

Indian Opinion

VOL. VI.

PHOENIX, NATAL, SATURDAY, DECEMBER 5TH, 1908

No. 49

EDITORIAL NOTICES.

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CORRESPONDENCE.—Letters and other communications should be written on one side of the paper only. When articles or "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, DECEMBER 5TH, 1908.

The Supreme Court Judgment

HAVING read the official text of the judgment recently delivered by the Transvaal Supreme Court, in the matter of the appeal of the Indians wrongly imprisoned at Barberton, we are the more convinced that the Government have drawn the country into a hopeless muddle over utterly irreconcilable and shockingly drafted laws. The Chief Justice, who is usually so lucid in his judgments, is obviously distressed by the almost impossibility of endeavouring to read reason into sections which obviously do not mean what they say and equally obviously mean what they do not say. His Lordship becomes scathingly satirical when he says of sub-sec. 4 of sec. 2, purporting to one of the many definitions of a prohibited immigrant, "That is a definition clause. Now one's general idea of a definition is that it is intended to explain what might otherwise be obscure, to facilitate the interpretation of the statute or document to which it relates, and to make the meaning of its framers absolutely clear. All I can say is that in regard to this section the legislature has lamentably failed to attain that result. I have seldom seen a definition which needed so much defining, and which is so difficult of application to the statute to which it relates." Later on, His Lordship adds: "Nobody can be positive about the meaning of this sub-section." And this is the sub-section upon which General Smuts has relied to keep out educated Asiatics! The Colonial Secretary, in view of Sir James Rose-Innes' severe

strictures upon the "framers" of these precious laws, must make up his mind, quite apart from the question of passive resistance, to re-model this particular sub-section, and it seems very probable that, under any circumstances, he will be driven to re-cast the whole of the Asiatic legislation, which is loosely drawn and contains flaw upon flaw. Take, for instance, the incident at Volksrust, last Tuesday, when, notwithstanding the *obiter dicta* of the Attorney-General, the magistrate discharged certain registered Indians who were charged with refusing to give means of identification, on the ground that it was not until the 1st inst. that they could lawfully be called upon to produce certificates and furnish means of identification. From this decision of the Magistrate, and until the contrary is authoritatively shown, it is obvious that Mr. Gandhi and others are being wrongly detained in gaol.

It appears, then, that Mr. Smuts need no longer refuse to consider a compromise because he fears lest the Government should lose face in appearing to give way to the demands of the Asiatics. He has now a reason which absolutely compels him willy-nilly to introduce remedial legislation at the next session of Parliament. Every Government may be excused for hasty draftsmanship by the Parliament which has passed the particular piece of legislation. But nothing can excuse the attempt to place upon the shoulders of the Asiatics the burden that should rightly be borne by the framers themselves. Why should the unrepresented and helpless Asiatics be blamed for alleged contraventions of sections of the law which the Chief Justice himself finds it impossible to construe with any accuracy. Here then, is a way out. Will General Smuts avail himself of it?

THE LETTERS ADDRESSED TO THE Attorney-General, copies whereof we reproduce in this issue, by the British Indian Association and the Hamidia Islamic Society are in the nature of a revelation. We did not know that the authorities had descended from a policy of semi-starvation in the gaols to one of open disregard for the most elementary decencies of life. We accept Mr. Aswat's statements as accurate, and we call upon the Government immediately to remove a blot upon the Transvaal prison-system. There can be no excuse possible for compelling these indecent exposures. Apparently Indian passive resisters are treated as cattle, and not as human beings. We trust that our Transvaal brethren will not allow this shocking state of affairs to remain where it is.

WE FEEL THAT ONE OF THE MOST flagrant injustices perpetrated by this unjust government of the Transvaal against the British Indians is the latest, when the Attorney-General refused to intervene to procure the release of those remaining at Volksrust gaol who were unlawfully convicted for failing to produce a certificate of registration and refusing to give means of identification, none of which could have been lawfully demanded until last Tuesday. The facts are set forth elsewhere in these columns. Mr. Polak's contention has, since, been fully upheld by Mr. Justice Curlewis, who, on review, quartered the full-term sentence of Mr. Dawood Khan, on the ground that the period of registration, before which these demands could not be lawfully made, had not expired. It is difficult to characterise this monstrous miscarriage of justice. We are convinced that, had the principal victim been anyone else than Mr. Gandhi, it would not have been found necessary to invent a palpably flabby excuse for his further detention. Apparently, the Government seem afraid to perform an act of justice, lest, by so doing, they are prevented from committing further acts of shameless injustice. It is not a pleasant record for a government, we must fully admit, to be obliged to confess to gross administrative ineptitude and incapacity. But until some such confession, tacit or otherwise, is extorted, we feel that a settlement is hopeless.

QUITE AN ANIMATED CONTROVERSIAL warfare has been carried on during the last few days between Mr. Polak and the *Star*. But the weapons of precision appear to be all on one side, and whenever reinforcements have been called for, Mr. Polak seems to have got the advantage of them. The *Star* has been moved by the not unnatural desire to show that, in the Barberton and Volksrust cases, the Government have committed a pardonable blunder—they could not be expected to know better without a Supreme Court decision to guide them. This frail defence has been knocked to pieces by Messrs. Howard, Doke, and Polak, who have scathingly analysed the Government's position, and riddled the *Star* with incontrovertible argument. Incontrovertible, that is, by all but the *Star*. The *Star* is capable of controverting Euclid's axioms and the fundamental laws of nature. But the most important outcome of the controversy is the admission by our contemporary that there is something to say in regard to

the question of limited immigration of cultured Asiatics, and the *Star* does not seem now to think that the repeal of the old Asiatic Act is a crucial matter. We are therefore left to discover a way out of the *impasse* on the question of the status of cultured Asiatics. Apparently this resolves itself merely into a matter of ways and means.—How is this immigration to be allowed and regulated? What are the guaranties required and demanded on either side? One would hardly think it worth the while of the Government to invite a campaign of passive resistance, when a round table conference would be a matter of early arrangement, and when, doubtless, a satisfactory settlement could be arrived at. Is it not possible to infuse a little reason into this miserable business and sweep away this wretched nightmare?

THE TRANSVAAL CHAMBERS OF COMMERCE cannot be congratulated upon their united and remarkable display of unwisdom last week. They appear, notwithstanding the vigorous lucid explanations and statements of the Asiatic position that have appeared with the greatest frequency in the Press, to be hopelessly ignorant of the other side of the question. Apparently, there are none so blind as those who won't see, none so deaf as those who won't hear. The dear old bogey of unrestricted immigration has been resurrected and trotted out, and of course, with the results that might have been expected. A timid man is afraid of nothing, perhaps, so much as his own shadow. And, then, the miraculous intelligence displayed by these commercial men! They have supported resolutions calling upon the Government to administer the old Act and the new, quite reckless of the fact that the old Act cannot be efficiently administered, and that the Government have made a laughing-stock of themselves in their administration of the new Act. But these clever men have not stopped even there. They have urged the Government not to concede the demand of the Asiatics for the retention of this right of free entry of cultured men of their race, for the purpose of their development and uplifting. Imagine a body of intelligent men urging that the means of education and development, in all their forms should be kept from a people! It is the old argument of the aristocrat—the ignorant proletariat is helpless. It only becomes a source of danger (to the aristocrats) where it becomes educated to the point of realising its miseries and hardships. That is why many people object to educating the native so that he may be kept in his place. It is the old slave-driving instinct. It is the old instinct of unreason. Don't argue with a man—knock him down. It does not re-bounce very much to the

credit of the commercial men of the neighbouring Colony to pass these reactionary resolutions. Perhaps, however, some day, a better spirit will prevail.

A Commission Appointed

To Inquire into Indian Immigration

The appointment of a commission to inquire into the question of Indian immigration to Natal is announced in the *Gazette* of the 1st inst. The commission will consist, as under, of seven members, who will appoint their own chairman:—

- Lieutenant-Colonel Friend Addison.
- The Hon. W. F. Clayton, M.L.A.
- Mr. C. H. Haggart, M.L.A.
- Mr. F. A. R. Johnstone, J.P., M.L.A.
- Mr. J. Schofield, M.L.A.
- Mr. Dan Taylor, M.L.A.
- Mr. James Williamson.

The terms of the reference are as follows:—

1. The advisability of discontinuing or restricting the immigration of indentured Indians to Natal;
 2. The nature of the alterations, if any, that should be made in the laws relating to the establishment of the Indian Immigration Trust Board and other Acts and Regulations affecting Indian immigration, so as to secure more effectual control by Government of Indians introduced into the colony since the passing of the Act No. 17, 1895, whether under any present or future system of indenture;
 3. The existing laws and regulations as regards the re-indenture of Indian immigrants and the question whether the present rate of pay as fixed by law operates adversely against the renewal of indentures;
 4. The substitution of an alternative labour supply from within Central or South Africa in the event of its being decided to suspend or abolish the further introduction of Indian immigrants into Natal.
- In considering question No. 4 it is instructed that regard should be had to the following points:—
- (a) The climatic conditions of the coastal and inland portions of the colony;
 - (b) The continuity and reliability of labour; and
 - (c) The requirements of the different classes of industry carried on in Natal.
5. The medical supervision of indentured immigrants and the control by Government of the Indian medical officers; and
 6. The question whether the introduction of Indian immigrants has in the past operated in the direction of displacing the aboriginal native and thereby curtailing his field of labour.
- Mr. W. R. Morrison has been appointed secretary to the commission.

A Plea for a Settlement

Mr. Edward Dallow writes as follows to the *Transvaal Leader*:—

Sir,—A respectable citizen of this town, who was present at the recent meeting of the Chamber of Commerce, when discussing with a friend the position of the Asiatics, announced in a determined manner, "What we want to do is to keep these people out," and, further, that "it was a disgraceful thing for Mr. Hosken to incite the natives to passive resistance"! He seemed surprised when he was informed that how many were to be kept out of the country and how many were to be let in formed no part of the present question, but had been settled long since, in agreement with the Asiatics themselves; and that it was only the mode of carrying out this agreement that was in dispute. It is as well to mention this, because at least one other gentleman present had the same mistaken notion as to the point at issue.

The chief interest of the conversation was, however, the point as regards passive resistance. Mr. Hosken may be left out of consideration; he can defend himself if he is misrepresented. But the point was put to the ardent citizen in this way: "What are an unrepresented class to do if they consider themselves unjustly treated, and can get no redress?"

Let us clear our minds of cant. What stops the way to a settlement is a natural if not altogether praiseworthy feeling—namely, the humiliation which Parliament—the Government and the Opposition—feel in finding themselves in the position of having made a mistake. But we all make mistakes, even in affairs within our special knowledge and personal administration; and that a Government should do so is expected, and the expectation is never disappointed.

Could not the present lamentable state of affairs be put an end to by agreement? Some alteration in the law will have to be made as a consequence of the late failures of justice, if for no other reason. There is ground for believing that the Government is sympathetic in the matter; but it is clearly not a case for the action of the Government only, the Opposition have equal responsibility. Let Mr. Hosken and Mr. Gandhi formulate their desires and consult with the leaders of both sides of the House as to what form future legislation shall take, and with this matter agreed upon in an open and unambiguous manner, the voice of the public would be unequivocally on the side of order and good government.

At present public opinion is divided, and the breach will not be healed, though every Chamber of Commerce and Municipality pass resolutions calling upon the Government to put into force a law acknowledged to be unworkable.

New Club, November 26.

At the Heart of the Empire

A Monthly Survey

London, November 1.

Humiliation and Courage

The world loves a brave man. In the midst of the humiliation of His Majesty's Indian subjects in the Transvaal one point stands out with convincing distinctness—the self-sacrificing courage with which degradation and imprisonment have been faced by Mr. Gandhi and his fellows for the sake of justice and high principle. It matters not whether they are breaking stones by the wayside, scavenging public squares, under a Kaffir guard, or being marched in prison garb through the streets of Johannesburg or herded with criminals in gaol, the flame of dauntless courage burns bright and the prisoner is the free man for he has not surrendered his principle nor hauled down his ideal of justice. The point of anxiety is whether the physical strength of these brave men will be great enough to stand the hardships they are now condemned to endure; for this reason and also to wipe the stain of this degradation from the name of the Empire, one can only hope that Colonel Seely's words a day or two ago will speedily be put into practice: "I believe a way out of the present difficulty will soon be arranged." Meanwhile Mr. Gandhi and his fellow-sufferers will be cheered by the thought that the deep sympathy of their many friends is taking practical form and every possible effort is being made to terminate the deplorable situation.

