African Colonies united will co-operate on the lines of 'reaction rather than on those of progress in regard to the treatment of 'British' Indians, and that our last seats will be far worse than our first.

I will not labour this aspect of the situation. The future for us lies largely in our own hands. The question is, are we to be creatures of our environment, or are we great enough, as a community, to create our own environment? Are we going to remain helots in a British Colony flying the flag that is ours as much as the Transvaal's, or are we prepared, by suffering and self-sacrifice, to compel that respect for our good faith and honourable intentions on the part of our European fellow-colonists without which our communal existence is impossible? I do not need, I am sure, to put the answer into your mouths. You are as well able to furnish the correct reply as I. The future lies before us, to make or mar us. We must choose now, to-day, which it shall be, and as we choose, so we must rise or fall in the public esteem.

I will not tax your patience longer. You will now have certain resolutions placed before you for your consideration, and I have no doubt but that you will accord them the unanimous approval that you have vouchsafed on many a previous occasion. I thank you, and the delegates especially, for your attendance here to-day, and trust that the message that we have to give will receive that consideration in the proper quarters, which it deserves.

The first Resolution, as follows, was moved by Mr. Essop Ismail Mia, in an eloquent speech:—

#### Resolution I.

This Mass Meeting of British Indians congratulates the Transvaal Government upon the arrest and imprisonment of Mr. Gandhi, if only for the opportunity that has been afforded to British Indians of showing that, in a struggle for the maintenance of the national honour, men are of less importance than the principles for which they stand.

It was seconded by Mr. G. P. Vyas, and supported by Messrs. Ebrahim Asvat (Verecniging), David Pollock, C. H. Desai (Krugersdorp), H. S. L.

Polak, C. I. Desai (Rustenburg), Abdül Ganie, K. K. Samy Naidoo and Sudiwala (Boksburg). Mr. David Pollock spoke in the following terms:—

It was a very great pleasure to him to have come there that afternoon, as he had taken a great interest in the passive resistance struggle from its very inception. He had come to see himself how they were, whether they were standing firm, or whether there was a sign of weakness or regret that they had entered upon that struggle, of so much moment to the Indian community. In the campaign of misrepresentation of their movement, one of the principal charges brought against them was that, in claiming that educated Indian men had the right to apply for admission into this Colony under the education clause of the Immigrants' Restriction Act, they had brought forward a new claim. He could only say that if their educated men had no right to apply to enter the Colony under the Act, it was strange that the Government had not brought the matter to a test by prosecuting under the Immigrants' Restriction Act one of the men who had so entered and let the Supreme Court decide the matter once and for all. In their anxiety to meet the wishes of the European community, and in order to allay the talk of unrestricted Immigration, which was alleged as the objective of their harsh treatment, they were even willing that the number of their educated men who might so enter should be limited by *administrative* action to six in any one year. He deemed that to be eminently reasonable, and he was very glad that that view was beginning to obtain among a large body of the European community. It was absolutely necessary that they should be allowed the natural advantages of spiritual and intellectual advisers, that they should be allowed to have their teachers, preachers, lawyers, and advisers to come in as free men and not merely on temporary permits which might be withdrawn at any moment. General Smuts had recognised the force of their movement when he said that Indians were conscientious objectors. In one of his speeches at the time of the compromise, he had asked what was the good of filling the gaols of the country, and had reminded the people that, while they wielded great power, they must wield it with mercy and some sense of responsibility and discretion, and then he had said that, after all, these Indians who were defying the Law were conscientious objectors. Now there was a soft spot in the hearts of all civilised people for those who suffered for conscience' sake, and there was a spirit of sympathy now growing up amongst the white people. Public opinion was not represented by Chambers of Commerce and well-drilled branches of political associations. There were many men who were unable, who dared not, for whom



it was not expedient, to express their real views, but a large body of the nation was growing more and more favourable to the just and reasonable demands of the Indian community. As an Englishman, whose forebears had suffered in the cause of passive resistance, who had suffered and shed their blood on the altar of sacrifice to duty, the whole conduct of the Transvaal Government filled him with absolute abhorrence and deepest indignation; and he knew that, if he had these feelings in his heart, there must be hundreds and even thousands of Englishmen in this Colony, to whom the campaign against the Indian community was fraught with abhorrence and indignation. He reminded them of the successful issue of the Nonconformists' passive resistance campaign against the Education Bill, in England and he bade them take heart therefrom. Their sufferings would not pass unobserved. They were living in a civilised age, despite the existence of the Transvaal Government, which was a phenomenon that would not last for ever. They were living in an age of civilisation and humanity, when the cry of a people conscientiously appealing to the hearts of a civilised and humane people would not go long unheard. However, it was unnecessary for him to ask them to be of good cheer. He saw every sign of courage and determination around him, and he would merely congratulate them on having carried their struggle to that point with so much patience, discretion, determination and good humour. They were in as strong a position to-day to defy the Transvaal Government as they had ever been, indeed, they were stronger. They had men like Lord Amthill in London exposing the ridiculous libels sent from Johannesburg, that their movement was to flood the country with Asiatics. There were men of influence at Home who knew the true facts and were placing them before the British public. Therefore, they should be of good cheer. Victory was coming. It would come soon.

Mr. H. S. L. Polak then addressed the meeting. He wished to draw attention to one point of the Chairman's speech, and that was that now that Mr. Gandhi had been withdrawn from them, each one of them should assume his own burden of responsibility. He thought that everyone of them was prepared to perform that very simple duty (Yes! Yes!), and he, for one, was certainly going to assume his own share of responsibility. He should not forget for many a long day Mr. Gandhi entering the witness-box at Volksrust the other morning, and giving evidence, entirely unnecessarily to the effect that he (Mr. Gandhi) admitted aiding, abetting and advising all those people to enter the Transvaal and disobey the law of the Colony and accept the penalties of that law. But Mr. Gandhi's assumption was, perhaps, too great, because

they had all advised, they had all aided, they had all abetted, and he (the speaker) certainly had aided, abetted and advised those people who were taken to Barberton and sent to gaol, when they were sent out of the Colony, to come back again. He had certainly aided, abetted and advised those people deported from Volksrust to come back again, and, what is more, would do it again and again, so long as he thought it necessary. They should all be prepared to assume their share of responsibility and to suffer the consequences of their action, together with the men who were in gaol. He had heard people say when Mr. Gandhi had been sentenced to imprisonment, with hard labour, that it was a shame; but it was no shame to him to receive that penalty. He deserved it, if ever a man did, and he had asked for it, he had asked for it, and he had got it, and was congratulating himself upon having got it; and they should all be prepared to ask for it, ache for it, get it, and congratulate themselves when they had got it. Mr. Gandhi had not been punished for refusing to give his finger-prints. He had been punished for counselling, advising, aiding and abetting his fellow-countrymen; and it was for them to show whether that counsel was good, whether they were prepared to follow it, whether they were prepared to share his responsibilities and suffer with him. He had brought them a message from Mr. Gandhi which the latter had given him before he left Volksrust. It was a very simple one, but it was very pathetic and absolutely to the point: "Keep absolutely firm to the end. Suffering is our only remedy. Victory is certain." They needed no further advice than that, no further encouragement than that, and, therefore, he would leave them with those words of Mr. Gandhi's in their memory.

