

No. 5—VOL. XI.

SATURDAY, FEBRUARY 1ST, 1913.

Registered at the G.P.O. as a Newspaper  
PRICE THREEPENCE

## OFFICIAL HIGH-HANDEDNESS

THE Chairman of the Hon. Mr. Gokhale's Reception Committee, Durban (Mr. O. H. A. Jhaveri) continues to take active interest in the matter of Messrs. Agjee and Ameappen's difficulties with the Immigration Department. In reply to Mr. Jhaveri's telegram, dated the 3rd ultimo, the purport of which we reproduced in our columns, the Acting-Secretary for the Interior replied, on the 4th ultimo, that the matter "was receiving attention." On the 8th ultimo the Secretary for the Interior wrote to the Chairman of the Committee as follows:—

"In continuation of my Minute No. 1/30083, dated 4th instant, relative to the restriction of the alleged wives of the two Indians named Agjee and Ameappen, I have to inform you that the matter has received the consideration of the Minister, who is not prepared to interfere with the discretion of the Chief Immigration Officer at Durban, and unless evidence satisfactory to that Officer, can be adduced, no relief can be afforded in these cases."

On the 10th ultimo Mr. Jhaveri addressed the following letter to the Chief Immigration Officer, Durban:—

"I have the honour to enclose herewith copy of a letter addressed to me by the Secretary for the Interior, with reference to the wives of Messrs. Agjee and Ameappen.

"My Committee will be greatly obliged if you will kindly inform them, at your earliest convenience, what further evidence in these cases you require for your satisfaction."

The Chief Immigration Officer replied as under on the same date:—

"I have the honour to acknowledge the receipt of your letter of even date and to say in reply to your enquiry that Mr. Polak, who appeared here some days ago in the interests of Messrs. Agjee and Ameappen, was clearly advised of the nature of the evidence which should be produced."

The Chairman of the Committee again wrote to the Immigration Officer on the 17th ultimo to the following effect:—

"I have the honour to acknowledge the receipt of your letter of the 10th instant. My Committee is aware of the verbal reply given by you to Mr. Polak. That reply was unintelligible to my Committee. And in any case my Committee requests you kindly to give a written reply as to your requirements for proving to your satisfaction Mrs. Agjee's right to land.

The following is the reply, dated the 18th ultimo:—

"I am in receipt of your further letter in this matter of the 17th instant as to which I have the honour to say that Mr. Polak appeared here in the character of authorised representative of these parties, and in that

character received an explicit intimation of the requirements in writing.

"In addition to Mr. Polak, I have been in correspondence with Messrs. Goodricke and Laughton on the subject; and I desire to acquaint you that I am not prepared to submit to the inconvenience of dealing with a multiplicity of correspondents in this or in any like matter."

On the 24th ultimo, Mr. Jhaveri received the following letter from Mr. Polak:—

"The letter addressed to you on the 18th instant, by the Chief Immigration Officer, and which you have been good enough to refer to me, is open to some misconstruction, so far as my own intervention in these matters is concerned.

"I waited upon Mr. Colborne-Smith, on behalf of the above parties, and asked him, in addition to the evidence of marriage that had been filed with him, what further evidence would be required to satisfy him. He referred me to the circular, issued some months ago by Mr. Cousins, and which, he said, had not been complied with. I asked for a copy of this document, but as there was only an office copy, I was asked to make a copy of it for myself, which I subsequently did.

"Very shortly afterwards I waited upon the Chief Immigration Officer again, in the same matters, and pointed out to him that the terms of the circular, even supposing that it had legal effect, which I strongly doubted, were permissive and in no way obligatory. He admitted to me that the circular was not obligatory, and I thereupon asked him whether I was to understand from him that no other evidence, save that recommended in the circular, would satisfy him, to which he replied that he would not go so far as that, but that if I pressed him to state what other evidence would satisfy him, he would answer that he was at the end of his resources, a reply that I characterised as unsatisfactory.

"You have my permission to use this letter in any way that you may think fit."

On the same date as the above, the Chairman of the Committee addressed the following further letter to the Immigration Officer:—

"I have the honour to acknowledge the receipt of your letter of the 18th instant, herein, which I have referred to Mr. Polak for his comments thereon. I enclose his reply herewith.

"My Committee desire me to point out to you that they are as far to-day from knowing your requirements in these matters as they were when I first addressed you on the subject on their behalf. You do not appear to have given Mr. Polak any such explicit intimation of your requirements as to enable my Committee to take what further steps may seem to them advisable,

and I once more have the honour to request that you will kindly give me the information for which I have twice unsuccessfully applied to you.

"I would add that, whilst Messrs. Polak and Goodricke and Laughton represented Messrs. Agjee and Ameappen in a professional capacity, my Committee are interested in these cases from a public point of view, and they feel that they are entitled to receive independent information from you in their capacity as a public body representing communal interests. Moreover, they were practically invited by the Honourable the Minister for the Interior to refer to you for further information in this matter, and they very strongly deprecate the manner in which you have thought fit to treat their inquiry.