London's Indignation Meeting

I have rarely seen a large meeting of Indians and European sympathisers so moved by a common impulse as on the occasion when the "Indignation Meeting" was held at the Caxton Hall on October 16 to protest against the treatment of British Indians in South Africa. The news had just come of the sentences passed upon Mr. Gandhi and others and that they were doing scavengers' duty as well as breaking stones by the highway. Sir Mancherjee M. Bhownagjee, as chairman, denounced the treatment as breaking the fundamental laws on which British justice was built and insisted that the time for petitions and appeals had passed. Little wonder that the speakers—Indians all of them—burned with indignation and asked where was the vaunted honour and glory of belonging to a great Empire? The story of broken promise and betrayal was repeated; Lala Lajpat Rai declared that it was only the peoples with no power behind them that were trampled upon, and urged his compatriots to continue to demand their rights as human beings; Bepin Chandra Pal took up the stone-breaking message and said that every stroke of Mr. Gandhi's hammer meant a stroke on the

shackles that bound their country; Mr. Khaparde urged continued boycott, and Dr. Coomaraswamy insisted that the battle must be fought out in India. Honour to the Heroes! This was the conclusion of every speech and it evoked the greatest enthusiasm. It was certainly a meeting that fulfilled its purpose and showed how united are Indians of all castes and creeds on the question of the sufferings of their brethren in the Transvaal.

"Nation-Day Celebration"

The afternoon's meeting was followed at 6.30 p.m. by a gathering of Indians in the same hall to celebrate what one speaker called, "The Resurrection Day of the Indian Nation." By such measures as the Partition of Bengal, by such action as the treatment of British Indians in South Africa, "by the order of imprisonment," as one speaker observed, whether in India, in the Transvaal (and even in England, it seemed to be the order of the day) Indians, whatever their creed, were drawn together and were being welded into a nation. There was a religious fervour about the meeting; it seemed to me that the sacredness of the national movement was fully realised, and Mr. Bepin Pal certainly expressed the noblest ideals for India's future in the splendid apostrophe he read to the gathering. It shows how the past, with its great men, its incursions, even, "its successes and failures, its disciplines and cultures," has made the Motherland and raised high the hopes and aspirations of her sons. "We dedicate this day to her thought, to her love, and to her saving service." This noteworthy oration, produced a marked effect upon all who heard it whether Indian or European. I think it must have been for the first time in London, at any rate in public, that Indian ladies and gentlemen went round about the hall tying silken rakhis upon each others' wrists; and I doubt not that in future years this Nation-Day Celebration in London on October 16, 1908, will be regarded as a landmark in India's history. Lala Lajpat Rai presided, and, with the exception of Dr. Coomaraswamy, it was the recent arrivals from India—Mr. B. C. Pal, Mr. Khaparde, Mr. Karindakir—who spoke. The Chairman emphasised the fact that it was a day when love for the Motherland should not permit ill-will to be harboured against anyone. Said Mr. Pal:

"We dedicate this day to that Patriotism which finds its fulfilment in Humanity. We dedicate it, also, to that Humanity which is the only eternal revelation of God to man."

Islam in Whitechapel

Speaking of celebrations, I must not omit a reference to the "Id" festival which brings Moslems of all nationalities together. It is somewhat strange to onlookers to find that a London restaurant has to do duty as the *locus* of a religious service, but so long as there exists in the capital of

the Empire no mosque or other building devoted to the religious ceremonies of Islam, one room is practically as good as another. A large white sheet is spread upon the floor, and the faithful remove their shoes on entering. His Excellency the Turkish Ambassador was present, and devout Muslims from India, Turkey, Persia, Egypt, and Morocco took part in the festival. To the non-Muslim there is something particularly impressive in the way in which Islam unites all its followers in a great brotherhood, irrespective of race or position.

But the "Id" festival is not the only evidence of the power of Islam to be chronicled this month. London has the opportunity from now till December 6 of making a study of Muslim art in its widest application. The productions of India, Egypt, Persia, Turkey, and Morocco, whether in textiles, in pottery, or in metal, are available to anyone who takes the trouble to journey eastwards as far as the Whitechapel Art Gallery—that oasis in the desert, which seeks to bring the denizens of London's East End into touch with people and places beyond the scope of their ordinary vision. Art and architecture are effectively combined and the whole collection makes one blush for the representation of India at the Franco-British Exhibition. Among the innumerable objects of interests are some exquisite paintings and illuminated manuscripts of the Mogul period in India which show the perfection of art that had been reached. There are fine specimens of Persian carpets and tiles; there is a representation of an Egyptian house and its furniture, with much fine wood-carving. The Directors of the Gallery are extremely practical in their methods; they not only issue an excellent explanatory catalogue for the price of one penny—admission to the Gallery is free—but they arrange for experts to conduct lecture-tours round the exhibition, and the children are brought in batches from the schools of the neighbourhood to see and hear. Altogether London, as well as Whitechapel, should be grateful for the opportunity thus afforded of realising how much we owe to-day to Muhammedan art and influence. The Exhibition was opened by Lord Lansdowne, and His Excellency the Turkish Ambassador, in a brief speech on the occasion, said that there was proof before the eyes of all that Islam was not reactionary or retrograde, and he added that in the great movement in Turkey to-day the religious leaders took a leading part.

Re-arranging the Map of Europe

The mention of the new movement in Turkey brings to mind the changes that are being effected in the Near East. Early in the month of October war clouds loomed ominously upon the Balkan horizon, but it is very largely due to the calmness and self-restraint of the Young Turks that peace has been preserved. They have won

the approval of the nations by their composure in the face of exasperating circumstances and it now seems likely that questions of vital import will be settled direct by Turkey herself with those who have sliced off pieces of her territory. The proposed Conference of the Powers may find little to do even if it meet; the danger point lies rather with the Serb than the Turkish population. Austria's action in annexing Bosnia and Herzegovina has exasperated the peoples who, however divided to-day, looked forward to the eventual union of the Serb races in a Serb State. Austria's action dashes this hope from the regions of possibility, and it remains to be seen what compromise can be effected. Turkey, meanwhile, has done well to refrain from letting her passions carry her into hostilities with Bulgaria, for, whatever the outcome of a war, it would have hindered the progress of the new régime and have given the reactionaries their chance.

(To be Continued)

Mr. Polak and the "Star"

Constructive Criticism

Government Guilty of Wanton Persecution

On the 27th ulto., Mr. Polak wrote as under to the *Star*:

In the first dozen lines of your leading article in Monday's issue of your paper, you are guilty of two inaccuracies. First, you talk of the "Asiatic Immigration Act of 1907." What is this Act? When was it passed? What is its number on the Statute Book? Is this really an innocent piece of carelessness, or is it not part of your policy of inducing the public to believe that Asiatics, *qua* Asiatics, are specially legislated against by the Immigration Law of the Colony? Your attitude on the Asiatic question has all along been so disingenuous that one naturally fears to credit you with having committed an ordinary error. And then, again, you refer to me, as you have done on a previous occasion, as Mr. Gandhi's "partner." May I ask your authority for that statement? What is your object in twice bringing before the public what you erroneously conceive to be my private relations with Mr. Gandhi? Is this also an innocent piece of misrepresentation, or merely another subtle attempt to discredit what you pleasantly call the "pro-Asiatic agitation"?

Later on you remark: "Very unjustly the pro-Asiatic party seek to saddle Mr. Smuts and the Registrar of Asiatics with the responsibility for this *contretemps*. Now it is well to remember that practically the whole of the 125 martyrs mentioned by Mr. Doke and Mr. Howard re-entered the

Transvaal, not with the purpose of asserting an undoubted right, but with the object of defying the law and the Government." And you appear very much to resent the imputation that "the Barberton *contretemps*—the 'grave injustice' to Asiatics 'innocent of any crime'—is the natural outcome of the anti-Asiatic policy of the Government." I repeat the charge that the action of the Government was deliberately and wantonly taken, for the Government knew all along that the Asiatic contention was correct. I can quite understand your trying to draw a veil over the Barberton proceedings by assuming that, at the worst, the Government were guilty of a simple misinterpretation of the law, and you drag in the Supreme Court to bolster up your argument. But it will not do, sir! You forget that every fact was not before the Supreme Court. One of these undivulged facts was that, on the 9th day of September, and, approximately, a fortnight before the Barberton *contretemps* occurred, Mr. De Villiers, the Attorney-General, penned a report to the Imperial Government dealing with the legal aspects of the new Validation Act. He concludes his report in the following terms: "To those who refuse to take advantage of the provisions of the new Act, Act No. 2 of 1907 can be applied." I quote from the last Blue-book, from which you recently published carefully selected extracts. Now it happens that the defence raised at Barberton was that the returning Indians claimed to avail themselves of their rights, not under Act 36 of 1908, but under Act 2 of 1907—exactly what Mr. De Villiers declared they could do. They denied that they were prohibited immigrants (the Supreme Court, you will recollect, also denied it), but stated that they were there to assert a right (which the Government, through Mr. De Villiers, admitted). They claimed to have the choice of laws (a point which has not yet been formally brought before the notice of the Supreme Court, but which Mr. De Villiers has conceded), and they absolutely denied that they came to defy the law. Sir, every statement that you have made is false. The Government have been guilty of wanton persecution, for putting their own construction upon the law (for once, a correct one), they deliberately instructed the prosecutor to frame an indictment denying that the Indians possessed the rights that the Government knew them to possess, and charging them as prohibited immigrants for refusing to comply with an unlawful demand made upon them by the Government, who were aware of its unlawfulness. And these cases were quite different from those of Mr. Gandhi and those who are sharing imprisonment with him (equally unlawfully) at Volksrust to-day. These pleaded guilty, being anxious to suffer imprisonment. But the others pleaded "Not guilty," were defended, and claimed rights, which were lawlessly

denied to them. They are all free men to-day, even the Natal leaders and your old acquaintance, Mr. Sorabji. All have been wrongly imprisoned. But the point that you seem to miss is that, whether these unfortunate people pleaded guilty or not, the liberty of the subject is at stake in two different ways. The one is that the Government are able and willing to take advantage of the ignorance of the public by hanging the dog with the bad name, knowing all the time that he is innocent of wrong-doing. The other is that the Law Department is absolutely ignorant of its own laws. Every word, every phrase, of a penal enactment should be a matter of most careful consideration by the legal advisers, lest a miscarriage of justice occur. But the desire seems not to maintain public virtue, but to secure as many victims as possible. Nothing but gross administrative carelessness can excuse what happened at Volksrust last Tuesday, when eight men were discharged by the same magistrate, for an "offence," for which a compatriot, only the day before, was sentenced to the full penalty of the law—three months' imprisonment with hard labour. The fault lay with the Law Department, which issued stupid instructions to the prosecutor.

One other thing to which I wish to allude is this question of the arbitrary limitation of the number of educated Asiatic immigrants. It is pleasant to note that you at least realise that "there may be room for differences of opinion on that point." This is something gained at any rate. But please do not ask as you did yesterday—"How is it possible to confer a 'right of entry' by Act of Parliament, and, at the same time, render that right almost nugatory by administrative decree?" It is all so absurd, for no one asks you to "confer" any right at all. We already have that right, as you should know very well, after the many explanations made to you, but, even if you do not, Mr. Smuts certainly does, and Mr. Sorabji is to-day a free man to affirm it. It is the Asiatics who are offering to divest themselves, by administrative methods, of a portion of the rights that the existing law confers upon them, in order to demonstrate that they have no wish for an unlimited influx of Asiatics. Do you not understand that, between last Tuesday and the end of the month, it is possible, if the Asiatics are really the wrong-headed, malevolent creatures you take them for, to flood the Colony with their non-resident brethren? There is nothing whatever to prevent it, for the Government cannot secure means of identification. But the *factis*, the Asiatics have never desired to do anything of the sort, a fact that they demonstrated when they offered voluntary registration to prove their innocence of the charge made by the present and the late Government. Do you not understand that; but for the *bona fides* of the Asiatics in 1903, you would be unable to identify a single

man to-day? Do you not understand that it was the thumb-print voluntarily given to Lord Milner, and the voluntary exchange of documents made through his immigration officer, that has enabled registration to be successfully carried out to-day? As for the principle of arbitrary limitation, you are quite correct in saying that Mr. Gandhi will never consent to the legislative limitation to six per annum. He has never said he would, nor has anyone else said so on his behalf, or on that of the Asiatics. But you appear to be singularly ignorant of facts, well within the knowledge of your predecessor in the editorial chair. Prior to his assumption of journalistic duties, and when he was intimately connected with the Crown Colony Administration, he was fully aware that, whereas, in theory, the Peace Preservation Ordinance made no distinction between Europeans and Asiatics, in practice, though Europeans could get permits thereunder for the asking, the permits issued to Asiatics were strictly limited in number, and then, too, to those only who could prove pre-war domicile. Here was a case of legal equality, but administrative inequality, which, if not truly equitable, was, at least, a reasonable working arrangement, in which both parties acquiesced, and by which the Asiatics loyally abided. We have a similar instance to-day. The Immigration Law theoretically obliges every immigrant to pass education and monetary tests. In practice, first and second-class passengers by train enter unmolested—I can vouch for this from personal observation—whereas third-class passengers are asked to pass the tests. Here, then, is an actual case of legal equality and administrative inequality at the present day. And if you have any real knowledge of administrative methods you must know that such irregularities must always exist and cannot possibly be provided for by law.