The second resolution, as under, was proposed by Mr. Imam Abdul Kadir Bawazeer, and seconded by Mr. Mulji Patel:

#### Resolution II.

This Mass Meeting of British Indians once more humbly requests the Government to make such alterations in the dietary scale of certain of the Transvaal gaols, to the end that the religious susceptibilities of British Indian political offenders, incarcerated therein, may be fully respected.

It was supported by Messrs. V. Naidoo (Pretoria), M. A. Cajee (Standerton), and Hazurasingh (Germiston).

The third resolution, as follows, was moved by Mr. V. A. Chettiar and seconded by Mr. M. M. Khanderia (Pietersburg):—

#### Resolution III.

This Mass Meeting of British Indians hereby re-affirm the determination of the Indian community to carry on the passive resistance movement until the Transvaal Government has

been pleased to accede to the two requests put forth by the community, namely, the repeal of the Asiatic Law Amendment Act, and the retention of the present rights of free entry of educated Indians under the Immigrants' Restriction Act subject to the right of the Government to administer that Act in so rigorous a manner as to exclude all but a very limited number of the most cultured members of the Indian community.

It was supported by Messrs. E. S. Coovadia, C. L. Patel (Standerton), and H. M. Gandhi, the last of whom said that he was pleased to see such a large audience to protest strongly against the un-British and most un-Christian treatment of the Transvaal Government. As for his revered father, he was proud to be called his son. They, as British subjects, might be called sons of Britain, but to-day to be called a son of Britain he was grievously ashamed. The day his father was arrested was a festival day for him, but he could not help feeling how ridiculously the latter had been charged and punished. Asking a man who had been practising in South Africa for 13 years to give his identification particulars was nothing short of cowardice. He thought it was their duty as well-wishers of Britain to stick to their principles and fight to the bitter end. It had been said that the Indians were a menace to the Empire. That statement had been repudiated by them, and those who had repudiated it might be right from their point of view; but in the sense that he took it they were a menace to the Empire, and would remain so; for was not Truth a menace to Evil? When one thought of the pitiful conditions under the British flag, it was very difficult to restrain one's feelings. The present policy would not help the Government, but might, he ventured to say, in the near future lead to the disruption of the Empire. When they could not resent the ill-treatment of the Transvaal Government, they went to seek protection from the Imperial Government. But had the Imperial Government given them anything? Could they expect anything from the Imperial Government? It had been said when war was declared that one of the reasons for it was to remove the unjustifiable restrictions of the Transvaal Government upon British Indians. Did they not realise the hollowness of those utterances now? They had repeatedly stated that General Smuts had betrayed them, but what had the Imperial Government done? Why, then, seek protection from other than God? The Government had stated that Indians were demanding an open door, a statement which they had repeatedly denied. He considered that was a mere excuse to prolong the struggle, but he hoped that after that meeting that day the Government would realise the justness of the Indian demands and would soon come to a settlement with them. But until then it was perfectly justifiable for them to

fight as strenuously as possible, and thereby they would not only gain the sympathy of all true Christians, but the sympathy of the whole civilised world.

Resolution IV. was proposed by Mr. G. V. Godfrey. It was as follows:

#### Resolution IV.

This Mass Meeting of British Indians once more humbly implores the Imperial Government to realise the vast Imperial interests involved in the present unhappy situation, and to take such immediate steps as to enable British Indian subjects of the Crown resident in the Transvaal to appreciate the spirit of the Proclamation of 1857 and of the King Emperor's Proclamation at the Delhi Durbar.

Mr. Godfrey, after congratulating Mr. H. M. Gandhi on his instructive little speech, which, he thought, would have rejoiced his father's heart, had he been present, dealt briefly with the Proclamation of 1857, the Charter of Indian Liberty, that Charter which conferred on the three hundred millions of India equal rights as British subjects all over the British Empire. He pointed out the hollow hypocrisy of that proclamation, how systematically and persistently its provisions had been disregarded, and he instanced the policy of the Transvaal Government with regard to Indians. Referring to Mr. David Pollock's speech, he, too, bade them to be of good cheer, to be firm, and to follow the advice of Mr. Gandhi, who was then suffering imprisonment not for his personal benefit but for the benefit of the whole Indian community. They must not despair, they must not regret, they must not be despondent, for the clouds were breaking on the horizon even then. He then reminded them of a recent cable from Calcutta, to the effect that Lord Minto had drafted a constitution for the people of India, giving them some measure of self-government. He said that was a great point in their favour. He referred to the origin of the Home Rule Society in London two years ago, of which he was one of the foundation members, and pointed out that what the people of India had been able to achieve within two years, they could accomplish here also, provided they were patient and firm. He concluded by congratulating them upon having, by their attendance in such large numbers and by the cordial support they had accorded to the resolutions, belied the statement that now that their leader was incarcerated the movement was weakening.

Mr. M. P. Fanny seconded.

The fifth resolution, as follows, was proposed by Mr. C. K. Naidoo (Pretoria), and seconded by Mr. Omarje Sale.

#### Resolution V.

This Mass Meeting of British Indians hereby authorises the Chairman to forward copies of the Resolutions passed by it to the proper quarters.

All the resolutions were passed unanimously.

During the proceedings cheques were handed in from the Pretoria Tamil community for £30, and the Boksburg community for £10. After a few appropriate words from the Chairman, the proceedings concluded.