"It is a matter of some astonishment that you should regard such inquiries as those addressed to you by my Committee as being inconvenient, because you may have been already addressed thereon, on another basis entirely, by other persons, to whom, it would appear, your replies have been equally unsatisfactory. It should, however, be unnecessary for my Committee to remind you that a public body are entitled to apply for and to receive from a public servant such information, in matters of public interest, as his office enables him to afford."

The following is the reply of the Immigration Officer, dated the 27th ultimo:—

"I have the honour to acknowledge the receipt of your further communication herein dated the 24th inst.

"I have read Mr. Polak's letter, which you have been good enough to send to me, but, in respect that it invites exception while I am undesirous of controversy, I do not propose to particularly refer to any part of it.

"The contention expressed in the concluding paragraph of your letter is one from which I wholly dissent; and, as it appears to me, on a careful consideration of the circumstances, that your interest in the matter is extrinsic, I must decline to accede to your request.

"It is hardly necessary for me to add that, if the legal advisers of Messrs. Agjee and Ameappen require information, any enquiry from them will be answered to the best of my ability."

[NOTE: We understand that the Committee are moving further in the matter. It should be noted, from the above correspondence, upon which we comment in our leading columns, that Mr. Polak did not receive "an explicit intimation" of Mr. Colborne-Smith's requirements "in writing," save being asked to take a copy of the circular which, as the Officer admits, is not the only evidence that will satisfy him.—Ed. I.O.]

## Modern Civilisation

A writer in the Socialist paper *the Vanguard* says:—"I have known (not heard of, but known) eight girls to rent a room together, live through a cold winter without a fire, with no method of cooking except an oil stove, sleep on the floor because they could not buy furniture, go to bed week in and week out without undressing because they had not sufficient bedding to keep them warm, and live nearly three months at a time on corn meal mush without milk, molasses or anything to make it palatable. All this that they might retain the one thing left to them—honour."

A writer in the *Voice of Labour*, after quoting the above, adds:—"There are thousands of women in the sweat shops of New York, who are making shirts at six cents each, and tens of thousands of pale, tender girls working like abject slaves in cold damp basements and dark attics, ruining their eyesight and wrecking their health, toiling for cruel taskmasters for a mere pittance. A steady stream of these girls, from necessity to eat, is constantly flowing into the hells of infamy of the great cities. In London it is worse. Thousands of

men, women and children now in London sleep on park benches, in obscure doorways, on the ground in back alleys—anywhere they can lie down—and they live from swill barrels and scraps of fruit they can pick up from the streets while the nobility who never earned a dollar, but who have robbed the working people, live in a splendour that eclipses the extravagance of the kings of ancient Babylon."

## Dr. Murison's Report

From the Annual Report of the Durban Medical Officer of Health for the year ended 31st July, 1912, we find that the estimated population of the Borough was: Europeans 33,600, Coloured 2,800, Natives 18,400, and Indians 17,500, total 72,300. Dr. Murison considers that the term "Coloured" as used by the Census Commissioner, including as it does Mauritians, St. Helenas, Cape Coloured, and Indians is an unsuitable classification for Natal where such a large Indian population exists. He suggests the return to an annual census enumeration of the Borough by the Chief Constable. The total deaths during the year of Europeans was 362; Natives 110; Asiatics 296. The European death-rate is increasing. In 1909 it had gone down to 6.6 per 1,000; now it stands at 9.9. The Indian death-rate is steadily going down, although it is still very high. In 1907 it was 29.0; in 1908, 21.0; in 1909, 17.0; in 1910 17.9, and last year it had reached 16.9. The death-rate for England and Wales is 14.6 per 1,000. One European, six Natives and fifteen Asiatics died of Plague during the year. There was a big increase in the number of deaths from Phthisis amongst Asiatics. Last year there were 49 deaths; the year before there were 25. Thirty-three Asiatic deaths occurred from Pneumonia, which is slightly better than the previous year. There were 47 deaths from Diarrhoea, Catarrh, Enteritis amongst Asiatics which is 12 less than the previous year. Tuberculosis claimed 54 victims amongst Asiatics which represents a rate of 3.09 per 1,000. The previous year the number of deaths was only 28 and a rate of 1.64. Thus we see that the death rate had nearly doubled in one year from this cause.

Dr. Basil Adams, the Tuberculosis Medical Officer, says, in regard to Indians:—

"Very few Indian cases of Pulmonary Tuberculosis have come to my knowledge during the last six months. The majority of the notified cases were notified by the Hospitals, and many cases were imported and often no adequate address was given. The average Indian patient when once he has got Pulmonary Tuberculosis, is not amenable to treatment at home. I cannot satisfy myself as to the real reason of this, either their resistance to the disease is very poor, or the patient does not follow the rules laid down for treatment as to fresh air, diet, etc. Some few cases have done extremely well, but the majority of the patients die in a few months. Some of the cases have been returned to India, so this in some measure helps to reduce the number of Tuberculous cases actually resident in the Borough."

In conclusion Dr. Adams says:—"The Indian Health Visitor and Interpreter has been of great assistance in following up the Indian and Native cases. This is often a thankless task, as the Indian in many cases prefers to be left alone, but as far as I can see he has done this work conscientiously and tactfully."