In conclusion, may I ask you not to pin your faith too much to your interpretation of the Supreme Court judgment, especially that part referring to the 30th inst.? There are so many points that have been revealed by that judgment, and so many that may have to go before the court, that perhaps it would be somewhat reckless of you to stultify yourself by too great a dogmatism thereon.—I am, etc.,

HY. S. L. POLAK.

Johannesburg, Nov. 27, 1908.

[The wrong title given to the Asiatic Law Amendment Act of 1907 was a palpable slip. When two attorneys occupy the same offices, and apparently employ the same clerical staff, it is a legitimate inference that, as we had been informed, some form of partnership subsists between them. We deal elsewhere with some of the principal points raised in this letter.—Ed.]

On the 28th ulto. the *Star* commented as follows:—

It is not our purpose to review

afresh the flimsy grounds upon which the charge of inflicting "grave injustice" on the Asiatics has been brought personally against the Colonial Secretary and the registrar. We still hold that the trouble arising out of the Barberton prosecution was due (1) to nothing more than a misinterpretation of admittedly complicated sections of the law, (2) to leniency of the authorities in granting the Asiatics until November 30 to take out certificates of registration. And the statement of the Attorney-General that "to those who refuse to take advantage of the provisions of the new Act (that of 1908), Act No. 2 of 1907 can be applied," in no way invalidates our contention that the authorities had reasonable grounds for supposing that the provisions of the law were sufficiently comprehensive to deal with those who set the orders of the Government at defiance, and who, there was every reason to believe, intended to act in conjunction with the passive resisters.

To us, it seems, the most unfortunate part of this controversy is the manner in which a certain number of public men have been bemused by the Asiatic leaders. The impression has got abroad that the Asiatic claims have now been reduced to two: (1) The repeal of the Asiatic Law Amendment Act of 1907; and (2) the recognition of the right of six educated Asiatics to enter the Colony each year chiefly for the purpose of attending to the needs of their compatriots. The latter is the crucial point so far as the public are concerned. We have repeatedly challenged the Asiatic leaders and their friends to state or show that the former are prepared to accept the principle of limitation in any form that can be regarded as offering adequate safeguards. At last we have something like an authoritative statement of the Asiatic attitude on this phase of the question. Mr. Polak, the assistant secretary of the British Indian Association, in a letter replying to our article of last Monday, states, *inter alia*: "As for the principle of arbitrary limitation, you are quite correct in saying that Mr. Gandhi will never consent to the legislative limitation to six per annum. He has never said he would, nor has anyone else said so on his behalf or on that of the Asiatics." This serves effectively to dispose of the "six highly educated Asiatics per annum" fiction. We have it now on the highest authority that Mr. Gandhi and his colleagues will accept nothing short of legal equality as the basis of any settlement. True, Mr. Gandhi's *alter ego* seeks to show that it may be possible for the Government to keep the immigration of educated Asiatics within reasonable limits by a process of administrative jugglery.

Let us briefly examine this scheme on its merits. We do not suppose it will be denied that there are thousands of Asiatics who could to-day satisfy the very moderate requirements of the Immigration Act. "But," say Mr.

Gandhi and his friends, "we are willing that the educational test should be made as severe as the Government or the most rabid anti-Asiatic may demand." The obvious answer is that in that case many desirable European artisans and other workmen would be unable to comply with the provisions of the law. Mr. Polak meets this with the retort: "O! there is no reason why the immigration officials should not, as is at present done with first and second class passengers, omit to submit Europeans to any educational test and enforce the law only when Asiatics demand entry." Do Mr. Hosken, the Rev. J. J. Doke and the Rev. John Howard think that this dishonest policy is one which ought to be adopted by the Transvaal Government? If not must we assume that they are prepared to see the doors thrown open to all educated Asiatics without regard to the number who may wish to enter? Remove the restriction which the Asiatic Acts impose on *all* Asiatics and place highly-cultured Asiatics in the same category as European immigrants; what, then, would be the position of the Transvaal Government? The answer is that it would be obliged to recognise the right of entry and of domicile of all those who could satisfy the provisions of the law whether they numbered six or six hundred per annum. It comes to this then, that we are asked (1) to prescribe an absurdly severe educational test and to enforce it only when the immigrants happen to be Asiatics, or (2) to permit the unrestricted entry of cultured natives of Asia. The analogy which Mr. Polak draws between the position immediately after the war and that which obtains to-day does not tend to support his argument that the spirit of the law can be overridden by a species of administrative slimness. In the former period, if we remember aright, no Asiatic could enter the Transvaal without a permit; to-day, as we understand the position, the Government has no power, unfortunately, to intercept immigrants at the border and refuse them admission. That is perhaps the most serious defect in the existing laws, and it is a defect which must be seriously considered whenever the question of an amicable settlement of the Asiatic trouble is under discussion.

Mr. Polak Again

On the 30th ulto., Mr. Polak wrote as under:—

Your reply to my letter in Saturday's issue reminds me of the old couplet "A man convinced against his will is of the same opinion still." It is a matter of regret that you do not seem to be willing to find a way out. You admit that the crucial point is the status of educated Indians. You also appear to admit, though it is a fact whether you admit it or not, that, under the present Immigration Act, educated Indians may enter the Colony on an equality with educated Europeans. You state, with a brave show

of having received a sudden revelation. "We have it now on the highest authority that Mr. Gandhi and his colleagues will accept nothing short of legal equality as the basis of any statement." Why now? Writing to you on September 18th, Mr. Gandhi said: The fact is that legal inequality would be an insult to the race; administrative difference would be a concession to prejudice, and Indian acceptance of it would be a graceful and, shall I say, statesmanlike recognition of such prejudice, as also of the fact that, if we want to live in this country, we must submit to the predominance of the European races." So that you have made no new point at all. But, referring to your own leading columns of two or three days before, I find the following statement by you, showing that you have assumed the very thing that you protest you regard as a new fact to-day. You say: "There is no room for compromise, especially having regard to the fact that Mr. Gandhi scouts all idea of discriminatory legislation."

You have stated that a number of public men have been bemused by the Asiatic leaders, but is it not you, Sir, who are endeavouring to bemuse your readers into a belief that the Asiatics are constantly raising new points? And what right have you to call a policy of administrative differentiation a dishonest policy? Do you mean to characterise the present administration of the Immigration Act in regard to Europeans as dishonest? Do you mean to characterise the administration of the Natal Immigration Act, which gives the Immigration Officer the discretion to issue or refuse visiting passes to immigrants as dishonest? Let me give an instance where this discretionary power is absolutely necessary. A person arrives at Durban, and the Immigration Officer has good reason to believe that that person is intending to enter the Colony for the purpose of carrying on the business of a procurer or a wanton. The officer has no documentary evidence that the party demanding entrance has previously carried on that occupation, but has excellent reason to believe that these are the facts. He is not able to arrest such a person as a prohibited immigrant under the Immorality section of the Immigration Act, and does not wish that person to land. What is the officer's position? His legal position is that he may use his discretion and refuse to issue a visiting pass to the applicant without giving any reason whatever. In such a case, the applicant is legally excluded, and the Colony is saved from the addition of an undesirable element to its population. Is this a dishonest practice? Now allow that principle to be carried into operation at the Transvaal border in regard to Asiatics. The present Immigration Act gives the Immigration Officer discretion to put any person attempting to enter to any education test or any test as to merit. The

limit of the test is not prescribed. Full discretion as to the severity of the tests is given to the Officer in general terms. British Indians are prepared; as Mr. Gandhi wrote to you on the 17th September last, to consent to an amendment of the Immigration Act, giving the Minister the fullest discretion as to the severity of the tests if, in his opinion, he has not that discretion already. What can be fairer than that? Where is the dishonesty? Why do you seem to arrogate to the Transvaal a monopoly of virtue? You are being asked to do what you are already doing. You are being asked to do what Natal and every other Colony, which has an Immigration Law, are already doing. You are being asked to do no more than Canada has already done, by means of private undertakings with the Japanese Government. There is nothing in the Canadian Law to prevent a Japanese immigrant from entering the Colony on the same terms as any other immigrant and yet an arrangement has been come to whereby Japan agrees to restrict Japanese immigration to Canada within certain limits per annum. A similar arrangement has been come to with the United States by Japan.

You state that you "have asked" the Asiatic leaders and their friends to state or show that the former are prepared to accept the principle of limitation in any form that can be regarded as offering adequate safeguards. What safeguards do you want? It is for you to suggest. It is for the Asiatics to consider how they can possibly meet the suggestions. You seem to have an idea, and it is a very unfortunate one, that Asiatics are continuing a policy of passive resistance for sheer love of a fight. Anybody who knows the Asiatic temperament must laugh at the idea. Surely, it is not beyond the combined intelligence of the Government and the Opposition to evolve a way out of the present difficulties. I have not asked that Europeans shall not be subjected to any education test, but that a severe test can be imposed against Asiatics. British Indians are not in the least degree concerned with the attitude of the Government towards European immigrants, but, in so far as the Government is enabled by its present legislation and is desirous to administratively restrict Asiatic immigration, that is a position that is admitted by the Asiatics, and has always been admitted.

May I, in conclusion, quote to you a paragraph from a letter recently addressed to some English papers by Professor H. J. Mackinder, writing from the Province of Alberta, in the Canadian Dominion. He is writing to condemn the attitude of a certain school of critics who demand the free right for all Asiatics to go anywhere they like within the British Dominions without let or hindrance, a position that has never been demanded by the Transvaal Indians. He says "No-one

seeks to exclude intellectuals of any race or religion. For them, let us have the most Imperial scope and hospitality, more sincere and better organised than they are to-day. The balance of advantage in the intercourse of educated and responsible though differing men will undoubtedly be for good." In commenting upon this, the *Times of India*, one of the most prominent Anglo-Indian organs, says: "Cannot General Smuts and his colleagues at Pretoria understand that, if the existing Indian community, whose conservation the Imperial Government have bound themselves to secure are to remain, they will be an increasingly useful asset, if they are kept in touch with better and more influential elements of their own race in India. Lord Amthill is able to urge practical reasons for allowing an occasional and regulated recruiting of the Indian community in the Transvaal by educated persons. It cannot be refused on any practical grounds, and the Transvaal Government would be accusing itself of administrative inefficiency, if it were to contend that the concession would open the door to that wholesale incursion of Asiatics which no-one has ever asked for." I can add no more powerful appeal to the imagination and common-sense of my European fellow-colonists.

Indian Chamber of Commerce

A meeting of prominent Durban Indian Merchants and traders met at Messrs. M. C. Camroodeen's offices on Saturday last with the object of inaugurating a Chamber of Commerce in the interests of Indian traders in Natal. There were present representatives of the leading firms in Durban, including Messrs. M. C. Camroodeen & Co., B. Ebrahim Ismail & Co., Hoosen Cassim & Co., P. V. Sanghvee & Co., G. D. Hansraj & Co., J. B. Mehta, East Indian Trading Co., Abdul Hai & Amod, N. M. Karim, M. Abed, Ebrahim Camroodeen, Bhana Parshotam, S. D. Vaid, E. B. Motala and others. Mr. Ismail Gora (of Messrs. B. Ebrahim Ismail & Co.) was elected chairman and Mr. P. V. Sanghvee Secretary; the name of the chamber being "The Indian Chamber of Commerce."

IN MEMORIAM. The *Transvaal Weekly Illustrated* last week contained a photograph of a monument erected at a cost of £200 to the memory of a Chinaman who committed suicide at the time of the first struggle against the Asiatic Act. It bears the inscription: "In memory of Chow Kwai For, who committed suicide for conscience' sake, November 11, 1907."

Lord Ampthill and the "Times" Correspondent

In its issue of the 6th ult., *The Times* publishes the following letter from its Johannesburg correspondent:—

I read with some surprise Lord Ampthill's letter which appeared in your issue of September 16. Lord Ampthill in a previous letter had accused me of misstating the facts of the case in regard to the trouble which has arisen between the Transvaal Government and the British Indian Association. He now goes further. He says, "Your correspondent is wrong in many respects, and his statements are not only a *suppressio veri* but also a *suggestio falsi*."