## Supreme Court Application

### The Detained Indians

In the Supreme Court, on Tuesday morning, before a Full Bench, Mr. F. S. Tatham, K.C., asked for permission to mention a matter of urgency. He said he wished to apply for a rule nisi in connection with the illegal detention of a number of Indians as prisoners on a hulk in Durban Bay without the sanction of law. The name of one of the Indians concerned was Ismail Ahmed Mame.

Mr. Tatham read an affidavit made by Mr. Romer Robinson, solicitor, of Durban. It traced the preliminary Court proceedings in connection with the same case, these having already been given publicity. He (Mr. Romer Robinson) had informed the Immigration Restriction Officer that steps would be taken to test the legality of his action in detaining the Indians, to whom he refused permission to go on the wharf. But the friends of the prisoners communicated with them by shouting from the wharf. Eventually he went on the hulk in accordance with the order of the Court. He was then informed by two Indians on the hulk that others who had been possessed of Asiatic registration certificates had been deported. Some of the Indians were taken to the office of the Immigration Officer and were asked whether they would be prepared to give their ten finger-prints at Durban, but they refused, stating that they reserved their right to do so in the Transvaal. They were then told that they would be deported. An order was then obtained from the Magistrate at Durban preventing the masters of two ships from taking away the Indians.

Mr. Tatham now applied for a rule nisi calling upon the Immigration Officer, Harry Smith, to produce before the Court on October 27th the bodies of the Indians, and show by what authority he detained them, and show why he should not be called upon to release and discharge them and pay the costs of the action.

Mr. Justice Beaumont: Were these Indians brought before a Magistrate?

Mr. Tatham: No, my Lord. It is utterly lawless, without the semblance of sanction. It is perilously near contempt of Court.

The rule nisi, as applied for, was granted, but the Chief Justice said it would be sufficient if one Indian—Ismail Ahmed Mame—was produced.

—Times of Natal.

## Notes on the Transvaal Struggle

### More Volksrust Deportations

Monday last saw the expiry of the sentences of the eleven Natalians, educated men and others, who had accompanied the Congress leaders on their excursion to the Transvaal, and who had each been sentenced to six weeks' imprisonment with hard labour. They were duly deported, and ten of them duly returned the same day. The cases were heard on Tuesday, when eight of these patriots were sentenced to pay a fine of £50 or to be imprisoned with hard labour for four months. They went to gaol. The other two were remanded to the 27th.

### Heroic Hawkers

On Saturday last, the 17th inst., a meeting of hawkers' was held at the offices of the British Indian Association in Johannesburg, Mr. Daya Lala presiding. The proceedings were most enthusiastic, all present expressing their determination to hawk without licences, and suffer the penalties of the law. A subscription in aid of the Association funds was also started, and I understand that some £20 had already been collected. During yesterday and to-day, some 39 hawkers were arrested and imprisoned for periods ranging from three to seven days with hard labour, all refusing to pay the fine which was imposed as an alternative. On Friday, Mr. Patel was sentenced to 7 days' imprisonment with hard labour for a similar offence, and on Wednesday, another hawker went to gaol for seven days with hard labour.

### Germiston Licensing Case

Mr. K. Padiachy went to gaol for three days with hard labour for trading without a licence, refusing to pay the alternative fine of £2 that was imposed.

### News from Lucknow

The *Evening Standard's* correspondent at Lucknow states that the deepest feeling has been aroused among the natives in that part of India by the harsh treatment to which British Indians are being subjected by the Transvaal authorities. Meetings have been held at which resolutions were adopted strongly protesting against the way in which the Asiatic Registration Act is being enforced in that Colony.—*Sunday Times*.

A PASSIONATE PROTEST. A vigorous agitation against the treatment of the Asiatics in the Transvaal is being organised in London. The Rev. F. B. Meyer, who recently visited the Transvaal, has addressed a passionate letter to the press protesting against the treatment of Mr. Gandhi—*Transvaal Leader*.

## The Two Issues

### Registration—Immigration

#### Lord Amphill Explains

The following letter appears in *The Times* of the 21st ulto.:

Sir,—I am reluctant to trespass on your great courtesy by asking you to publish yet another letter from me on this subject, but I cannot rest until I have done all in my power to prevent misunderstanding of the position of my Indian friends.

The present situation in the Transvaal seems to me very easy of comprehension to those who are acquainted with the facts, but I recognise that there are few in this country who have facilities for ascertaining those facts and guarding their minds against the serious misrepresentations which are made. Since you have been good enough to consider my last letter worthy of your own editorial comments, I cannot doubt that you will allow me to reply to your exposition of the case, which has, I venture to say, very conveniently focussed the questions at issue.

There are, as you say, two distinct questions, which must not be confused. It is not the Indians who are confusing them; they are most anxious to keep them apart. It is General Smuts who is confusing the two issues at stake, and I venture to think that you fell into the same error yourself at the beginning of this year, although in your article of the 16th inst. you have been at pains to differentiate these two issues.

The two questions are—(1) that of registration, (2) that of immigration.

To those who require a further explanation, I would say that the former is the question as to whether the Transvaal Government have or have not complied with the terms of the "compromise" which caused us momentary thankfulness and rejoicing in February last. The "compromise"—and this is the important point to bear in mind—only related to registration; it had nothing whatever to do with immigration.

The immigration question is the question whether or not Indian immigration is to be further restricted than it is at present—in fact, whether the future exclusion of Indians is to be absolute, or whether it is to remain conditional on the tests prescribed by the existing law.

Now in regard to the first question, that of registration, you say that, so far as you can judge, it "is not again at stake." I am entirely at a loss to understand how you can express such an opinion in view of all that has happened since the very morrow of the compromise.

I cannot ask you to give me space for a long record of events, and so I must content myself with stating the Indian position; for the sake of clearness I will do so in colloquial language, leaving it to my Indian

friends themselves to correct me if I do not accurately represent their views.

The Indian community say, in effect, to the Transvaal Government:—

"The repeal of the Registration Act was a condition of the compromise; it was the essential condition, for unless we had believed that repeal was promised we should certainly not have applied voluntarily for registration, seeing that the whole object of our struggle was to obtain the withdrawal of the measure which involved compulsion and which we could not regard as otherwise than insulting and humiliating, to our community. You tell us, however, that there is a misunderstanding and that you gave no promise of repeal. Well, supposing that you are right, that there was a misunderstanding and that we had no justification for our belief that repeal was promised, then clearly the bargain is off, and the only fair course is to let us return to the position we were in before the compromise. This is what we proposed to you when we asked for the return of our applications to be registered, which you refused. But apart from all this, why do you wish to retain the Act which so injured our feelings? It is no use to you, it has fulfilled its object, for we are all registered, and you have what you wanted, which was to know who we are, what we are, and how many we are."