Referring to the outbreak of Plague, Dr. Murison, in a special report, says:—

"By reference to previous Plague outbreaks in the Borough, it will be noted that the Indian population, although constituting only a quarter of the inhabitants, have usually borne the brunt of the incidence of Plague. Many factors have doubtless operated to produce this result, some of which were beyond the power of the Indian to obviate or prevent, but on the other hand it was clearly

gnised that ignorance, carelessness, and the general satisfactory habits of this race, produced conditions favourable to the spread of Plague. It was believed that sanitary improvements would be more readily and more effecting effected with beneficial results to all if an Indian Plague Committee was formed to act as voluntary sanitary workers, who would carry out instructions issued by this Department. The Committee was duly formed, and was of very material assistance. The Editor of INDIAN OPINION took every opportunity which his paper afforded to impress upon his readers the necessity for increasing the cleanliness of their homes and surroundings, the evils of over-crowding, the necessity for ventilation, and their public duty to report to the Public Health Department any mortality amongst rats or mice."

### From the Editor's Chair

#### OFFICIAL INTOLERANCE

THE correspondence between Mr. Harry Colborne-Smith and Mr. Omar Hajee Amod Jhaveri shows how difficult is the position of an Indian public body seeking to expose and remove what it considers to be a scandal. Mr. O. H. A. Jhaveri, in his capacity as Chairman of the Hon. Gokhale Committee, writes to the Minister of the Interior about a case that is of public importance. The Government inform him that evidence to the satisfaction of the officer in charge of the case should be tendered. The Committee thereupon approach him and inquire what evidence will satisfy him. Instead of answering a simple question in a straightforward and frank manner, he puts the Committee off by saying that the aggrieved party is legally represented. He forgets that the Committee has an interest distinct from and superior to that of the aggrieved party. For example, the latter might be called upon to produce evidence whose production would be derogatory to communal honour. Surely, the Committee is justified in demanding to know the character of the evidence required. But Mr. Colborne-Smith is concerned only with thwarting the claimant in his attempt to prove his claim, and, therefore, in effect, asks the Committee to mind its own business. We venture to suggest to the Chief Immigration Officer, as was done by the Committee, that he is a servant of the public, by whom he is paid. And the Committee—an important public body—has a right to demand information, and it is his duty to supply it in the straightest and speediest manner possible.

#### ALL'S WELL—?

MR. POLAK has been notified by the Registrar, at Pretoria, that the cases against the Dayal brothers have been withdrawn, and that their claims have been admitted. Justice, therefore, would appear to have been tardily done to the two brothers, their young wives, and their baby. But it is justice bought at too dear a price. Let us recall the circumstances under which they reached the inhospitable shores of the Union—or, rather, the Province of Natal. For an Indian is still confined to the Provincial boundary, which he may not overstep. On their steamer reaching Durban harbour, they presented their credentials. One of the brothers presented the double claim of being able to reside in Natal on the strength of his English knowledge and to reside in the Transvaal on the strength of his having been resident there on the 31st May, 1902. The other brother could only prove the Transvaal claim. Both produced certificates of marriage. The elder has a baby in arms. In order to enable them to prove their claims, they asked for visiting passes for themselves and their wives. The Immigration Officer, however, declined to issue visiting passes. The young men had to move the Supreme Court for an interdict and, whilst

their steamer was about to leave, they were taken off and granted visiting passes under the Supreme Court Order. That, however, did not end their difficulty. At the end of the period mentioned in the visiting passes, they asked for an extension on the ground that they had not yet heard in reply to their application for registration in the Transvaal. The Immigration Officer declined to extend their passes. Meanwhile, the elder brother's claim to reside in Natal, on the strength of his ability to pass the education test, was admitted, but the proof of marriage was rejected because it was not in accordance with the notorious circular already printed in these columns. The brothers, therefore, crossed the border in company with their solicitor, Mr. Polak. But, although their application for residential rights was under consideration, they were, in accordance with instructions from Pretoria, charged under the Immigration Act as prohibited immigrants. The case was remitted to Pretoria, and remanded to the 30th ultimo. On the 27th, however, Mr. Polak received the notification we have already referred to.

Now the questions that arise out of this painful story of obstruction are: Why are not Transvaal Indian applicants allowed to land as of right to prove their claims, and why are visitors' passes, in such cases, not issued for the asking, and against tender of security for the withdrawal of the applicants, if their claims are not proved? Why were these particular applicants put to the expensive necessity of moving the Supreme Court? Why were their passes not extended pending the result of their applications? Why was their wives' claim rejected altogether by the Natal Officer? (It has been admitted by the Transvaal Officer.) Why were they treated as prohibited immigrants upon entering the Transvaal, before the Transvaal Registrar had had an opportunity of considering their claims to enter and reside in that Province? Were all these steps part of a plan to put even British Indians, possessing lawful claims, to endless trouble in pursuance thereof, so that it may prevent as many as possible from establishing their rights and deter many more, upon hearing such tales of persecution, from even leaving India for South Africa? These are questions which the Hon. Mr. Gokhale's Committee is entitled to ask? And let us hope that the matter will be taken up, too, in the House of Commons.