I have read his letter with some care in the endeavour to ascertain what the grounds are on which he feels justified in making so serious an allegation. As I understand his letter, they are as follows:—

(1) He states that the present trouble has arisen owing to the fact that the Transvaal Government is attempting "to impose a new and harsh condition" on the fulfilment of their part of the compromise which was arrived at with the Indians. This "new and harsh condition," as I understand him, is that, whereas the law, as it stood when the compromise was accepted by the Indians, did not prevent the entrance into the Transvaal of Indians who could pass the qualifications prescribed by the Immigration Restriction Act of 1907, the Government is now seeking to go beyond that and exclude all Indians who have not already the right of domicile here. That certainly is a different view of the situation from that which I have presented to your readers. I maintain, however, that it is not the correct one. Lord Ampthill says that if "the Indians domiciled in the Transvaal had assented to the Registration law, the Immigration Restriction Act would still—according to the construction placed upon it by high legal authority—have admitted this qualified class of Asiatics." Now the words of the Immigration Restriction Act, section 2, are, that any person is a prohibited immigrant "who at the date of his entering or attempting to enter this colony is subject or would if he entered the colony be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this colony, whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions." This provision is understood here (and it was so intended) to make Asiatics not domiciled here prohibited immigrants, inasmuch as they are subject when

within the borders of the Transvaal to the provisions of the Registration Act, and are thereby liable, unless registered in accordance with its provisions, to be ordered to leave the colony. I do not know who the "high legal authority" is whom Lord Ampthill has consulted, but his advice is evidently not known or does not commend itself to the Asiatic community here, or they would long ago have moved the Courts to set aside convictions obtained under the Immigrants' Restriction Act. Lord Ampthill says, "the Indians are content to stand by the compromise which would place them in the position which I have described above." My answer to that is that no compromise has ever been made or offered by the Transvaal Government which would place them in the position of not being prohibited immigrants where they have not already obtained right of domicile in the Transvaal.

(2) Lord Ampthill says that I was wrong in stating that the Government "conceded practically all the points asked for." My statement referred to the Act which was passed at the end of last Session as the result of a conference between representatives of the Government and the Opposition and Mr. Gandhi. Mr. Gandhi demanded the repeal of the Registration Act altogether, but subject to that he put forward a number of points on which he claimed that concessions should be made. These were practically all conceded, except the demand that educated Indians should be admitted. I never suggested that all the demands of the Indians had been conceded, and it is a perversion of my words to quote the extract cited above without the context. Mr. Gandhi himself, in an interview with the *Star* on August 22, said:—"The new Bill, save for two things, would have been considered fairly satisfactory to my countrymen." These two things were:—(a) That the Registration Act had not been repealed as he contended was promised by General Smuts, and (b) the non-admission of educated Asiatics.

(3) Lord Ampthill says "nor is there in practice, as your correspondent must know, any restriction on European immigration on educational grounds." I did not know, nor do I believe, that the educational qualifications prescribed in the Immigrants' Restriction Act are waived in the case of Europeans. I have made inquiries from official sources and find that they also are ignorant of such a practice. If Lord Ampthill or his informant know better I shall be glad to learn from them. But whichever view is right, I have never said or suggested that the educational qualifications either was or was not waived in the case of Europeans, nor has it any bearing on any inference drawn by me from the facts which I stated.

(4) Lord Ampthill states that the resistance of the Indians to the law

is no more active now than at any other time. When I spoke of active resistance I referred to such acts as these:—

(a) Indians of high position going out as hawkers in Johannesburg in order to be arrested for hawking without a licence.

(b) The Indian Association destroying hundreds of registration certificates held by Indians in order to procure their arrest for being unable to produce certificates when required.

(c) The Indian Association bringing in educated Indians from Natal in defiance of the law, and on their being deported re-introducing them so as to compel the authorities to take harsher measures against them.

I leave you to judge whether these acts do or do not merit the description of active resistance to the law. They have all been put in practice within the last six months.

(5) Lord Ampthill says:—"The Indian gentlemen who entered the Transvaal and are suffering for their attempt to assert what they believe to be their rights. . . . claim domiciliary rights of entry." This is not correct. Sorabjee, whose case I specially mentioned, has no domiciliary rights in the Transvaal, and never resided there. Others may or may not have had, but they wilfully refused to apply for registration. The right which they attempted to assert was not the right of entry to the Transvaal, but the right to enter the Transvaal and defy the Registration law.

(6) Lord Ampthill says:—"Your correspondent omits to mention that their sentence includes hard labour." That is true. I did not think it necessary to mention either that or many other facts connected with their conviction, because they had no real bearing on any point contained in my telegrams. Such omission could not be called a *suppressio veri* with any fairness by any one who appreciates the meaning of the term.

Lord Ampthill accuses me of deliberately falsifying information. The statements which I have cited above are the only grounds which I can find in his letters for making such a charge. Even if they were correct it would be a reckless perversion of language to found upon them a charge of deliberate falsification. They are all, with the exception of the last, incorrect. I asked Lord Ampthill to produce a single case where I have misstated facts or suppressed the truth or suggested falsehood, and I will leave your readers to judge between us by the result.

Lord Ampthill replied to the above as follows:—

Your Johannesburg Correspondent, in the letter which you published yesterday, makes a great show of boldness by challenging me to do again that which I have already done—namely, to show that he has gravely misrepresented the case of the Indi-

ans. He asks me "to produce a single case where he has misstated facts or suppressed the truth or suggested falsehood." I would best comply with his request by producing the whole of his messages to *The Times*, for read together they partake of the character which I indicated. They suggest that the grievances have been redressed, that the Indians have no longer any just cause of complaint, and that their present agitation is on account of new and unreasonable demands. I refer to my former letters as proof that this is not the case.

But your Correspondent asks for a "single case," and I will give him one of each description.

He telegraphed on September 10 that the Transvaal Government had "conceded practically all the points asked for in regard to the Asiatics lawfully settled here." I still hold this to be a misstatement of facts, for there was nothing in the context of the message to qualify the statement in the manner in which your Correspondent now seeks to qualify it.

He went on to say that the Indian Association "discloses the real object of the agitation by demanding the admission of Asiatics on the same conditions as Europeans," and he added that this claim "was throughout the real ground of resistance to the Registration Act." This is, to say the least of it, a suggestion of what is incorrect. The Indians have over and over again declared their willingness to submit to particular restriction of Asiatic immigration, and, since the Immigration Restriction Act did not exist when the Asiatic Act was first passed in 1906, it is clearly impossible that the disabilities now imposed by the former in conjunction with the latter can have been the subject of complaint "throughout."

For a case of suppression of the truth I adhere to that at which your Correspondent protests. When he wrote that "a great outcry was raised at the severity of the sentence" he ought, obviously, not to have omitted to mention that the "penalty of three months' imprisonment" included "hard labour." Anybody except your Correspondent would consider that a very material point, in view of the implied opinion that complaint was unreasonable. It is an unfortunate thing that your Correspondent should seem to be less sympathetic and more ungenerous towards the Indians than any other responsible man in South Africa.

CHINESE IN EAST LONDON. Chinamen (says the *East London and Border News*) still continue to apply for general dealers' licences, though the Town Council, giving effect to the resolution passed some months ago, as persistently and consistently refuse them. The latest unsuccessful applicant was named Chickavalle Mooni

Johannesburg Chamber of Commerce

Supporting the Government

That this Chamber respectfully trusts that the Government will not be swayed by the great pressure which is being brought to bear upon it by the Indian community and their supporters in England and elsewhere, but that the "Asiatic Law Amendment Act of 1907" and the "Asiatic Registration Amendment Act of 1908," will be strictly enforced.

Such was the resolution proposed by Mr. John Forrest at the special meeting of the Johannesburg Chamber of Commerce, on the 24th ult., to consider the present position of the Asiatic question and passed, with Mr. William Hosken as the only dissentient. Mr. Noble presided.

In moving the resolution, Mr. John Forrest said:—Mr. Chairman—You have explained to the members the reason why the executive committee has called this meeting, and I think members will agree that the importance of the issues raised in connection with the agitation on this question fully justifies us in conveying to the Government the opinions of the European commercial community. So much has been said and written in regard to the whole question that I do not think it necessary to take up the time of the meeting with any protracted arguments. This Chamber for many years watched with concern the increasing number of Asiatics found to be trading here and felt itself called upon to join with other bodies in asking the authorities to place some effective restrictions upon the great influx of these traders into this Colony. It has been said that in doing this we have been actuated by trade jealousy and that the reason of our anxiety has been that Asiatics are keen competitors in trade. But that is not a fair statement of the position. What we desire is to see that in this country we may have an opportunity of security for ourselves and our families, the wherewithal to enable us to enjoy a fair measure of comfort according to the standard of European civilisation. Given that basis we fear no competition. As is well-known these principles do not appeal to the average Asiatic. He is content merely with the bare necessities of existence; he hoards his earnings and sends the balance away from the country in which he is trading—but does not in any way evince any other interest in that country. So soon as he has saved sufficient money his habit has been to return to India and in numbers of cases to pass on his permit to a relative, friend or purchaser there in order that the latter may succeed him here. The character of such a manner of living can be described as parasitical; and it is obvious that if such conditions are allowed to go indefinitely in a young Colony like this an immensity

of harm is done to its prospects, its vitality will be sapped and its development seriously retarded.

As the Chairman has explained, considerations were pressed upon Mr. Chamberlain when he visited us some six years ago, and he admitted that we were justified in protesting against the immigration, as he put it, of more of these people than the Transvaal can digest. In view of the bitter complaints arising from different parts of the Colony, we are justified in urging that this immigration should cease. It may, however, be said that we have not paid attention to Mr. Chamberlain's advice that, in placing restrictions upon the Asiatics, we should avoid attaching anything in the nature of a stigma upon them. As we all know, a great deal was said last year as to the enforcement of the finger-print system. In the first place I would ask, Has any effective substitute been put forward? I submit that in order to have effective means of identification, no other course was open to the Government. Well, it was next contended by the Asiatics that their opposition was directed not so much against the finger-print system as against the element of compulsion in last year's Act. Obviously, if any system is to be adopted, it must be applied to all, or else it will become obsolete. However, we supported the Government in accepting what was professed to be the willingness of the Asiatics to voluntarily register if the Act was meanwhile suspended. But when this voluntary suggestion was legalised by the Parliament, the whole agitation should have ended. This, I think, is the universal opinion of Transvaalers, and we have seen no valid reason put forward for any renewal of agitation.

This people have been given full opportunity for showing that they entered this Colony legitimately, and provision was made for registration in such a manner as not to offend their susceptibilities. Further than this, I would remind the meeting that ample time has been allowed to them. The community has for many years past indicated that it would be necessary, in the interests of the Colony, to stop further immigration. The case of the Asiatic has been argued time after time in public here, in public at Home, in Parliament here, and in the Imperial Parliament. The legislation which has resulted has been recognised by all but the Asiatics' themselves as necessary; and, having regard to these facts, no other country in the world would, I believe, have exercised the amount of forbearance that the Transvaal has. I cannot look upon their recent agitation as being founded upon quibbles, and it is evident that they are fighting for a continuance of that immigration which is doing so much to ruin the people of this Colony. The excuse put forward for their last stand appears to have been that there is no provision made for the admission of the doctors, teachers or lawyers considered

necessary to them as a community. In regard to this, the Government has given what should be a sufficient assurance. General Smuts said the other day: "Government have repeatedly declared that they are prepared to consider applications for permits under present law from professional Indians. No such applications have, however, been made recently. If made they will be considered favourably, and granted in proper cases." Lastly, I think that the whole community should sternly resist any concerted opposition to the law of the country. The system of what is known as passive resistance is a most dangerous movement—undermining all law and order and good government. In this country, with a huge native population, it is particularly to be deprecated, and, in my opinion, it is not only justifiable on the part of the Government, but it is their bounden duty to stamp it out by all the means which the law affords. Mr. Chairman, these people have been allowed a period of grace up to the end of this month, during which they can put themselves right with the Government and the people in whose midst they desire to live. I trust wiser counsels will prevail with them, but if they continue to resist, then I contend it is the bounden duty of every lover of law and order to support and co-operate with the Government in enforcing the laws of the country. (Applause.)

Major Pickburn formally seconded.

The remaining speeches including that of Mr. Wm. Hosken, M.L.A., have been unavoidably held over.

Lord Amptill's Deputation

A deputation of members of both Houses of Parliament waited upon Lord Crewe and Lord Morley at the Colonial Office on Monday last (November 2) to discuss the question of British Indians in the Transvaal. The proceedings were private and informal, but it is understood that as a result of the strong representations made, further action by the Imperial Government has been promised. The following formed the deputation:— Lord Amptill, Lord Lamington, Lord Stanmore, the Earl of Galloway, Sir William Bull, Dr. Rutherford, Mr. Hart Davies, Mr. Harold Cox, Sir Henry Cotton, Mr. J. F. Cheetham, Sir Charles Schwann, Mr. A. H. Scott, Mr. O'Grady, and Mr. Lynch. Among others who sent messages of regret that they were unable to attend were Lord Stanley of Alderley, Lord Monk Bretton, Mr. Joseph Walton, Sir Francis Channing, Mr. G. Harwood, Lord Harris, Sir Brampton Gurdon, and Mr. A. H. Crosfield.—*India.*

APPOINTMENT. Mr. C. H. Waller has been appointed Inspector in the Department of the Protector of Indian Immigrants, Natal.