This is, in effect, the substance of the representations which the Indian community have been making to the Transvaal Government since they found to their bitter disappointment that the published terms of the compromise were not those upon which they had agreed.

The answer of the Transvaal Government has been to pass, in haste as usual, a "Validation Act," bringing the voluntary registrants under the Registration Act, which is precisely what they fought and suffered to avoid. This is why the registration question is not settled yet, and even those who maintain that General Smuts did not make a promise of repeal must see that the Validation Act undoes the compromise and subjects the Indians, once more to the indignities of the Registration Act.

Now we come to the question of immigration, which, as I have already said, and as you, Sir, agree, is a separate and distinct issue.

Let me again state the attitude of the Indians in homely phraseology. They say:—

"We are quite content with the law as it stands, that is the law of the Immigrants' Restriction Act. That law, as we understand it and as it has been interpreted by the Supreme Court in the case *Laloo v. Rex*," gives us what we want—namely, liberty to maintain the healthy existence of our community by the occasional importation of the priests, doctors, and lawyers who are indis-

pensable to our welfare. We do not ask, and we never have asked, for unrestricted immigration. We are colonists and we recognise that the general welfare of the colony which is our home demands restriction."

Now it is at this stage that General Smuts deliberately seeks to confuse the two questions. He has found that the two Acts, the Registration Act and the Immigrants' Restriction Act, will not bear the joint interpretation which he hoped to see put upon them and which he led Lord Elgin to believe they would bear. That wish for interpretation was absolute exclusion of all Indians in future except in the highly improbable event of the visit of a "Ruling Chief" or "High Official of Asiatic descent." The Supreme Court, as I have pointed out, has already falsified that hope of General Smuts. He, therefore, says to the Indians:—"If you want me to repeal the Registration Act, you must promise not to object if I so alter the Immigrants' Restriction Act as to exclude all Indians in future." This is how General Smuts combines and seeks to confuse the two issues. This is the new condition which he is seeking to impose, and it is a condition which the Indians cannot possibly accept. Their sense of honour bids them make any sacrifice and undergo any suffering rather than be parties to a racial insult offered to their fellow-countrymen in India.

The fact that Lord Elgin did not correctly appreciate the effect of the Immigrants' Restriction Act, upon which you lay so much stress, does not affect the operation of that Act. It must be administered, not in accordance with views formed hastily by Lord Elgin upon imperfect telegraphic information, but in accordance with the interpretation of the Courts of Law, which has already proved that the Act does not exclude all Indians except "Ruling Chiefs, Indians of distinguished position, or High Officials of Asiatic descent."

It will be seen, therefore, that, quite apart from the "compromise," the immigration question is also open once more. It has been re-opened by General Smuts with his declared intention of making the restriction more severe than it is at present.

I am bold enough to hope that what I have written will induce you to modify to some extent the opinions which, as I gratefully recognise, you have expressed with much sympathy for the Indian side of the question.

With apologies for writing again, and at such length,

I am, Sir, your obedient servant,  
AMPHILL.

Milton Ernest hall, Bedford, Sept. 18.

P.S.—I have just seen the letter from Sir J. West Ridgeway which you publish this morning. It has obviously been written without acquaintance with the facts, and I think that it is sufficiently answered by the above.

—A.

## No Admittance

### Mahomedan Priest Not Allowed to Land

Messrs. Cowley & Cowley, solicitors, Durban, write to the *Natal Mercury* of the 15th inst. as follows:—

Sirs,—We have been asked by various members of the Mohammedan Mosque, in West Street, to place the following facts before you, and having reference to the method in which immigration officers exercise the discretion vested in them by law. We do this at the request of our clients, and without any comment on our part.

Section 22 of Act 30 of 1903 provides that any person being a prohibited immigrant, within the meaning of the Act, may apply to the immigration Restriction Officer for a pass to enter Natal for a temporary visit, and that such passes shall be known as "visiting passes."

Section 23 provides for a deposit of £10 sterling for such visiting passes.

Section 25 provides that no person shall be entitled of right to obtain a visiting pass, and the officer appointed to issue such pass, shall have the discretion to grant, or refuse, any such pass, subject, however, to any direction which may be given him by the Principal Immigration Officer, or by the Minister.

Being duly instructed by various members of the West Street Mosque, on Oct. 6, my firm, in conformity with the requirements of the law, made an application for the landing of a priest, for the purpose of conducting certain services in the Mohammedan Mosque. The application was supported by an affidavit, in terms as follows:—"I, Mahomed Abed, do make oath and say: (1) I am a merchant, carrying on business at 582, West Street, Durban, and am a member of the West Street Mosque. (2) There is among the passengers of the S.S. *Gouverneur*, which arrived on Friday last, and who has been removed, with other passengers, to the hulk *Lutto*, a priest of the Suni Mahomedan-religion, named Amoojee Fakir, and otherwise known to members of his religion as Hafez Saleh. (3) The members of the said Mosque, myself included, are exceedingly anxious to have the presence of the said Hafez Saleh for the period of one month, owing to the present being the season of the preparation of the Ramzan Festival, which takes place in three weeks' time. (4) It is imperative to members of our religion that during this season of preparation certain strict rules of diet should be adhered to, and it is impossible for our said priest to adhere to these said rules on board the said hulk. We have no wish for the said priest to proceed to the Transvaal, and, so far as we are aware, it has never been his intention to proceed to the Transvaal. I am willing, and prepared, to lodge the security, and to pay the fees, incident to the issuing of a visiting pass,

and pray that the same may be issued, enabling the said priest to come ashore, as aforesaid.—(Sgd.) Mahomed Abed."

On handing the application in to the Immigration Office, the application was reserved for the special consideration of the Principal Immigration Officer, and next day—five hours before the *Gouverneur* was due to sail—my firm was advised by telephone that the application was refused, on the grounds that various other Mohammedans in Natal were also applying for the landing of the same priest, for the same purpose. Our firm was then instructed to personally interview the Principal Officer, to see if he could see his way to give any further information. Further information was refused.