#### A CORRECTION

IN our issue of the 18th ultimo we referred to the recently published rules regarding the Natal Schools, and we stated that the rules were framed for the first time prohibiting the entry of Indian children into the Government Schools not specially set apart for them. Our attention has, however, been drawn to the fact that similar rules were framed some time ago and that we commented already upon them at the time. We regret that we should have inferred from the rules in question that the authorities had added a new grievance to the heavy list already existing. The wrong is none the less a serious one because it has existed for sometime. The Provincial Government might have taken the opportunity, seeing that they were recasting the rules, of removing the defect instead of perpetuating it.

Our attention has also been drawn to the fact that a hasty reader might conclude, from our remarks, that Indian children in Natal could not receive education in the Government schools beyond the 4th Standard. The friend to whom we are indebted for the caution points out that what was formerly the Higher-Grade Indian School at Durban provides for the education of Indian children up to the 6th Standard. This we knew perfectly well. But we mentioned that Indian children could not, in effect, receive more than elementary education. And the late Higher-Grade School, whose name was always a misnomer, gives no more than elementary education. The 6th Standard of that school is the 6th Standard of an elementary school, and hardly equal to the 4th Standard of a High School in India. This school affords no scope for a lad who wishes to

matriculate at Cape University. He may not be admitted to ordinary High Schools or the Natal University College. He must take private tuition. This is a handicap of which the community justly complains. Mr. Merriman, the other day, suggested, at the opening of a Moslem School in Capetown, that the true solution of the colour question was education. Quite so. But the Government of the Union puts every obstacle in the way of coloured children, whether Natives or Asiatics.

### HERTZOGISM

It was what the special correspondent of the *Star* says about General Hertzog's position in the Union Cabinet, when he was still a Member of it, be true, the news is disquieting. We printed, last week, the *Star* correspondent's report, according to which the visit of Mr. Gokhale was a proximate cause of the rupture between Generals Botha and Hertzog, the latter wishing that Mr. Gokhale should interview him, as he was in charge of Native Affairs. In General Hertzog's estimation, evidently, Natives and Asiatics should be classed together. However, General Botha's voice prevailed. He wanted to handle Mr. Gokhale as his visit bore an Imperial significance. General Hertzog, therefore, became irritated and delivered his famous speech on Imperial responsibility, which brought about his compulsory exclusion from the Cabinet. It was no light matter for General Botha to dismiss his colleague. He has yet to reckon with Hertzogism. We may still less lightly dismiss the great General or his policy. He is still a powerful force in South African politics. He apparently represents the extreme wing of the anti-Asiatic party that would be satisfied with nothing less than our complete segregation and national humiliation. The passive resistance compromise which almost threatens, as we hinted two weeks ago, to break down, has still to be given legal effect to. Dealers' licences legislation is still a tangible grievance. Immigration administration continues to irritate the community. If Hertzogism wins the day, we have trying times ahead of us. But even if it does not, it is highly likely that, so far as its anti-Asiatic programme is concerned, it may be accepted *in toto* by General Botha. When every vote counts, we, who are voteless, may be safely brushed aside. But, though we are voteless, we need not be voiceless, so long as we keep ourselves well armed with the powerful, yet harmless, weapon of passive resistance.

## Mr. Gokhale at Bombay

(Continued)

### Relentless Oppression

But some local authorities were carrying the policy of relentless oppression still further by breaking up old locations if Indians were found to be doing business successfully in them and ordering them to remove to fresh locations even more disadvantageously situated. The speaker had personally visited several locations and he could only say that the whole policy involved in them deserved to be denounced in the strongest terms. They would thus see how gravely disturbed and anxious the mind of the Indian trading community in South Africa was. The labouring population in addition to many disabilities laboured under a special grievance of their own which caused them untold suffering, i.e., the £3 Licence Tax. The speaker had no hesitation in saying that a more cruel impost it was impossible to conceive. Under it all ex-indentured Indians in Natal who completed their indentures after 1901 and their descendents were liable to pay annually £3 each, all males above the age of 16 and females above the age of 13 being so liable. And for non-payment they were sent to jail with hard labour. That under any law a girl of 13 should have to pay £3 a year to

to the State and should be liable to be sent to jail with hard labour for non-payment, was a thing so horrible to contemplate. If they took an ordinary family of a father, a mother and two daughters of 12 and 15 with one or two younger children, they would find that the family had to pay £12 a year for the mere permission to live in the colony of Natal—and that after the man and the woman had contributed five years' labour to the prosperity of the Colony under a system of indenture. Now the average monthly wage of the man might be taken at about 25 shillings and the woman with her two daughters after looking after the household might earn about 16 shillings a month among them—a total income of about £2 a month.

Out of that sum £1 or full one-half had to be given as that miserable Licence Tax. After that there was rent to pay and the cost of food and clothing and all ordinary taxes common to the general community. Need anybody wonder that a prominent member of the Natal Legislature declared openly two years ago that the impost broke up families, drove men into paths of crime and women into lives of shame. One of the most harrowing sights at which Mr Gokhale had to be present was a meeting in Durban of those who were liable to pay the £3 Tax. About 5,000 persons were present. As man after man and woman after woman came forward and narrated his or her suffering due to the Tax, it was impossible not to feel overwhelmed by feelings of indignation, pity and sorrow. One old woman of 65 was there who had been to jail six times for inability to pay the tax and Mr. Gokhale could not recall the case even after that interval without emotion. As things stood, unless a fairly satisfactory settlement was soon arrived at it would not take many years for the Indian community of South Africa to be practically harassed out of the country after undergoing great suffering and losses.