Alleged Shocking Treatment of Prisoners in Johannesburg Gaol

On the 28th ulto. the following correspondence was addressed to the Attorney-General, Pretoria:—

Sir,—Mr. Aswat is a prominent member of the Committee of my Association, and is a well-known merchant of Vereeniging. In order the better to serve his countrymen, he followed the occupation of a hawker in Johannesburg, trading without a licence, and was arrested and sentenced to seven days' imprisonment with hard labour at the Johannesburg Gaol.

He complains to my Association that he and a number of other Indian prisoners who were with him were ordered, the day after they were sentenced, to take off all their clothes, and they were obliged to remain in a naked condition for at least half an hour, from the time when the Doctor entered the Compound until he had examined all the cells and the prisoners and had left the Compound again. Mr. Aswat tells me, also, that, on the day on which the prisoners were discharged, last Tuesday, they were kept standing naked for more than one and a half hours, during which time their finger-impressions were taken, and, thereafter, their own clothing was returned to them. My Association has received similar complaints from other prisoners; and is of opinion that this flagrant disregard of the elements of decency can never have been intended as part of the punishment inflicted by the Courts. My Association feels very keenly that apparently every effort is made to insult and humiliate Indian prisoners, who, rightly or wrongly, for the sake of conscience, prefer to accept the penalties of the law. My Association ventures to request that you will urgently cause directions to be given that this humiliating procedure may cease.

I would add that not only is this procedure opposed to the ordinary canons of decency, but also to the religious habits of the Indians.

I have the honour to be, Sir,

Your obedient servant,

A. M. CACHALIA.

Chairman, British Indian Association.

The Hamidia Islamic Society,
Johannesburg.

Sir,—My Society has received a complaint from Mr. E. M. Aswat, one of the principal members of the Committee of my Society; and a number of other Mahomedan prisoners, who have been imprisoned in the Johannesburg Gaol, to the effect that they have been publicly made to stand in a naked condition, for a prolonged period. Other complaints of a somewhat similar nature having reached my Society, I am desired to place the following facts before your notice.

Mahomedans are religiously prohibited from standing naked in the presence of any one. In the case of examination by a Doctor, the latter can make his examination upon individuals in a private place. Mahomedans are strictly enjoined, on occasion of using a latrine, to use water kept in a receptacle specially used for that purpose. They are strictly prohibited from bathing in a nude condition in the open air, and are required, on occasions where open-air bathing is compulsory, to wrap themselves round with some covering providing for decency. My Society also strongly protests against the regulations, if any, which necessitate breaches of Mahomedan religious obligation, and I am asked to request you to issue urgent instructions that the religious susceptibilities of Mahomedan prisoners may be most carefully regarded.

I have the honour to be, Sir,

Your obedient servant,

OMERJI SALE,

Acting Chairman, Hamidia Islamic Society.

Imperial Parliament

HOUSE OF COMMONS,

November 2.

Dr. RUTHERFORD asked the Under Secretary of State for the Colonies whether he had received information of the detention in Natal as undesirable of a number of British Indians desiring to return to the Transvaal, where they claim to be domiciled, because it was suspected that they intended to refuse to comply with the Transvaal Registration Law; and whether he will take steps to protect these British subjects from deportation, with which they are threatened.

Colonel SEELY: Yes, sir; I understand that a number of Indians were so detained, but it appears that the Natal Supreme Court, to whom they applied, has ordered them to be released.

Mr. HAROLD COX asked the Under Secretary of State for India whether the attention of the Secretary of State had been called to the efforts now being made in various self-governing British Colonies to exclude from such colonies his Majesty's Indian subjects on the ground of differences in race and colour; and whether he would consider the desirability of providing by legislation that no white person born or domiciled in any such self-governing colony would be eligible for any post of profit under the Indian Government.

Mr. BUCHANAN: The Secretary of State does not consider it desirable to take action as suggested in the question.

Mr. BYLES asked whether this treatment of Indian subjects by British colonies on the special ground of colour was not aggravating the unrest in India. (Hear, hear.)

The SPEAKER: Order, order. That is a matter of opinion.

Sir JOSEPH COMPTON-RICKETT asked the Under Secretary of State for the Colonies whether he was aware that in removing Mr. Gandhi from Volksrust to Johannesburg, on October 25, he was marched in daylight through the streets in convict dress; whether part of his prison duties was to do scavenging; and whether, if these statements proved to be correct, the Secretary of State for the Colonies would feel it his duty to advise the Transvaal Government to avoid this aggravation of punishment for the political offence of resisting the Government demand for digit impressions, particularly in view of the resentment felt in India against the regulations of the Transvaal for the registration of our Indian fellow subjects.

Colonel SEELY: Mr. Gandhi was convicted of failing to produce the certificate required under Act No. 36 of 1908, and was fined £25, or in default of payment two months' imprisonment with hard labour, subject, however, to review. He was brought from Volksrust as witness in a case at Johannesburg, October 27. Escort was provided from Johannesburg gaol, and he travelled from Volksrust under ordinary conditions in his prison kit. He arrived at dusk, and was conducted from station to fort without handcuffs. When in court as a witness he did not appear in prison clothes. He has never done scavenging, but worked on agricultural show ground digging holes for trees, and weeding in municipal plantation and gaol garden. He never performed hard labour on public streets.

[FROM OUR OWN CORRESPONDENT]
Thursday, 5th November.

Mr. JOHN ROBERTSON asked the Under Secretary of State for the Colonies, whether the Transvaal law against the immigration of Asiatics would operate to the exclusion of Asiatics who are naturalised subjects of Portugal.

In reply to Mr. JOHN ROBERTSON COLONEL SEELY said:—

"I am now able to give a more detailed reply to my honourable friend's question.

The answer would depend upon the legal interpretation of Article II of the Treaty of 1875 between Portugal and the late South African Republic, Article X of the *modus vivendi* of 1901 concluded between the High Commissioner for South Africa, and the Governor-General of Mozambique and the several Transvaal Acts relating to Asiatics. It would appear that such an interpretation could only be given with authority by a decision of a Court of Law.

IMPERIAL PARLIAMENT. London, Dec. 3.—At question time, in the House of Commons, Col. Seely stated that the Colonial Office was inquiring particulars with regard to the alleged imprisonment of Indian boys in the Transvaal.—Reuter.

At Volksrust

What Next?

[SPECIAL TO INDIAN OPINION]

At Volksrust on Tuesday last, before Mr. De Villiers, A.R.M., Mr. Polak defending, Mr. E. M. Cajee was charged with trading as a store-keeper without a licence. Evidence was given that he had since sold his business which was now being conducted by another person in whose name the licence was. He had refused consistently to take out a licence because of the requirements of the new Act, which he was passively resisting. He was sentenced to pay a fine of £20 or to go to gaol for 6 weeks with hard labour, the imprisonment to be stayed pending the issue of a distress warrant. Mr. Cajee will go to gaol.

On the same day, two Indians were charged with having refused to give finger or thumb prints, though they had produced voluntary registration certificates. The cases were taken separately, Mr. Polak defending. The prosecution contended that, following upon the Attorney-General's statement of opinion and the remarks made by Mr. Justice Curlewis in the matter of the review of the case of Dawood Khan, the section of the Act applied to the accused, as they were registered. The section was always applicable to registered Asiatics.

Mr. Polak pointed out that the Attorney-General's opinion could carry no weight as it was not judicial, and that Mr. Justice Curlewis's remarks did not apply to the present case at all but only to the case of an unregistered Asiatic. He proceeded to urge that section 9 described who might be asked to furnish means of identification and what means could be demanded. But it was governed entirely by section 7, which indicated when such demand could be made. If the Crown's contention were correct, then one of two absurdities would arise. The first was that means of identification could be asked for from registered men who were and could be easily identifiable, whereas no means of identification could be asked for till that very day from those Asiatics who might be fraudulent entrants. The other was that the wording of the section itself, which spoke of "Every Asiatic" and made no exceptions, would indicate that unregistered Asiatics could be asked to produce certificates and give means of identification even though they had had no opportunity of applying for registration. Neither of these absurdities could surely have been contemplated by the Legislature. As his client had been arrested on the 28th ulto., he should be discharged, since he could not have committed the offence until that very day.

The Magistrate upheld the contention, saying that he differed from

the Prosecutor's view entirely, and thought that, even though the accused was registered, he should have been at liberty till the 1st inst. He accordingly discharged the accused.

The Prosecutor then withdrew the charge against the other accused.

The Magistrate at Volksrust has now given a judgment entirely opposite to the opinion expressed by the Attorney-General in defending Mr. Gandhi's conviction.

A Britisher's Impressions

Mr. J. H. Polak, J.P., writes as under to the *Daily News* of the 18th ulto.:

I take this opportunity, as a personal friend and warm admirer of that brave, devoted, patriotic gentleman, Mr. M. K. Gandhi, who, garbed as a convict, is now doing scavengers' work under the supervision of a Kaffir convict guard in the streets of Volksrust—an object lesson to India of the manner in which this great British Empire fulfils its obligations and redeems its promises to our honoured Indian fellow-subjects in the self-governing Colony of the Transvaal—of thanking you for your sympathetic and truly Imperial leading article in to-day's *Daily News*:

I was privileged to be present at both meetings at Caxton Hall yesterday, I had the advantage of listening to the grave warnings uttered by Sir Mancherjee Bhownagree, I was thrilled and awed by the impressive and dignified protests of the various eloquent Indian speakers, men of culture, men of refinement, men of the world, men who had suffered for their opinions in the past, and who were prepared to suffer again in the interests of true patriotism and for love of that dear Motherland India which gave them birth, and to which they are so fondly and devotedly attached, and as I sat and listened I reflected upon the great responsibilities and the terrible reckoning in store for those who, having ears, hear not, having eyes, see not, having hearts, feel not, and having the power will not use that power to insist that justice, equality, and fair treatment shall be meted out to our law-abiding, peaceful, and hard-working Indian fellow-subjects in Natal and the Transvaal.

These Colonies, by their treatment of British Indians, have humiliated the British Empire in the face of the civilized world, and I trust that the meeting of members of both Houses of Parliament, called for Monday next to consider this matter, will so impress that view upon the House and the country that the Cabinet can no longer refuse actively to intervene on behalf of those who, voiceless, cannot speak for themselves, voteless, cannot act for themselves, and whose only weapon is that of passive resistance and undeserved and humiliating imprisonment and degradation.

The "Star" Bombarded

By European Correspondents

The *Star* of the 27th ulto. publishes the following letters upon what it terms "The Asiatic Muddle":—

In your leading article of Monday you accuse us of unjustly seeking to saddle Mr. Smuts and the Registrar of Asiatics with the responsibility for what I call a "muddle" and you call a *contempt*. A little low r down you yourself show the justice of this "saddling" by quoting the scathing words of the Chief Justice. "Nobody," he said, "could be positive as to what meaning the Legislature intended to place upon certain sections of the Act." This is stronger language than any I used. It is true His Lordship exonerates the law officers immediately in charge of the prosecutions; but at whose expense? At the expense of the Government that drafted and passed the Act? You report him as saying "he did not think that any blame attached to anyone for that, for he had read through very carefully both of the Acts on the Statute Book, and he saw that it was difficult to say and r which section this charge should have been brought."

Think of it! The Chief Justice of the Colony declares that it is difficult to know either the meaning of the Acts or under which section charges should be brought.

Surely Mr. Smuts was responsible for this cryptic drafting and the Registrar for this purblind administration. Apparently the only way we can discover the meaning of our laws is by putting Asiatics in gaol till they teach us. You may continue to describe this in pretty French if you like, but I prefer to call it in plain English what it is—a big muddle.

But, indeed, Sir, I am not greatly concerned to discover who has led us into this bog. The important question, after all, is, how to get out, and it was with the sincere desire to further that happy issue I wrote before, and write now.

There are two points, I repeat, which, as far as I can gather, the Indians consider vital. With regard to the first, you apparently raise no objection, but rightly call attention to the importance of the second. They ask for provision to be made for the possible entrance, "by right not favour," of six highly-educated people each year.

You say you have looked in vain for any authoritative pronouncement that the Asiatic leaders are prepared to accept this proposal. I think, if you will turn to your own issue for November 4, you will find such a pronouncement. But in order that here may be no mistake, I quote from INDIAN OPINION of November 14, page 555. The Chairman of the British Indian Association Mr. A. M. Cachalia, speaking in his official capacity at the mass meeting of Indians held on November 4, said:—

"Lest the impression might get abroad that we are seeking to flood the country by opening the back-door to an infiltration from India on a large scale, we have publicly consented that the principle of administrative restriction, under the education test, which is at present accepted by all Governments in South Africa, notwithstanding hypocritical outcries to the contrary, shall operate against an unlimited entry of educated Indians, and we have agreed not to ask for the free admission of these beyond six in any one year. These we require to minister to our needs, as doctors, lawyers, teachers, priests, lest we sink into the mire of ignorance and moral turpitude that threatens to swallow us up in the near future, owing to our acceptance of the principle of the most stringent restriction of future immigration from outside this Colony, in view of the existing objection of our European fellow-Colonists."