The following telegram was then sent to the Colonial Secretary, as a final court of appeal (the boat was then due to sail in four hours' time). The telegram read as follows: "Principal Immigration Restriction Officer has refused our application on behalf of certified priest of Suni Mahomedan religion to come ashore to temporarily conduct preparatory services for great Ramzan festival, now approaching. Priest's name is Amoojee Fakir. Urgently required by members of West Street Mosque, who are willing to pay all fees and security. Priest at present removed from steamship, and isolated in hulk *Lutto*, with number of Indians of other castes, contrary religion. No provision made for observance of fast. Most degrading. No reason assigned by officer, except that application previously refused to other solicitors when applying on behalf of other members of faith for same priest, when we believe circumstances not fully explained, and officer now says unable to show preference to one office over other offices. We are instructed to ask you to use discretion, under Section 25 and other sections of Act 30 of 1903, to allow priest to land under exceptional circumstances."

At 3.30 p.m., about an hour and a half before the boat was due to sail, having received no reply from the Colonial Secretary, my firm telephoned to the Colonial Secretary, and was informed that the matter had been referred back to the Principal Immigration Officer for his report. Notwithstanding telephones, telegrams, &c., nothing further could be elicited from the Government until 12.30 the next day, when the priest was well on his way to India, when the following telegram was received by us from the Colonial Secretary: "Regarding Indian, Amoojee Fakir, I agree with action of Immigration Restriction Officer."

This, of course, was the termination of the incident. It does seem hard lines that a priest specially imported for the purpose of conducting special religious services should have to be sent away again by the Government, who have authorised two gentlemen to use their personal discretion in matters of this sort. As we said before,

we do not wish to make any remarks as to the way in which the Principal Immigration Restriction Officer and the Minister controlling the Department have exercised that discretion. We are merely sending you this information at the earnest entreaty of the members of the Mosque. We are aware of absolutely no circumstances in connection with this matter, except those reported above; we are unable to obtain any other information from the Immigration Office, and we have no reason whatsoever to suspect that there was anything which was not perfectly straightforward and above-board in connection with the matter.

## What Is Religion?

### Interesting Lecture.

On Wednesday, the 14th instant, in spite of the uncertainty of the weather and the extremely short notice given, a huge audience assembled from far and near to hear Shri Swami Shanker-anand solve this knotty question, which the Swami did in truly masterly style.

The Swamiji, who possess a remarkably impressive delivery, defined first of all the terms *Dharma* and Religion. *Dharma* is the word *par excellence* which stands for Religion with the Hindus. The learned lecturer entered into a profound dissertation on the derivation of these two words, and went on to claim for every atom the right to *Dharma*: "To improve and progress and not decay."

From the humbler creation he skillfully led up to *Munsh* (the highest class of men in creation),—intellectual power incarnate—and again gave expression to his belief in one true God, the Ruler of the Universe and the Common Father of us all, on which truly catholic thesis of his we reported last week.

At the end of his most exhaustive and highly interesting lecture, the Swamiji summed up in a very lucid way, showing that to fulfil one's *Dharma*, one must cultivate the body as well as the mind (*mens sana in corpore sano*), the intellect as well as *Atman*; all of which contentions he proved by ample Sanskrit *Mantras* which were especially appreciated by all alike.

To have attained through such comprehensive evolution to *Munsh* is to be on the high road to *Moksh* or Salvation.

## Answers to Correspondents

COLONIAL-BORN MAHOMEDAN. We suggest that your letter should be addressed to *Al Islam*. You should also make representations to the Trustees of the Cemetery.—Ed. I.O.

## Barberton Notes

On Wednesday the 14th instant 54 prominent *bona fide* residents of the Colony and an ex-Indian soldier, named Fatteh Dean, were brought before the Assistant Resident Magistrate, Mr. Currie, at Barberton, for trial. They were all charged with contravening Section 5 of Act 2 of 1907, read in conjunction with Sub-section 4 of Sec. 2 of the said Act. The case of the soldier was tried separately. During its hearing it transpired that the accused soldier held and produced a permit and certificate issued under the Peace Preservation Ordinance. He had obtained his discharge some four or five years ago when the other members of his regiment received theirs at Johannesburg. He had just returned from India and was on his way to the Transvaal. He had fought here and carried a rifle, and asked why should he be arrested? He knew nothing of a new law until he reached Komatiepoort, and now declined to make application from outside the Colony as he was told that his two permits and his military service in the Colony entitled him to enter and sojourn in it.

Mr. Geo. V. Godfrey appeared for the defence. The Magistrate in summing up, held that the law had been contravened and imposed a fine of £25, or to be imprisoned for two months without hard labour. The accused elected to go to gaol.

In the afternoon Mr. Moosa Ismail Mia, a prominent Johannesburg merchant, with 53 others, were charged to answer identically the same charge. It will be remembered that this batch of Indians, with 17 children of tender age, were deported by the Government after conviction. No sooner were they escorted across the border, than they re-crossed and entered the Transvaal to claim a domicile, which act now formed the subject of a second charge. They pleaded "Not Guilty." Mr. Godfrey appeared for the accused. The accused were found guilty and sentenced to pay a fine of £50 or to be imprisoned for a period of three months with hard labour. They decided to go to gaol.

Before the Court rose, Mr. Godfrey made an appeal for the immediate release of the 17 infants in gaol whose incarceration he thought was a disgrace to humanity and a blot on the administration. He viewed with intense pain and horror the idea of confining children within prison walls and the contaminating and injurious influence on their lives in the future. The Magistrate expressed great sympathy, and said the appeal would receive immediate attention. The children who were in gaol as prisoners from the time of arrest, were released on Friday the 16th inst.

### A Mass Meeting

A mass meeting of Indians resident at Barberton was held in the

evening of Thursday, the 15th inst. Mr. Mungalee presided.

After many speeches were made, all supporting the present passive resistance movement, Mr. Mahomed Moosa moved and Mr. Christopher seconded a resolution protesting against the drastic measures taken by the Transvaal Government in seeking to imprison defenceless children and incarcerating respectable members of a community, and expressing sympathy with the victims.

On the 19th inst. two more men were similarly charged at Barberton, and each sentenced to three months' imprisonment with hard labour.

On Mr. Polak's last visit to Barberton, the Barberton Association collected some £9 15s. in aid of the struggle funds, in addition to the expenses which they had incurred.