### Position of European Community.

That was the position of the Indian community as he found it. He wanted next to describe to them briefly the position of the European community. It was necessary to understand that position clearly, to understand their interests, their difficulties, their view and their sentiments and even their prejudices. They were a handful of people—only about a million and a quarter in all—in the midst of a vast indigenous population at a totally different grade of civilisation. And the contact between the two races had already created grave problems—social, political, economic and moral—which were already filling the European mind in that sub-continent with uneasiness, misgiving and even dread. And they found in the midst of their difficult and complicated situation a third element introduced belonging to another civilisation and representing other modes of life and thought. It was true that the present number of Indians in South Africa was only a lakh and a half against 12½ lakhs of Europeans. But the Europeans felt that there were 300 millions of people in India and if Indians continued to come freely into South Africa, there was nothing to prevent several millions from going there and swamping the European community and practically making the country another India. The fear was based on an absolute misapprehension, but it was there deep and strong and general and no useful purpose would be served by shutting one's eyes to it. In addition to this, there was first the tremendous colour prejudice which existed in that land—a prejudice felt even more by the Dutch than by the English—and secondly the dread of Indian competition on the part of small European traders, who felt that they could not hold their own against their Indian rivals in a fair field, owing to the Indian's less expensive scale of living. The combined result of all these causes was the present harsh and oppressive policy towards Indians—a policy plainly directed to making the lot of the Indians in that country so hard as practically to compel them to leave the country, or if remain they must, to remain there as a servile, degraded and depressed community.

### A Grave Situation

Such was the position—grave, anxious and extremely difficult. What was to be the way out of it? So long as the European mind in South Africa was dominated by the fear of a serious influx of Indians swamping the Europeans, so long there was no chance of securing—leave alone absolute equality—even reasonably just and humane treatment for our countrymen such as would enable them to live in peace and security and steadily advance to the position of a worthy element in a self-governing community. Even the best friends of Indians among the Europeans in South Africa—and there was a small section that could be thus described—were convinced that unless the fear of being swamped was removed from the European mind, they were powerless to urge with any effect the plea of more just and more humane treatment for the Indian community. Another section, a much larger section, that had the sense of fairness to feel heartily ashamed of the present policy pursued towards the Indians, would also then, but not till then, sympathise with the struggle of the Indians against their present treatment. The Indian community of South Africa itself also clearly felt the necessity of removing that fear, groundless more or less though it was, in view of the fact that the average number of free immigrants during the last few years had been only between 40 and 50—a number, however, which the ordinary European there did not accept and could not be persuaded to accept as correct. For some time past, therefore, the policy of our countrymen in South Africa under the leadership of Mr. Gandhi was, while insisting on maintaining intact their theoretical rights as equal subjects of the Empire in the legislation of the country, to strive for such a modification in practice of the present policy of injustice and oppression as would enable the community to live and prosper in peace and security and steadily advance in status and importance in that land. And even the briefest visit that one could pay to South Africa would satisfy one that that was the only wise, sound, practical, and statesmanlike course for the Indians to adopt in existing circumstances. It was in accordance with that course that in the compromise which was arrived at between Mr. Gandhi and General Smuts last year, under which the passive resistance movement was suspended, the Union Government agreed not to make any legislative differentiation against Indians in the proposed new immigration law. Mr. Gandhi on his side agreed that in practice the discretion vested in the executive administering the law might be exercised by the administration as it thought reasonable, subject to a minimum number of Indians being admitted every year to supply the higher needs of the community and replace its wear and tear in certain directions. That minimum was six Indians for the Transvaal where under the existing law no Indian whatever was admitted. For the whole Union a minimum now asked was forty, which was the present number of free immigrants annually on an average of seven years. The essence of the compromise was that by removing legislative inequality the theoretical rights of the Indians as subjects of the Empire should be maintained, while by agreeing to a limitation of new immigrants to the present average number, the fear of an indiscriminate influx which haunted the European mind should be removed. Once that was done, the Indians there could struggle far more effectively than at present for a juster, more equal and more humane treatment in other respects. Mr. Gokhale's own work in South Africa had been done on those lines. He did not ask for an inch either more or less than what the Indian community there had been asking. His one advantage was that he was enabled to have access to the European community as no other Indian had it before him and he was thus enabled to address his appeal for justice and humanity to the very heart and conscience of the European community, speaking to its members face to face.