If this is not both clear and authoritative I do not know what is. I am not a little surprised that you should in the same paragraph oppose this moderate request and go on to laud the "bogus" permit system.

Surely whatever force your objection may have to the former it has a thousandfold to the latter. "Whenever the number of applications for admission exceeded" what the Colonial Secretary or some other authority thought advisable, somebody would have to "adjudicate upon the competing claims" unless, indeed, the Colonial Secretary "permitted" anyone to come in who desired—a policy which, I presume, is not contemplated either by him or by you. But, indeed, this whole policy of "suffrance" need not be discussed. What self-respecting professional man would come to take up the position of a "prohibited immigrant," against whom the penalties of the law have been suspended at the pleasure of some possibly capricious official. He would occupy a position lower than the lowest of his people and could never win that respect so essential to the right discharge of those high duties he came to perform.

You say rightly that we accept a grave responsibility in our espousal of this cause, and this responsibility, I may add, is gravely accepted. But what is to be said about the "irresponsibility" of those who, rather than concede requests so fair and moderate, fling men by the hundred illegally into gaol and lightly imperil those Imperial interests they profess to cherish?—I am, etc.,

JOHN HOWA D.

November 24.

It appears that the Government are Janus-like. They speak with two faces. To the British Indians and the Imperial Government they profess nothing but solicitude for the well-being of those Asiatics who are resident in the Colony, but it is quite a different story that they tell to their supporters. May I give concrete instances of this?

Speaking at a recent meeting at Volksrust, Mr. Joubert, M.L.A. in reply to a question, said that, regarding the Asiatics, some years ago they were weak, but now they were giving the Government a lot of trouble. They could not be thrashed out of the country, as they were under the King and were British subjects." Mr. Joubert seems to have quite a sneaking regard for the good old times, and there is almost a note of regret in his tone that the Asiatics being British subjects, cannot be thrashed out of the country to-day. But Mr. Robertson, M.L.C., who immediately followed him, made the matter still clearer. He said that "the Government was anxious to get rid of as many of them (Indians) as possible, but there were great difficulties in the way. It was no fault of the Government that the matter was still going on." Mr. Robertson is an excellent authority, and I have not seen anywhere that the Government have repudiated the construction that he puts upon their real policy. It has been left, however, for the *Volkstem* to clinch the matter. In Friday's issue of the *Star* you publish what purports to be a translation of an article appearing in the *Volkstem*, and which reads as follows:—"Perhaps the latest decline of justice is better for our population. It must not be so easy to be delivered from the Asiatics. What exertion did not it cost to be delivered from the Chinese! And did that exertion not make our people stronger? The same will have to be the case in connection with the Asiatics. That South Africa will free itself from this exotic element there can be no doubt. But it will yet cost many a drop of perspiration. When at last the evil has been driven out, South Africa shall be all the better and more robust for it." What can be more authoritative than the expression of opinion of the Ministerial organ? Can it be wondered at, then, that British Indians feel that they are fighting for very life? It is said that the views of the Transvaal carry great weight at the Convention. That, surely, is all the more reason why the Indians should fight to their last breath, lest the evil example set by the Transvaal be followed by the other Colonies.—I am, etc.,

H. S. L. POLAK.

Your challenge to me in Wednesday's issue makes a reply needful. I am delighted

to note this evening that you acknowledge, although grudgingly, that "it is permissible to assume that Mr. Smuts and Mr. Chamney personally framed the portion of the law condemned by the Chief Justice," and that, "if so, they cannot escape the blame which the Chief Justice's strictures imply." That is going a long way towards conceding my contention "that the Government has been guilty of great injustice by the illegal imprisonment of a hundred and twenty-five British subjects." It is simply nonsense to argue that there is no responsibility on the Government because "once prisoners."

... are taken into custody no department other than that of the Attorney-General has any right to intervene." Who is it that is responsible for illegally taking these men into custody, procuring their prosecution, and generally directing this business? Undoubtedly the Registrar of Asiatics. And the Registrar of Asiatics is the representative of the Government in that department. It is simply quibbling to attempt to throw the responsibility for this imprisonment upon the sufferers themselves. I gather that you realise this and are not prepared to maintain it. But let me add one thing more. If this were a solitary case of blundering one would not be so persistent in driving the nail home. But unfortunately it is not so. Acts of injustice, petty tyrannies, illegal prosecutions, taking their rise in the Registrar's Office, have characterised the whole of this deplorable business, until those of us who have been conversant with Asiatic experience during these twelve months have been almost brought to despair. And to my mind until a Government repudiates the actions of subordinates who administer the laws in its name, it is to be held responsible for the actions of those subordinates. Is that right?

Now with regard to your challenge, "Is Mr. Duke prepared to deny that practically the whole of the one hundred and twenty-five martyrs were not given to understand that they had only to make application for registration in the prescribed form to avoid serious trouble? We venture to assert that they did not so apply because they were acting in collusion with the passive resistance leaders." I answer frankly, No, I do not deny it. So far as I can tell these men have all been in sympathy, at least since their arrival in this country, with the persistent protest of their kin against such illegalities. But that is not the point. In order to discredit them and evade yourself the question of justice, you made this statement: "Practically the whole of the one hundred and twenty-five martyrs... re-entered the Transvaal, not with the purpose of asserting an undoubted right, but with the object of defying the law and the Government." Now, sir, it is this that I deny. At least ninety-six of these men, several of them accompanied by their families, came direct from India to their homes in the Transvaal. They came "with the purpose of asserting an undoubted right." And to-day the law upholds them in it. Surely it would do you good to acknowledge that they have suffered great injustice at the hands of our Government while asserting this right, and to join us in expressing hearty regret for it.

In reviewing the whole of this trouble, my conviction is that if in these delicate matters, men had been employed who know and appreciate the Indian character, who would not pin-prick these people at every turn, trample on their ancient religious customs, frame unworkable laws, and administer them in an irritating way, there would be no Asiatic problem now in Johannesburg. The only way to settle the business, I believe, is for the Colonial Secretary, whose difficulties we all realise, and whose work we have no wish to embarrass, to meet the Asiatic leaders once more, frankly discuss the position with them, and see how far agreement can be obtained. I am optimistic in regard to such a conference.—I am, etc.,

JOSEPH J. DOKA.

Other letters are unavoidably held over until next week.

To the Bitter End!

Johannesburg Mass Meeting

Unflinching Determination

On Sunday, the 29th ulto., the Transvaal Indians made a last effort to warn the Government not to press matters to the extreme, but, even at that late day, to concede the two reasonable requests of the community. Mr. A. M. Cachalia, Chairman of the British-Indian Association, presided over a gathering numbering at least 2,000 people, including delegates from Rustenburg, Pretoria, Benoni, Boksburg, Germiston, Heidelberg, Standerton, Roodepoort, Krugersdorp, Ventersdorp, Potchefstroom and Ver-eeniging. Telegrams and messages of sympathy were received from Klerksdorp, Pietersburg, Middelburg, Louis Trichard, and Wakkerstroom. The proceedings throughout were enthusiastic, being preceded by the recitation of a poem complimentary to the imprisoned leaders and others. And the assembly was aroused to a perfect frenzy of enthusiasm when Mr. Dawad Mahomed, asked if those present who would follow him to gaol would raise their right hand. A perfect forest of hands waved wildly in the air in reply. Mr. Dawad might well have been content with this response.

Amongst those present were the Natal and most of the other unlawfully imprisoned gentlemen, the members of the Committee of the Association and a large number of delegates. The proceedings commenced at about 4.15 p.m., and ended at 6.45 p.m.

The Chairman's Speech

Delegates, Fellow-Countrymen, and Gentlemen,—We are met here to-day, not to rejoice, not to regret, but to resolve anew to continue on the road that we have chosen, until we reach the goal that we have set for ourselves. It is a solemn occasion, and I am assured that you realise to the full its solemnity, as do your leaders. Within two days, many of us are likely to be arrested and deported, for, from the beginning of next month, we may be asked for our registration certificates, which we were prevailed upon to accept through what we regard as the false representations of the Government, and many of us are in the fortunate position of having destroyed them, as pieces of pasteboard having no value, but casting a stigma upon the holders. From next Tuesday, the liberty of many of us is in the hands of the Government. Our great need to-day is to take stock of our position. Your leaders have divested themselves of what the Government choose to regard as passports to freedom, but what they themselves prefer to term badges of slavery. They are, I am convinced, perfectly willing to take the consequences of their action. Many of them

since the re-commencement of this unhappy struggle, have sought again and again to return to the Government that liberty which has no value to them so long as their brethren, high and low, are imprisoned throughout the Colony. And I am sure that you who have accepted such leadership will not shrink when the moment comes, that you will be called upon to suffer in your persons for the sake of religion, conscience, and country. I would like you to remember one thing—it is too often forgotten by our opponents. We are a permanent part of the population of this Colony, and we owe our country of adoption a debt quite as great as that which is due from us to the land of our birth. It is for us to show forth to the world that which is best and truest in us. It is for us to refuse to be a party to a public injustice. It is for us to show that we are *men*, and not cattle, and that it is as *men* that we desire and intend to live. Let us quote to you the inspiring words of that apostle of reform and independent life, David Thoreau. He also went to gaol for the sake of conscience, and in his "Duty of Civil Disobedience" is to be found the following apposite declaration:

"A Government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience?—in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen, even for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be *men* first, and subjects afterwards. It is not desirable to cultivate a respect for the law, so much as for the right. The mass of men serve the State thus, not as men mainly, but as machines, with their bodies. Others serve the State chiefly with their heads. A very few, as heroes, patriots, martyrs, reformers in the great sense, and *men* serve the State with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it. A wise man will only be useful as a man, and will not submit to be 'clay' and 'stop a hole to keep the wind away'."

Yes, it is perfectly true. To best repay the debt that we owe to our country, whether of birth or adoption, is to show that we are *men* first, moved by the dictates of conscience, and regardless of material advantage. Only in that way can we ever be of service to the Transvaal; only in that way can this Colony have any pride in you. I well recollect a remark made by that great man, Mr. Booker Washington, in his autobiography. He says that, for a negro to succeed, he must do not only as well as, but better than, the white man. So it is with British Indians in this Colony. It is not sufficient for us to declare that we are

as good as our white neighbours, or even to be so. It is for us to show, beyond all doubt, that we have actually done better and greater things than they, before we shall receive that recognition that we claim. We have to climb higher before we can reach the summit. When our neighbours, who form the majority, show, by their persecution of us, that they have temporarily forsaken the lofty ideals that they set before them, it is for us, by redoubled efforts to maintain the right, to achieve our own ideals, to remind them in the only proper way of their lapse.

It has been urged against us that we are law-breakers and that we have one sole object in view—to defy the Government and country. I emphatically repudiate the charge. It is false. We do not break the general laws of the land. We invariably submit to them, and that, too, with a whole-hearted loyalty that, we are told, on the authority of Government publications, does not find its counterpart in any other section of the community. When a law is passed for the benefit and safety of the community, we accept it. But when, in the name of race-hatred, colour-prejudice, and trade-jealousy, laws are passed, without consultation with us, robbing us of the little remnant of self-respect left by existing reactionary and predatory legislation, when our religious and racial susceptibilities are attacked, either openly or covertly, rather than accept the alleged benefits and privileges of those laws, we choose their penalties. The slave's collar is no less irksome, that it is of gold and not of brass. The slave has only one ambition and hope in life. It sways his every action, dominates his every motive. He must be free or die. A slave has no status; neither has an ox, an ass, or a dog. But as a *man*, he can aspire to the loftiest ideals of manhood, free from the yoke, free from the shackles that have kept him from himself. We British Indians in the Transvaal decline to forge for ourselves anew the slave's bonds, the slave's collar. We are called upon to resist these attacks upon our freedom and our honour.

Why, it is often asked, do we go to gaol in hundreds, rather than accept the benefits of the law? Why should we not? What value has this mockery of liberty for us? Is it not better that our bodies suffer imprisonment than that our souls should be at the mercy of the slave-driver's lash, to walk or run, jump or stand still, at his wish? Why should we not go to gaol? It is our bodies that are imprisoned there, but our conscience is free as the winds of Heaven. And, as Thoreau, has bravely put it, "Under a Government which imprisons any unjustly, the true place for a just man is also prison."