## How Not to Do it

Under the above heading, the *Transvaal Leader* of the 20th instant, in calling attention to the recent meetings of protest in London and Lucknow, says:—

The law and the administration of the law have united Hindoos and Mahomedans as they rarely have been united. There are, no doubt, people in the Colony who feel satisfied that Mr. Gandhi and others are being treated as felons, and at the spectacle of British Indians going to gaol, being released from gaol, and promptly presenting themselves as candidates for gaol again. But even such persons must feel doubtful as to the wisdom of encouraging this at this psychological moment. No doubt the Colonial Secretary has too many greater matters before him to have time to attend to the affairs of Asiatics, who have no votes. Whoever else is responsible for what is being done is a poor friend to the Colonial Secretary's reputation abroad and to the case of Closer Union. Just consider the position. Canada felt compelled to concede the principle of limited immigration even to Japan, a foreign nation. We are asserting the right to exclude every person from a fellow-State of the Empire, no matter how wealthy, enterprising, or educated such a person may be. It is not as if the Indians demanded the right to enter indiscriminately. If they did, we should all be at one in opposing them, and rightly. But the practical point at issue—for the repeal of the old Act is largely sentimental—is whether we shall allow at most half-a-dozen men to be added to the Colony's population in any one year. Even this number, small as it is, is doubtless reducible by diplomacy. The essential point is whether we shall concede something to the Indians' sense of dignity. Surely their usual law-abidingness and their sacrifices for Imperial interests in the past render this course justifiable. By

treating them as felons, denying them their usual food, and generally administering, as we are doing, we are arousing adverse criticism in Britain, which may easily develop into opposition to the Union proposals, and perhaps prejudice South Africa. Surely, if for no higher reasons than those of tactics, the course now being followed is inadvisable?

## The Imperial Veto

### Lord Crewe's Statement

### Fate of the Natal Trading Bill

### Hope for the Transvaal

London, Oct. 21.—Replying to the questions of Lord Amptill in the House of Lords this evening, Lord Crewe, the Colonial Secretary, stated that it was altogether impossible to induce the Transvaal Government to admit all the Indians who were able to pass the education test, but the Colonial Secretary expressed himself in favour of a sufficient number belonging to the professional class being admitted in order to supply the deficiency by wastage.

His Lordship further stated that the Colonial Office had informed Sir Matthew Nathan that it was improbable that the Natal Trading Licences Bill would receive the Royal assent.

Numerous representative associations in India have forwarded protests to Lord Morley with reference to the alleged ill-treatment of their compatriots in the Transvaal, as being likely to have a most pernicious effect upon the Indian public.—Reuter.

The *Natal Mercury*, commenting on the above news relating to the Natal Bills, says: The only effect of their having been passed in our Legislature will be to prejudice the Colony's future efforts to deal with the Asiatic evil on better lines.

## Indians in Canada

London, Oct. 16.—The Canadian Government is considering a scheme for removing undesirable British Indians to British Honduras. In view of the intense feeling that exists in British Columbia on the question of the immigration of Asiatics, it is regarded as imperative that some agreement should be come to between the Dominion and Provincial Government on the general Asiatic question. *Transvaal Leader*.

London, Oct. 22.—The Canadian Government's proposal to send a large number of the unemployed Indians at present in British Columbia to British Honduras does not meet the wishes of the Indians themselves, who decline to go there, preferring to be repatriated.—Reuter.

## Protest Meeting in London

### The Transvaal Trouble Boycott System Advocated Retaliation Against Natal

London, Oct. 16.—A mass meeting of Indians was held in Caxton Hall, to-day. The speakers—who included Sir Mancherjee Bhownagree, formerly member for Bethnal Green, the notorious Lajpat Rai, and Chandrapul—vehemently denounced the treatment of Indians in South Africa. Amid a storm of indignation, they urged that the Indians should strengthen the boycott of British goods in India, and they also urged retaliation against the Natal legislation dealing with Indians.—Reuter.

A *Mercury* special cablegram dated the 17th instant states:—Sir M. M. Bhownagree, speaking at an indignation meeting at Westminster, said that a little snobbish Boer community had unnecessarily humiliated millions of Indians, who possessed an infinitely older civilisation than they.

The *Star* correspondent says:—

The severity of the sentences recently passed on Indians in the Transvaal was condemned in the strongest terms.

A resolution of sympathy with Mr. Gandhi in his imprisonment was carried.

Several speakers denounced what was referred to as the "outrageous treatment of British Indians in the Transvaal."

**MR. ABE BAILEY'S VIEWS.** London, Oct. 17.—Mr. Abe Bailey, who arrived at Southampton to-day, was interviewed by Reuter's. He declared that South Africa is recovering by leaps and bounds, but he considered the Imperial Government should be firmer with the Asiatics, and not countenance a spurious agitation in the Transvaal, which is being fanned by a few misguided English politicians.

**ASIATIC BLUE BOOK.** London, October, 20. A bluebook of sixty pages, giving the official communications with reference to the Asiatic question in the Transvaal, was issued this evening. Lord Morley, Secretary for India, shows throughout the correspondence, anxiety to allay feeling in India, while Lord Crewe and Lord Morley both express appreciation of the concessions made by the Transvaal Government. Lord Crewe dwells upon the fact that the crux of the situation lies in Asiatics now in the Transvaal, not desiring immigration of those who cannot claim residence in the country before the war. The Transvaal ministers declared that Mr. Gandhi said so repeatedly.—Reuter.

## The "Yorkshire Post" on the Situation

In the course of a leading article published on the 22nd ulto., the *Yorkshire Post* says:—

Several additions are made this morning to the protests which are coming almost daily from India against the treatment by the Transvaal Government of His Majesty's Indian subjects in that Colony. They represent an aspect of the question which seems to be ignored by both parties in the Transvaal, who pride themselves upon their solidarity in this matter. The Asiatic Registration Amendment Act, which came into force yesterday, was passed with unanimity by the Legislature, all its stages in both Houses being completed in three days—August 20 to 22. So far as we can discover from the detailed reports of the discussion just received by mail, there was no reference to the bearing of the policy upon Imperial interests—a poor return for all the sacrifices made but a few years ago on behalf of the South African Colonies, sacrifices of which the effect is yet being felt by the home taxpayer. But the kind of representations coming from India are not of a kind that can be ignored in London, and though Lord Crewe has felt bound to sanction the new Act, he may succeed in mitigating the drastic administrative procedure which is resulting in the imprisonment of Indian subjects of culture and high character. So far, indeed, as this Act is concerned, there was no need for the veto of the Crown, except that it leaves unrepealed the Act which it amends. Against its positive provisions the Indians make no protest, as it modifies in several respects—in the direction desired by them—the provisions against which they revolted last year. The chief objection to that Act was that it imposed registration upon them, and that in a degrading form to which they refused submission.