### The Open Door Policy

On his return to India the previous day Mr. Gokhale said he was astonished to learn that the view was expressed in some quarters that the line taken by him in South Africa was wrong, that he should have stood out there for the open door in practice and nothing less and that the surrender of India's rights in the matter already made by Mr. Gandhi had been confirmed by him. All he would say in regard to that criticism was that those who passed it did not show any real grasp of the problem in South Africa. The supreme question of the Indian community there was not to urge a policy of the open door for more Indians to come there, but to secure such an amelioration of the conditions under which they live that their lot might become more bearable and they might have opportunities of growing into an important part of a self-governing community. And the only chance of their securing that was if they approached the whole question in a practical spirit. Mr. Gokhale could easily have stood out for the open door in practice in South Africa. He could have made brave speeches on that subject and could have returned to his country feeling that he had made brave speeches. But the cause of the Indian community in South Africa could not have been served that way. The European community would have been made, if anything, more implacable in their determination to get rid of the Indians at all costs and the eventual expulsion of Indians from that sub-continent would only have been hastened by such a course. As regards the charge brought against Mr. Gandhi it amounted to an utter travesty of the actual facts. After all their rights to equal treatment in the Empire to-day were largely theoretical. But even to maintain them theoretically intact Mr. Gandhi had been four times to goal and had inspired hundreds of his countrymen to do the same. Those theoretical rights would no doubt steadily grow more and more into rights enjoyed actually in practice, but that was a matter of slow growth and it depended in a large measure upon the improvement of their position in India itself.

### Present Outlook

In concluding Mr. Gokhale said:—Ladies and gentleman, before I sit down you may well ask me what is now the outlook in South Africa. Well, the catalogue of our grievances there is so long that as General Botha said to me, in the course of our interview, even the strongest Ministry that could be conceived in South Africa to-day could not be strong enough to remedy those grievances all at once and if it attempted any such thing it would straightway be hurled from power. The situation is such that though we must keep up the struggle ceaselessly, we must not expect anything else than a slow, though steady, amelioration of our lot. But I think in certain matters relief will be forthcoming almost immediately. In the first place, I fully expect that the provisional settlement arrived at between Mr. Gandhi and General Smuts as regards the passive resistance movement, which the Government found itself powerless to carry through Parliament last session, will be successfully carried through this year. The actual working of the Immigration law also will, I expect, soon become milder and more considerate. Then that outrageous impost the three pound license tax, will, I fully expect, go in the course of this year. In fact I may mention that Ministers have authorised me to say that they will do their best to remove the grievance as early as possible. In the matter of education also the position will materially improve and the actual administration of laws such as the Gold Law and Township Act will tend to become less and less burdensome. In one respect, however, I fear the position will not soon change for the better, and it is even possible that it may even grow worse before it becomes better. And that is in regard to trading licences. Here, however, our community is fighting for bare justice. And it has behind it its

the matter the sympathy not only of the Government of India and of the Imperial Government but also of the better mind of the European community in South Africa. And in the struggle, if only we in this country do our duty properly, our countrymen there will win. And this brings me to my concluding observations. Ladies and gentlemen, I strongly feel—many friends of our cause in England and South Africa also feel—that so far India has not done her duty by her children across the seas, struggling to uphold her honour amidst unparalleled difficulties. One man amongst us, it is true, has set a great and glorious example—my friend Mr Ratan Tata—whose name I assure you is held in the deepest affection and gratitude by the Indian community in South Africa. A committee in Madras has also done some work and the committee here has collected some funds, but all these taken together amount to but little, considering the issues involved. I hope, however, that whatever may have been our remissness in the past, we shall do better in this respect in the future. I hope we shall all take in the future more interest in what will go on in South Africa, follow the developments more carefully and enable our countrymen there to feel that we stood solid and united behind them. I hope too that we shall collect and send much larger funds in aid of the cause there than we have hitherto done. Remember the community there is already exhausted financially and otherwise by its long struggle. Remember also that it requires assistance not only in waging this most unequal struggle, but for providing educational and other facilities for the moral and material well being of its children. Remember finally that it is not merely the interests of the Indian community in South Africa alone that are involved in the struggle, but our whole future as a nation in this Empire is involved in it. In proportion therefore as we do our duty in this matter, shall we have advanced more and more towards a position in this Empire more worthy of the self-respect of civilised beings. In proportion as we do this duty shall we have deserved well of our country, of our children and our children's children.

(To be continued)

## News in Brief

The adjourned meeting of the Hon. Gokhale Reception Committee was held on Wednesday evening last when the accounts were passed, and the meeting authorised their publication in pamphlet form at an early date.

Both the Germiston and Springs Municipalities have adopted the resolution submitted by the Volksrust Municipality in regard to Asiatics, published by us last week.

We have just received intimation that the Estcourt Indian School held their annual sports on the 14th December last and that the function was a successful one. We would suggest to the sender that he is rather late in sending his report.

The Medical Officer of Health, Johannesburg, in condemning certain premises in the centre of the town, told the Court that he thought coloured people should live in locations. Answering a question about low whites, he said it would be a good thing if they, too, were kept in locations.

The *Times of Natal* announced on Thursday in last week that a detachment of Natal Police with Native Constables had been dispatched to Darnell Sugar Estate, as trouble was apprehended among the Indians on Sir Lietz Hulett's estate. The same paper on Sunday reported that all was quiet.