Let us take stock for a moment, of the wanton cruelties perpetrated against us by the Government under which we live. At Barberton, 58 men were ruthlessly cast into gaol, and

many were kept unlawfully at hard labour, even whilst an appeal against their conviction had been noted. They were unlawfully sentenced for an "offence" which, it is on record, the Government were fully aware was no offence whatever, which the Indians urged was no offence, and which the Supreme Court has confirmed to be no offence. They were deported for refusing to do what the Government knew they had no right to ask them to do. At Volksrust, many of our best men have been unlawfully imprisoned, some of them for ten weeks, with hard labour. Notwithstanding the Attorney-General's anemic excuse for refusing to liberate those leaders who still remain in Volksrust gaol, I declare that not a single British Indian has been lawfully lodged in prison, either at Barberton or at Volksrust. One hundred and thirty innocent men have been lawlessly convicted and set to hard labour. Every effort has been made to degrade them in body and spirit by the Government, and, for their reward, they are told that they might have appealed against their convictions. No private citizen is bound to appeal against a private wrong. But the State is undoubtedly morally bound to prevent by all possible means the commission of a public one. The administration of justice is the first prerogative and duty of the State. But these unfortunate men have been the victims of a shameless derogation of duty, and it is not we who have made a mockery of the law and of justice, but the Government themselves. They have not acted innocently, they have not acted even ignorantly. They have committed a flagrant injustice wantonly, and they are convicted out of their own mouths.

We are told that, however fair and moderate are our essential requests, they cannot be considered or conceded because of our passive resistance movement and its effect upon the native mind. Let us regard, for a moment, what is that effect. We are setting the natives an example of self-control and patient suffering such, I venture to submit, as even our white fellow-colonists may well be proud to follow. We have shown our careful concern for the general legislation of the Colony. When we have been consulted in regard to differential administration, we have realised the practical difficulties raised, and have loyally adhered to the arrangements mutually agreed to. When, however, our rulers have sought to take advantage of our defenceless condition and have directed an attack upon our most deep-rooted convictions, we have chosen to meekly submit to the punishments that have been held out to us as the alternative of not accepting the price of the betrayal of our better nature. But, it has been urged, though, in itself, passive resistance may be righteous enough, it is inexpedient in the highest degree to adopt such a mode of self-expression in a country like South Africa, for the native popu-

lation would not remain content with passive resistance, but would pass from that to active resistance. As though active resistance were unknown to them! During the last 100 years, have the natives of South Africa had a policy of passive resistance before them to urge them on to frequent outbreaks of violence and rapine? Surely passive resistance was not the spark that set ablaze the Natal rebellion in 1906! Rightly or wrongly, it was their sense of intolerable injustice that caused that outbreak, and Natal is to-day obliged to revise her estimates of native government. Do our critics seriously contend that passive resistance would incite the natives of Cape Colony to rise against constituted authority? The argument would be absurd.

But the critics do not understand the very nature of passive resistance. They forget that it is only possible to a developed and habitually self-restrained people. Men do not proceed from passive to active resistance. That is a fall. They rise from active to passive resistance. The passive resister is higher in the moral scale and in that of human development than the active resister. If passive resistance to evil is the righteous thing in itself that it is admitted to be, then it can never be other than righteous, wherever it is practised. We do not fail to set a high ideal because the mass of men fall far short of it. It is only by aiming high that men achieve anything. And what have they ever achieved of value by a rigid policy of expediency? As well say that it is inexpedient to preach the truths of the Sermon on the Mount, because men cannot become saints in a day. As well refuse to allow the reading of the Bible, because some wretched creature will only seek corruption therein! Passive resistance is a matter of heart, of conscience, of trained understanding. The natives of South Africa need many generations of culture and development before they can hope to be passive resisters in the true sense of the term. Meanwhile, they will be what most men are—grateful for justice done them, resentful of injustice, and in the latter case they will probably seek their remedy in the way they have always been accustomed to do, irrespective of example, until the difficult lesson of non-resistance to evil is learnt. But surely our critics would be better advised to urge the natives to substitute for the rifle and the assegai the peaceful methods of the passive resister, and better advised still if they removed the need of any resistance whatever, by consulting those who are unrepresented in the councils of the nation, and by doing justice though the Heavens fall. We have been told that our demands, reasonable in themselves, might have been granted two years ago, but they cannot be to-day because the Government would "lose face". If the demands in themselves are just and reasonable, surely no Government can

lose face by doing what is just and reasonable. The policy of the "settled fact" is the most illogical, the most immoral, the most unnatural of all policies. Nature, morality, and logic alike know nothing of "settled facts". Facts are constantly matters of inquiry and criticism, and in that lies the root of progress. There is no such thing as the "settled fact" in Nature, and in so far as politics differ from natural law, injustice is the inevitable consequence.

I will conclude by a re-statement of our case. We have declared ourselves ready to accept the new law and to cease passive resistance immediately, provided adequate guarantees were offered that the old, useless, insulting, vindictive Asiatic Act was repealed, and the status of educated Asiatics was satisfactorily settled. We claim that educated Asiatics may to-day enter as of right, and we refuse to allow that right to be taken from us by law. We are prepared voluntarily to limit that right by administrative, but never by legislative, means. Administrative differentiation is a common enough phenomenon in South Africa, and it is a policy that we have accepted for the very practical reason that we bow to the will of the majority when public opinion is hopelessly against us. But when we are asked to legislatively whittle away our rights, we are impelled to refuse plainly. The legislative limitation of Asiatic immigrants who can pass an education test differs in principle in no way from the legislative exclusion of all Asiatics, however cultured. It is a race-test, a colour-bar, and we dare not submit to it.

Fellow-countrymen, one last word. From Tuesday next we shall have entered upon a new phase of the struggle. We must co-operate earnestly, fight shoulder to shoulder, with the utmost determination, unflinchingly. If any breach be made in our ranks, we must close them at once. If all the leaders are taken, then the rank and file, who have so nobly done their duty, must be the leaders. As a man falls, let another step forward to take his place. Let there be no internal strife. Self-sacrifice is our watchword. Do not let us delude ourselves with the false hope that the struggle will be short. We must be prepared to fight on and on until victory is ours, no matter how long the struggle takes. The Government rely upon tiring us out. Let us show them that the Asiatic is tireless when he is fighting for his religion, his racial pride, his personal honour. And let us show our European friends and sympathisers, a growing band, that we are worthy of their sympathy and support. They have declared themselves ready to march to victory with us. It is for us to achieve victory and, by self-control and the completest sacrifice of self, to attract to our banner all that is best among our European neighbours and fellow-colonists.

The Resolutions

I.—On the eve of the termination of the period of registration under the Asiatic Registration Amendment Act No. 36 of 1908 this meeting hereby respectfully urges the Government to concede the request of the British Indians as to repeal of the Asiatic Act No. 2 of 1907 and the status of educated Indians.

Proposed by Mr. Bhajjee (Johannesburg), seconded by Mr. C. H. Desai (Krugersdorp), and supported by Mr. Suliman Moosa (Potchefstroom) and Mr. N. V. Gopal (Germiston).

II.—In the event of the Government declining to accede to the foregoing request, this meeting solemnly and sincerely and in the name of God hereby resolves at any cost to continue the struggle by declining to receive the benefits of Act 36 of 1908, and suffering the consequences thereof.

Proposed by Mr. Hajee Habib (Johannesburg); seconded by Mr. S. E. Bhyat (Kustenburg), and supported by Mr. V. Naidoo (Pretoria), Mr. Hazurasing (Germiston), Mr. E. M. Patel (Vereeniging), Mr. V. A. Chettiar (Johannesburg), and Mr. Mulji G. Patel (Johannesburg).

This resolution was also spoken to by Messrs. Dawad Mahomed (President of the Natal Indian Congress), Parsee Rustomji (Vice-President), Sorabji, U. M. Shelat, and S. J. Randeria.

III.—This meeting congratulates the Natal leaders and the other 120 Indians who have, for the sake of God and honour, suffered imprisonment and much pecuniary loss during the struggle that has now been proceeding on the part of the Indians.

Proposed by Mr. G. V. Godfrey (Johannesburg) seconded by Mr. G. P. Vyas (Johannesburg), and supported by Mr. A. S. Khota (Hcidelberg).

IV.—This meeting tenders its respectful thanks to those European friends who have espoused the Indian cause, believing it to be just, and trusts their support will be continued.

Proposed by Mr. E. S. Coovadia (Johannesburg), seconded by Mr. M. P. Fancy (Johannesburg), and supported by Mr. Moosa Ismail Daya (Boksburg), Mr. V. V. R. Naidoo (Johannesburg) and Mr. G. K. Desai (Johannesburg).

V.—This meeting hereby authorises the Chairman to forward copies of the foregoing resolutions to the proper quarters.

This resolution was put from the Chair. All the resolutions were carried with acclamation.

INDIAN MAIL. For Colombo and Calcutta, per S.S. *Umkuzi*, on or about the 7th instant.

The "Star" on the Situation.

On the 23rd instant, the *Star* wrote as under:—

It would be futile to deny that the judgment of the Supreme Court setting aside the conviction by the Barberton Resident Magistrate of Mousa Ismail and fifty-three others charged with contravening the Asiatic Immigration Restriction Act of 1907 has been of considerable assistance to the passive resistance leaders and the European sympathisers in their agitation against the Transvaal Government. Mr. Polak (Mr. Gandhi's partner and *alter ego*), the Rev. Joseph J. Duke, and the Rev. John Howard have rung the changes on the inhumanity of imprisoning "innocent" and "law-abiding" Asiatics on charges which the law, as interpreted by the final court of appeal, does not support. "This," says Mr. Duke, "is shameful! I do not remember a case of the miscarriage of justice under our rule so flagrant as this. If these men had been white men the whole of our community would have been aroused. But who cares for an Asiatic?" Very unjustly the pro-Asiatic party seek to saddle Mr. Smuts and the Registrar of Asiatics with the responsibility for this *contemps*. Now it is well to remember that practically the whole of the one hundred and twenty-five martyrs mentioned by Mr. Duke and Mr. Howard, re-entered the Transvaal not with the purpose of asserting an undoubted right, but with the object of defying the law and the Government. The legal advisers of the Crown instituted proceedings against these people on certain grounds. The Supreme Court has ruled that the indictment in the Barberton case was bad in law. The Chief Justice, however, held quite emphatically that the prosecution was in no way arbitrary or vexatious. "Nobody," he said, "could be positive as to what meaning" the Legislature intended to place upon certain sections of the Act. "It was almost as difficult," he stated, "to understand the charge as set out as it was to understand the sections on which it was based. *But he did not think that any blame attached to anyone for that*, for he had read through very carefully both of the Acts on the Statute Book, and he saw that it was difficult to say under which section this charge should have been brought." As we understand the judgment of the Chief Justice, the case for the Crown broke down on two grounds. In the first place the particular sections on which the charge was based only applied to those who were *resident* outside the Colony on the date the Act came into force. The Crown submitted no evidence to prove that the accused were so resident; on the contrary, it was not contended that the latter had not acquired a domicile in the Transvaal. In these circumstances

and having regard to the vagueness of the phraseology of the Act, the Court held that the appellants did not come into the category of "prohibited immigrants." Then in the second place counsel for the Crown contended that the accused were "prohibited immigrants," inasmuch as they became liable under the Act to be removed from the Colony because they refused to produce their certificates of registration when called upon by any qualified person to do so. The Chief Justice over-ruled this contention. This was not the ground stated in the charge-sheet; "but even if it were," said the Chief Justice, "it was quite clear that it would not have applied, because the appellants were resident in the Transvaal at the time; and the time allowed for application by such persons had not then expired—such persons having until November 30 in which to apply for such certificates."

What we have said serves to show that however ambiguous and unfortunate the wording of the Asiatic Acts may be, the position is by no means as chaotic as the Asiatic leaders and their friends would have us suppose. The decision of the Supreme Court does not reveal such fatal defects in the law as justify the use of the terms "muddle" and "scandal." But in any case, after the end of the present month the Government will be in a position to deal effectively both with the Asiatics resident in the Colony and with those who seek to enter in future. On the expiry of the period fixed in the notice appearing in recent issues of the *Gazette*, the authorities can demand the production of certificates of registration, and, if these are not produced, obtain an order from a magistrate directing the removal from the Colony of such as refuse to comply with the terms of the law. Had this particular notice been published earlier, had the Government not given the passive resisters so much latitude, the temporary complications which have arisen would have been averted. It is desirable to repeat that Mr. Hosken, the Rev. J. J. Duke, the Rev. John Howard, and other Europeans are accepting a grave responsibility in their espousal of the Asiatic cause. INDIAN OPINION, Mr. Gandhi's organ, declares in its last issue, "that the Transvaal Indians have made good their promise. They have paralysed the administration of the new Act, just as General Smuts admitted, last February, they had paralysed that of the old Act." And the gentlemen we have named and a few others wish them success in this illegal crusade! Mr. Howard says that Mr. Gandhi and his compatriots want only (1) the repeal of the Act of 1907, which they regard as a menace and an insult; and (2) provision making possible the entrance "by right, not favour," of six highly educated people each year. INDIAN OPINION declares that the Asiatics "refused to accept the new Act, generally benevolent though it was, because the old Asiatic Act still

remained a blot upon the Statute Book and the status of educated Asiatics was unsettled." We have looked in vain for any authoritative pronouncement that the Asiatic leaders are prepared, as Mr. Howard says to restrict the immigration of highly-educated Asiatics to six per annuni. So far as we are aware neither Mr. Gandhi nor his paper has publicly accepted the principle of arbitrary limitation. If the former has done so in private we venture to think that it has been because he hopes to be able afterwards to get the door opened still wider by starting a fresh agitation in order to show how vexatious and absurd such a law proves in practice. Whenever the number of applications for admission exceeded the half-dozen, the Colonial Secretary or some other authorities would be obliged to adjudicate upon the competing claims. We venture to assert that it would be difficult, if not impossible, to find a precedent for so extraordinary a piece of legislation. The permit system favoured by Mr. Smuts—not this bogus "right of entry"—affords, it seem to us, the only satisfactory solution of the difficulty. On the one hand it ensures the presence of an adequate number of professional men who desire to labour among their compatriots here; on the other hand—and we admit quite frankly that this is an advantage—it gives the Government the power to exclude or deport professional agitators from the East whose presence is undesirable.