Though the details of the various laws are complicated, there is no obscurity about the general principles involved. They are illustrated by a contention of Mr. Gandhi that the educated Indians are in partnership with the white population in furthering the interests of the Colony. To this Mr. Smuts made reply, in moving the second reading of his Bill on August 21: "It is a claim which may appeal strongly to the Indians and to those who are interested in them, but it is a claim which this white population will never allow," and the declaration, the reporter says, was received with "sustained cheers." In a letter a few days afterwards to the *Raid Daily Mail*, Mr. Gandhi asked what was this strange claim, the repudiation of which was received with sustained cheers in the popular House? "You, sir," he said, "know well that we are taught in the public schools in India the doctrine of partnership and

equality in the eye of the law, and yet these are expressions which one may not even whisper in the Colony without being laughed out of Court." It is this difference in the point of view which accentuates the quarrel, and exaggerates differences not, surely, incapable of adjustment. The Indians do not ask for indiscriminate admission of their fellow-countrymen; they do not even ask for a low educational test such as is applied to members of other races. The question of the introduction of highly educated Indians is, Mr. Gandhi says, of supreme importance to his community, but not, he thinks, to the Europeans.

But if this question of the admission of highly educated Asiatics is the only real question at issue, the difficulty ought to be capable of solution. It seems to be with the Indians more a matter of principle than of practical effect. It is much to be hoped that Lord Crewe will succeed in impressing upon the Transvaal Government—and the Progressives, who support them in this matter—the reasonableness of a case so moderately put. No British subject could ask less; and no colony truly loyal to the British connection could refuse a concession which is so important to the Empire and will cost them so little.

## A Policy of Boycott

An example of the boycotting system adopted by the Krugersdorp White League was illustrated on the Market-square yesterday morning, says the *Transvaal Leader* of the 19th inst. A Hekpoort farmer, when questioned by the secretary of the league (Mr. D. Barratt) as to whether he intended to continue his practice of dealing with Asiatic storekeepers, replied in the affirmative, and intimated that he preferred to deal with Asiatic rather than European storekeepers, because the former were by far the cheaper. The secretary of the league then passed the word round, and many present awaited the disposal of 750 bundles of forage which the farmer had brought by wagon from his farm. There was much derision when only 2s. 6d. was offered per 100 bundles, with the condition of sale that the forage should be delivered free in Johannesburg. Subsequently the forage was bought by the league at a considerably less figure than that which would have been reached by public auction. To encourage farmers to purchase their foodstuffs and domestic requirements from European storekeepers, Mr. Barratt has commenced to issue an identification ticket to all those farmers who recognise the objects of the league, on the production of which the latter can obtain goods from the majority of local storekeepers at reduced rates by special arrangement.

**More Indians Arriving**

[SPECIAL TELEGRAMS]

Lourenco Marques, Thursday.  
S. S. *President* left for Durban today with about 35 passengers returned from India bound for the Transvaal. At the instigation of the Transvaal Authorities, the Mozambique administration refused to allow them to land on temporary passes unless they were willing to remain here and make application for registration under the new Act from here. Even women whose husbands are in the Transvaal were not allowed to land.

**Correspondence**

**Indian Public Library**

The Editor **INDIAN OPINION**.

Sir,—In Durban we have an Institution glorying in the name of the Durban Indian Public Library! It consists of two or three Magazines, several Indian newspapers (both the magazines and the newspapers are quite two or three months old), and a few books which are always kept under lock and key. The Librarian, who has no knowledge of what a library is or how it should be conducted, can never be seen except at very long intervals of days together, at times. A library properly organised and conducted is an absolute necessity in a community like ours. No opportunities are afforded or facilities given for the education of Indians except those by the Government Indian and Government-aided Mission Schools, which are totally inadequate. This brings to mind, and I mention it in passing, the further age restriction imposed upon children attending the Higher-Grade Indian School. The age limit was 17, which is now reduced to 14 years; the name of the school is again changed, and this time into that of the Government Indian School, with a reduced staff.

As each day brings forth some threat, or each session of Parliament sees some new Bill aiming gradually at the deprivation of the rights of Indians which when accomplished would force the Indians to leave the country, and generally, as coming events cast their shadows before them, would it not be to the interests of the Indians to prepare themselves to fight constitutionally for the birth-right of man—freedom? And how better can they do so than by educating themselves for that great fight? A properly-equipped library we must have.

Will no truly-enlightened leader of the community come forward to make the library we now have a real educational centre, by properly organising it and enlisting the sympathy and support of every well-wisher of the Indian, and of the Indian himself?

I am, etc.,

INDO-NATALIAN.

**Overriding the "Magna Charta"**

**Transvaal Legislation "Invalid and Unconstitutional"**

The *Westminster Gazette* of the 24th ulto. publishes the following letter:—

Sir,—No one can complain of the temperate statement of Sir Richard Solomon in your issue of to-day. I accept without question his statement of the facts, and no more humiliating picture has ever been painted of the disabilities of British subjects desirous of residing in a portion of the British Empire. We are cowards indeed if we remain silent in the face of this great wrong. I am quite sure that the time has now arrived for translating our sympathy into action, and Lord Amthill will be liberally supported if he decides to test the legality of the convictions by an appeal to the highest tribunals. It is intolerable that our Indian brethren should be insulted and imprisoned in the Transvaal, or elsewhere, and the true lover of the spirit of justice will be glad to know that Lord Amthill will press the later phases of this discreditable business upon the notice of the Government as soon as Parliament reassembles. I hope that the House of Commons will, in no party sense, demand the instant repeal of the Transvaal Registration and Immigration Restriction Acts, for, as they clearly override the "Magna Charta"—which being Imperial legislation, cannot be set aside by Colonial enactments—they are, according to Professor A. V. Dicey [Law of the Constitution, Part I, Ch. 2], "invalid and unconstitutional."—I am, yours faithfully,

R. G. CAVENDISH BENTINCK.

Wormilow Manor, September 23.