An Indian, charged with desertion and for having no pass, in the First Criminal Court, Durban, informed the Court that he would prefer to undergo a sentence of five years' imprisonment than return to his employer. The *Advertiser*, from which we take the information, does not trouble to inform its readers of the name of the employer, which is a pity.

"Forbidding appeal to the Law Courts on the general merits of an application [for a trading licence] is of questionable wisdom, and is certainly opposed to the British idea, that every interest and every question should be subject to the impartial judgment of our legal tribunals," says the *Natal Witness*.

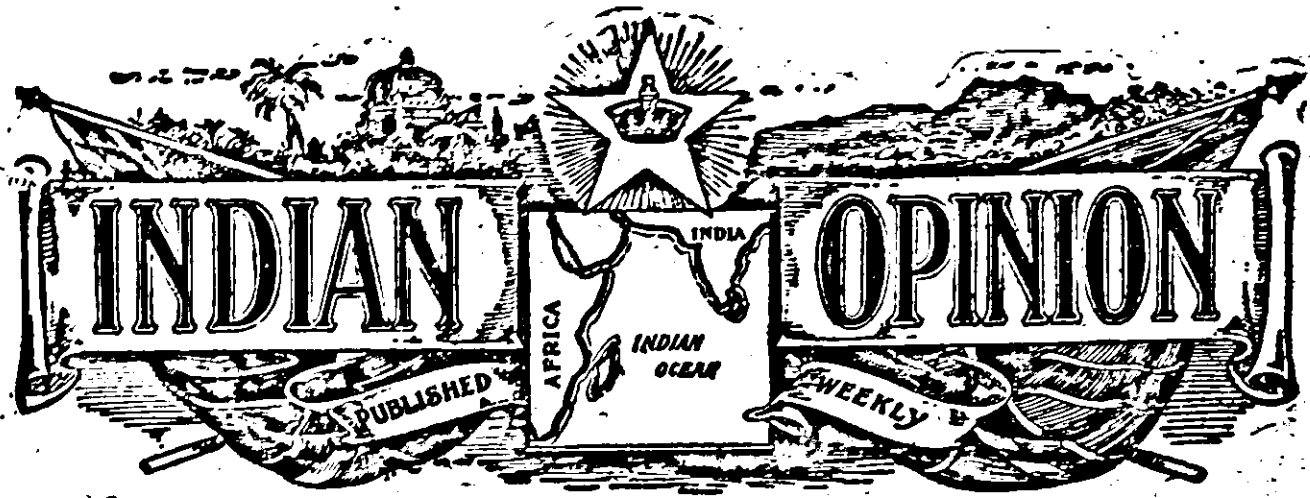
The case of bribery, charged against the Superintendent of the Boksburg Location, was brought before Mr. H. Britten, R.M., on the 23rd ultimo, at Boksburg. Sergeant Bolton led for the Crown; Mr. L. Blackwell (instructed by Mr. P. C. Bredell) appeared for the defence; Mr. R. S. Rigg for the Municipality, and Mr. Rich for the Indians concerned, held watching briefs. A Chinese witness gave evidence in regard to certain fees paid. The case was adjourned to February 10.

In the Union House of Assembly on Tuesday last, Mr. Van der Walt (Pretoria South) gave notice that on Feb. 4 he would ask the Minister of Railways and Harbours whether, owing to the unsatisfactory state of affairs with regard to Europeans and coloured persons having to travel in the same carriages, he would at once give instructions to have Europeans and Natives kept rigorously apart, and that there should be special carriages for each.

At the Durban Town Council meeting on Tuesday last, the Borough Engineer submitted a further report after conference with representatives of the Indian sports community regarding the amendment of his original proposals for the laying out of Indian sports grounds at the foot of the Botanic Gardens. The Engineer had prepared a fresh estimate showing an expenditure of £4,565 as against the original scheme costing £7,559. The committee recommended that a copy of the Borough Engineer's report be forwarded for the information of the Indian Sports Committee.

We regret to announce the untimely death of the late Mr. G. S. Pillay, a pioneer of the Transvaal and a staunch passive resister, after a prolonged illness, at the residence of his mother, 210 Market Street, Johannesburg. The deceased had served several terms of imprisonment during the passive resistance struggle and was once deported to Natal. In spite of his shattered health he braved the hardships of prison life and has ever since not enjoyed good health. He leaves a large family to mourn his loss. We extend our heartfelt sympathy for the irreparable loss they have sustained.

It has been the custom for many years at the Central Station, Durban, to bring alongside the platform, at about ten or eleven o'clock at night, the train which is due to leave for Maritzburg at 2.30 a.m. the next morning. This allows passengers to enter the carriages at a convenient hour and retire to rest. On the 21st ultimo Mr. M. D. Timol, a prominent Indian resident of Durban, accompanied by some ladies, attempted to enter a first-class compartment on this train about 10 p.m. The carriages were locked, and he asked a conductor to open one, which the latter refused to do. Mr. Timol approached the official several times afterwards, but he ignored his request, and the unfortunate passengers were compelled to sit for three hours in the open station. As Mr. Timol has several times before travelled by the same train and been allowed to enter the carriage, he cannot understand why he was refused on this occasion, and he has, therefore, made a complaint to the Superintendent of the Railways.