Notes on the Transvaal Struggle

(FROM OUR OWN CORRESPONDENT)

AT MIDDELBURG. Mr. A. E. Bhabha having gone to gaol for a month with hard labour, for trading without a licence, his clerk was afterwards arrested for keeping the store open, and has now received a similar sentence. Obviously the conviction is illegal, as a servant cannot be made responsible for his master's misdeeds.

ILLEGALITY ON ILLEGALITY. Mr. Mirza Amir Beg was on the 21st day of October sentenced to three weeks imprisonment with hard labour for failing to produce a registration certificate and refusing to give his thumb impressions. It has now been shown that that was an unlawful sentence. The due time for his release was the 10th ulto., but, when he went to the gaoler and asked to be liberated, the latter refused, and, upon the prisoner's insisting, it is alleged, the gaoler struck him. Mr. Mirza Amir Beg was not released until the 24th ulto., exactly a fortnight after the due date of his release. The matter has been brought to the notice of the Law Department. Mr. Mirza Amir Beg is in the doubly fortunate position of having been sentenced illegally, and as his legitimate (?) sentence in itself

was unlawful, apparently the gaoler sentenced him to an extra fortnight, thereby showing a superior wisdom to that shown by the Magistrate himself. I hope the last has not been heard of this. It is too good to be left alone.

MR. DAWAD KHAN'S CASE. In the Supreme Court on Saturday, the following remarks by Mr. Justice Curlewis were read by the Acting Chief Justice (Mr. Justice Wessels):

The accused was charged before the Assistant Resident Magistrate of Volksrust with having contravened Section 9 of the regulations framed under Act 36 of 1908, published under Government Notice No. 950 of 1908, in that, being an adult male Asiatic, he did enter this Colony from the Colony of Natal, and did, when required by a European police officer, to wit, Sergt. McDougall, of the Transvaal Police, to produce a certificate of registration of which he was the lawful holder, wrongfully and unlawfully fail to do so, and did further, on demand made upon him by the said Sergt. McDougall, wrongfully and unlawfully refuse to furnish impressions of his thumbs and fingers.

He pleaded guilty, and was convicted and sentenced to a fine of £50, or three months' hard labour.

From the evidence, proceeded the learned Judge, it appears that the accused, when called upon by the police officer to produce his authority for entering this Colony from Natal, produced a permit and registration certificate issued under the Peace Preservation Ordinance; the accused had no certificate of registration under Act 2 of 1907 or Act 36 of 1908, and has apparently not registered under either of these Acts.

As the accused has, under Government Notice No. 951 of 1908, dated September 19, 1908, up to November 30, 1908, within which to apply for registration, it would not be a breach of Section 9 of the regulations if, being called upon to produce his certificate of registration before the expiration of that date, he not having registered, failed to produce the same; and consequently it would not be a breach of that regulation if he refused to furnish the impressions of his thumbs and fingers.

The offence charged (concluded His Lordship) has therefore not been committed, and the conviction must be quashed and the sentence set aside.

Mr. Justice Wessels, having read the above, said: I have been asked to state that this matter has been referred to the Attorney-General, who says that he does not desire to support the conviction.

UNDER THE NEW ACT. Fourteen Indians were brought before the Court at Johannesburg on Monday including the Natal leaders. The charge was based on Section 9 of the new Act. Mr. Polak asked for a re-

mand which was granted until Wednesday. Mr. Harilal Gandhi was amongst those charged, and was undefended. He refused to have a remand, saying he was prepared to suffer at once. He was ordered to be removed from the Transvaal. In the meantime he was taken into custody.

JOHANNESBURG HAWKERS. Since Friday 25 men have gone to gaol for hawking without licences.

Latest Telegrams from the Transvaal

[SPECIAL TELEGRAMS]

Johannesburg, Friday.

There were eighteen more arrests yesterday in Johannesburg. All were remanded till Wednesday.

An appeal is to be noted against the sentence imposed on the clerk in the employ of Mr. Bhabha of Middleburg.

There will be an apparent lull till after Wednesday, when the Johannesburg cases are to be argued.

Last night Mr. Harilal Gandhi was deported and arrived early this morning at Volksrust. He returned immediately by the engine.

HINDU YOUNG MEN'S SOCIETY. The Durban Hindu Young Men's Society celebrated its third anniversary last Sunday. In the morning at 9 o'clock the Congress Hall, which had been tastefully decorated for the occasion, was filled with members and friends, the President, Mr. V. R. R. Moodaly, presiding. A sermon was preached by Swami Shankeranand and addresses were delivered by Messrs. Lala Mohkamchand, R. C. Naidoo and T. M. Naicker. Swami Shankeranand lectured in the afternoon to a large audience. A feature of the meetings was the singing of Hindu religious hymns by a trained choir.

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ઈન્ડિયન ઓપિનિયન.

પુસ્તક ફ.

ફ્રીડેડે, શનિવાર, તારીખ ૫ મી ડીસેમ્બર ૧૯૦૮.

અંક ૪૯.

અઠવાડીક પંચાંગ.

ખ્રીસ્તી-તાં ૫મી ડીસેમ્બરથી, તાં ૧૧ ડીસેમ્બર સુધી, ઇ. સં ૧૯૦૮.

હિંદુ-માગશરસુદ ૧૩થી માગશર વદ ૪ સુધી, સંવત ૧૯૬૫.

મુસલમાન-તાં ૧૦મી જુલકાદથી ૧૬ મી જુલકાદ સુધી, ૧૩૨૬ હિજરી.

વાર.	ખ્રીસ્તી તારીખ.	હિંદુ તીથી.	મુસલમાની તારીખ.	પારસી સુર્યોદય રોજ.	સુર્યોદય ક. મી.	સુર્ય અસ્ત. ક. મી.
શુક્ર.	૫	૧૩	૧૦	૨૪	૪ ૫૧	૬ ૪૪
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ઈન્ડિયન ઓપિનિયન.

શનિવાર, તા. ૫મી ડીસેમ્બર ૧૯૦૮.

ઈન્ડિયન એંબર ઓફ કોમર્સ

નાતાલમાં હિંદી વેપારી મંડળની સ્થાપના થઈ તેની નોંધ લેતાં અમને ઘણી ખુશાલી ઉપજે છે. અંગ્રેજ એંબર ઓફ કોમર્સની કેટલી વગ પહોંચે છે તે દક્ષિણ અફ્રિકાની સ્થિતિ જાણનાર સહુ કોઈ હિંદી સમજી શકે છે. અંગ્રેજ મંડળોમાં અસહ્ય હિંદીઓએ ભાગ લીધો હતો તે અલગ હિંદી વેપારીની સ્થિતિ જુદીજ હતી. તેની રૂએ ઘણા સુધારા થઈ શકે છે. અમારી જાણમાં છે કે બ્યારે હિંદી વેપારી દક્ષિણ અફ્રિકામાં પહેલા દાખલ થયા ત્યારે તેઓને અંગ્રેજ એંબરમાં દાખલ થવાનું આમંત્રણ કરતા. હવે ભુતકાળનો વિચાર નહીં કરતાં જે તક મળી છે તેને બરાબર સાચવશે તેપણુ લાભ છે. જે મંડળ સ્થાપાયું છે તેમાં વેપારીઓ ખંતથી કામ કરે તે જરૂરી સુધારા કરે અને તે મંડળ કહે તે મુજબ ખીજા બધા હિંદી વેપારીઓ ચાલે તે તેનું મંડળ બહુ કામ કરનાર થઈ પડશે. અંગ્રેજ મંડળોની બહુ વગ હોય છે તેનું કારણ એ કે તેની સત્તા ખીજા વેપારીઓ કમુલ કરે છે. એવી સત્તા અપણે ન આણી શકીએ તો મંડળ કહાડયું ન કહાડયા બરાબર છે. અમને ઉમેદ છે કે ડરબન બહારના વેપારીઓ આ મંડળને પોતાનો ટેકા આપી તેને માતબર બનાવવા માં સાધન ભુત થશે, કેમકે આવું મંડળ હિંદી વેપારીની સ્થિતિ સુધારવાનો એક સરસ રસ્તો છે.

કોતરી રાખવા લાયક બોધ

ગયે રવીવારે ડરબનમાં હિંદુ યંગમેન સોસાયટીના વાર્ષિક મેળાવડા વખતે મહા નુભાવ સ્વામીજીએ બુલાવણુ આપી જે બોધ આપ્યો છે તે હરેક વાંચનારે હૃદયમાં કોતરી રાખવા જેવો છે.

આજકાલ મંડળોમાં તો ઘણી થાય છે પણ તે થોડો વગત ચાલી ગયે થઈ ગયે છે, અને તેની નીશાનીમાં તેમાં ભાગ લેનારા વચ્ચે ઇર્ષ્યા અને હેર રાખી ગયે છે. દુનિયાની સઘળી પ્રજાઓ સુધારાના પ્રયાસમાં આગળ વધતી ચાલે છે તે સમયે હિંદી પ્રજા સુસ્ત રહેશે અને માનને લોભે એક ખીજાની ઠપકી કરી પ્રાજ્ઞ પડી રહેશે એ કેમ પાલવશે? જુવાન મંડળોમાં મેંબરો ખરા દીલથી, દેશનું સાઈ કરવાના ઇરાદાથીજ કામો કરશે તો સ્વામીજીએ બતાવેલાં ઘણા મોટા કાર્યો કરી શકશે. આપણે કેટલી અધમ દશાએ પહોંચ્યા છે એ જાણ્યા પછી તેમાંથી છુટા થવાનો પ્રયત્ન કરવો એ હરેક હિંદીની ફરજ છે. માગીને મેળવેલાં માન અને નામ ધડીકમાં નાશ પામશે. બ્યારે બહાદુરી અને કાર્યથી મેળવેલાં માન અને નામ સદાને માટે અમર થઈ રહેશે.

ઈન્ડિયન પબ્લીક લાઇબ્રેરી.

ડરબનની હિંદી લાઇબ્રેરીની અમે દુર દશા જોઈ ઘણા દીલગીર થયા છીએ. તે હાલ બંધ રહે છે. તેના કેટલાક પુસ્તકો જુદે જુદે ઠેકાણે પડ્યા છે. કેટલાક મહિના થયા લાવાજમો ઉધરાવ્યા નથી. એટલે તેના ઉપર કરજ થઈ ગયું છે. મકાનના લાકડાના તથા લીધેલ પુસ્તકના કેટલાક હુકતાના નાણા આશરે જ એક માસના ચડી ગયા છે. તેના માગનાર તરફથી પુસ્તકો ઉપર ટાંચ ખેડી છે. લાઇબ્રેરી જેવી ઉપયોગી સંસ્થાની આવી સ્થિતિ હોય એ હિંદી કોમને બહુ શરમાવનાર ગણાય. લાઇબ્રેરી એ કેળવણીનું સાધન છે. કોમનું ભુખણુ છે. લાઇબ્રેરી વધારવાનું સ્થળ છે. સુધારાની નીશાની છે. આ ઉપરાંત પણ તેના લાભ અનેક છે. હિંદી કોમના આવા એકના એક સાધનને મરણ પચારી ઉપર જોઈ અમને બહુ દરદ થાય છે. હાલના કરજમાંથી મુક્ત કરી ફરીને આવી સ્થિતિ આવી ન પડે તેવી ગોઠવણુ કરવા બેરહે મળીને તરત જ નકકી કરવું ઘટે છે. હાલમાં લાઇબ્રેરી તબ અસ્ત થઈ ગયા પછી નવી લાઇબ્રેરી ઉભી કરવી બહુ મુશ્કેલ બનશે.