**Facts and Comments**

**SYMPATHY WITH THE GAEKWAR.** The subjects of H.H. the Gaekwar of Baroda, in Durban, have sent the following cable-gram: Gaekwar subjects here this-moment heard with deep regret Prince Fatehsing Rao's premature death. Sincerely sympathise Sarkar's grief over uncontrollable Divine decree. Pray rest his soul.

**LIQUOR IN BAZAARS.** The regulations for the control and supervision by Transvaal Municipal Councils of Asiatic Bazaars have been amended by the addition of the following new regulation:—"No person shall bring, or knowingly suffer to be brought, within any bazaar, and no person shall while within any bazaar have in his possession or control (except in the case of a servant of the local authority, for the purpose of immediate removal or destruction), or knowingly suffer to remain on his premises, any Kafir beer or intoxicating liquor of any kind.

**INDIAN MAILS.** S.S. *President* sails on the 27th inst. Mails close at 3-30 p.m. For Colombo and Calcutta, per S.S. *Umfuli*, until 9-30 a.m., 28th inst.

**TRANSVAAL OPIUM ORDINANCE.** London, October 22.—At question time in the House of Commons, Col. Seely stated that the Government considered that it was not desirable to repeal the Transvaal Opium Ordinance, but the Transvaal Government would safeguard the natives from the danger of contracting the opium habit.—Reuter.

**THE SILVER LINING.** In the House of Commons on Thursday Col. Seely stated that the Imperial Government were in friendly communication with the Transvaal regarding the disabilities suffered by the Indians of that Colony.—Reuter.

**BIG MEETING IN THE PUNJAB.** London, October 22.—The agitation in India against the treatment of the Transvaal Indians was emphasised by a meeting held yesterday in the Punjab, representing some 5,000,000 Mussulmans. Resolutions were passed deploring the inertness of the Imperial Government.—Reuter.

**TO ORGANISE DEPUTATIONS.** London, October 19. Members of both Houses of Parliament have decided to organise deputations to Lord Morley and Earl Crewe in order to make representations with reference to the hardships endured by Indians in South Africa. Lord Amthill has notified his intention of raising the matter in the House of Lords.—Reuter.

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રકત યોગ્ય વખત માટે.

**શેરો લઇ નાણાં રોકનારને આજ્ઞાદીન સુધી નહીં મળેલી ઉત્તમ તક.**

નફા પછી નેવું ટકાના ગ્રાહીક શેર હોલ્ડરો છે.

સ્પીનીંગ, વીવીંગ અને મીલને લગતું ખીલું તમામ કામકાજ શીખવવા આજ્ઞાદીન સુધી નહીં થએલી ગોઠવણ.

**બો ભરૂચ ઇન્ડસ્ટ્રીયલ કોર્પોરેશન એન્ડ વોર્લોંગ કુ. લીમીટેડ.**

ધાપણુ રૂ. ૭૦૦૦૦૦—વધારવાની સત્તા સહિત.

મીલનું આંધકામ ચાલુ છે, મશીનરી આવવા માંડી છે. શેરો નંગ ૭૦૦૦ દરેક રૂ. ૧૦૦નો શખનામાં આવ્યો છે. તેનાં નાણાં નીચે લખ્યા પ્રમાણે લેવાં. રૂ. ૧૭ અરજ સાથે, રૂ. ૧૫ એલેટ મેન્ટ સાથે અને બાકીના રૂપિયા કાયરેક્ટરો દરવે ત્યારે આપવાં પડશે.

વધુ વિગતો અને અરજના કારમો નીચે સહી કરનારાઓ પાસેથી મળી શકશે.

માણુકલાલ અંખાશ કરની કુ.—નોરેટરીજ, ટ્રેઝરર્સ એન્ડ એજન્ટ્સ—ભરૂચ.

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એન. મહમદ કુ.

નાળીએરનો જથ્થાખંધ અને સારો  
માલ કીફાયત લાવે અમારે ત્યાંથી  
મળશે.

વધુ વિગત માટે લખો— બોક્સ ૬૨૪  
નો. ૨૮ કેથેડ્રલ રોડ, ડરબન.

ઈ. ઈ. કાલાભાઈ

૨૨ મી સ્ટ્રીટ, મલાઈ લોકેશન.

બોક્સ ૨૩૮૮ બેહાન-સર્જ.

કમ્પેક્ટ ઇપોરટર અને હોલ્સેલ ભરમર  
ઈલિમન તથા ઈલ્કીશ ટ્રોસરી હમેક  
જથાખંધ કીફાયત બાવથી મળશે.

## મફત! ડાયરી! મફત!

ઇટરનેશનલ પ્રીટીંગ પ્રેસમાં વેચાતાં નીચે જણાવેલા પુસ્તકો તથા ફોટોગ્રાફો માંથી રૂ. ૨/૬ ની ખરીદનારને સને ૧૯૦૮ના સાલની ડાયરી ભેટ આપવામાં આવશે. આ બધા પુસ્તકો દરેક ગ્રહસ્થે વાંચવા લાયક છે.

ઇટરનેશનલ પ્રીટીંગ પ્રેસ તરફથી બહાર પાડવામાં આવેલાં પુસ્તકો

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ટપાલ મારફત મંગાવનાર માટે પોસ્ટલ ખર્ચ પેની ૧ જુદું. કમ્પેક્ષ કોલોનીના સ્ટાંપ સ્વીકારવામાં આવે છે.	

ઇટરનેશનલ પ્રીટીંગ પ્રેસ,  
ફ્રીનીક્સ, નાતાલ.

## વેપારીઓને અમુલ્ય તક.

અમારા કેટલાક માનવંતા ગ્રહકોના આગ્રહથી અમેએ હાલમાં અમારા ચંબુ બનાવવાના કારખાના સાથે ટીનની પેટીઓ (Steel Trunks) બનાવવાનું ખાતું ખોલ્યું છે જેની અંદર ચાલાક હાંધી કારીગરોથી કામ લઈ અંગ્રેજી માલને ટકર માટે તેવી મજબુત અને તરેહવાર શોભીતા રંગની પેટીઓ બનાવીએ છીએ. દરેક જાતના ચંબુ વિગેરે ટીનનું કામ સસ્તામાં સસ્તા લાવે કરી શકીએ છીએ. એક વખત અમારા માલની અજમાયેશ કરવા બલામણ કરીએ છીએ. પ્રાઇસ લીસ્ટ માટે લખો.

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