No. 6—Vol. XI.

SATURDAY, FEBRUARY 8TH 1913.

Registered at the G.P.O. as a Newspaper  
PRICE THREEPENCE

## STILL MORE SCANDALS

**T**WO more scandalous instances of immigration maladministration have occurred this week. Some months ago, Mr. M. A. Kotwal, one of the best-known Indian residents of Durban who has been in Natal for something like 22 years, left on a tour through Europe and America, with the intention of returning to Durban thereafter, and provided himself with a passport for foreign use, issued by the Minister of the Interior. By the s.s. *Markgraf*, which arrived this week from India, came his son, a boy of twelve years, who had been himself resident in Durban for a number of years, and who produced his own domicile certificate. The Chief Immigration Officer refused to allow him to land, as his father was not in Natal, and his friends have had to apply to the Supreme Court for an interdict to prevent his deportation to India.

Travelling by the same vessel came Mahomed Sadak, the ten-year old son of Moulvi Abdul Vahed, of Capetown, and nephew of a well-known Indian resident of Durban. His uncle had previously filed an affidavit with the Chief Immigration Officer, stating the relationship, explaining that the boy was travelling with his aunt, Mr. Vahed's wife, and asking for the issue of a visiting pass, as the *Markgraf* was not going direct to Capetown and he did not know anyone going there immediately with whom he could send the boy to his father. Upon the arrival of the vessel at Durban, it was discovered that a number of Indians were proceeding to Capetown on Thursday by the Union-Castle mail-boat, and Mr. Vahed undertook to send him there by the same boat, a suggestion that was, at first favourably considered by the Chief Immigration Officer. On Wednesday morning, however, the day before the *Markgraf* was due to leave on the return voyage to India, he notified the uncle that he did not propose to allow the boy to proceed to Capetown, even if a return ticket were purchased, as he did not know whether the boy would be received there. At 11 a.m., he sent a telegram to the Cape Immigration Officer, asking whether he would receive the boy, to which a reply came in the negative late in the afternoon. At about 4 p.m., a representative of Mr. Vahed attended at the Immigration Office, with a view to see the Chief Immigration Officer, to point out the special circumstances of the case and to exhibit a Natal domicile certificate belonging to the boy's father, who had sent it to his brother in Durban, and which bore the father's photograph. The representative, who had several times telephoned to inquire for Mr. Colborne-Smith, and who had been repeatedly informed that he was out, was now informed that he had left for the day and that it was not known where he could be found. He was further informed that, in the Chief Immigration Officer's absence, and without his definite instructions, nothing could be done. Asked to take

the domicile certificate on board, so that the boy's relationship to his father could be tested by recognition of the photograph, the officer in charge refused. Asked to whom application was to be made during office hours in the absence of the Chief Immigration Officer, the reply was that nothing whatever could be done. An hour later, a telegram was received by Mr. Vahed from his brother in Capetown to the effect that the local Immigration authorities had agreed to the boy's travelling there by the mail-boat. The message, however, arrived too late to be placed before Mr. Colborne-Smith, and as the *Markgraf* left at day-break on Thursday, the boy was sent away from Natal unprotected.

More: We refer to these cases in our leading columns.—D. L. L.

### Further Serious Allegations

Mr. M. M. Diwan writes from Colombo, on board the *Salamis*, that, on the same steamer there was an Indian named Mahomed Sayed, of Surat. This man came to Natal by the same steamer and, as he was refused a landing, had to return to India. The man stated that he came to Natal in 1892 with his father, Cassim Hoosen, settled at Ladysmith and carried on business as a hawker. In 1905 his father died. Before going to India in 1908, Mahomed Sayed obtained a domicile certificate. In his application he filed corroborative statements of two well-known Europeans of Ladysmith, named Lane and Willey, also of an Indian named Kalu Hoosen. When he arrived at Durban the last time the Immigration Officer took away his certificate, asked him a lot of questions and left him on board. The boat proceeded to Capetown and returned again to Durban. Eventually the boat sailed for India and his certificate was not returned nor was he informed why he was not allowed to land. The poor man, says Mr. Diwan, is in sore straits and has no means wherewith to again make the attempt to come to Natal. Funds were collected among the passengers to enable him to get to his destination in India and provide him with food for the journey.

Mr. John X. Merriman opened a new Moslem school in the Malay quarter of Capetown, on the 27th ultimo. After advocating education, even for those engaged in manual labour, he expressed the opinion that in education would be found a solution of many of our present problems. There was, he pointed out, no connection between Mohammedanism and the reluctance to obtain Western or modern education, and it was not faith which forbade culture. Nor was Mohammedanism necessarily connected with intolerance. He instanced the Indian monarch Akhbar, who extolled the virtue of tolerance in an inscription at Kabul.

the matter the sympathy not only of the Government of India and of the Imperial Government but also of the better mind of the European community in South Africa. And in the struggle, if only we in this country do our duty properly, our countrymen there will win. And this brings me to my concluding observations. Ladies and gentlemen, I strongly feel—many friends of our cause in England and South Africa also feel—that so far India has not done her duty by her children across the seas, struggling to uphold her honour amidst unparalleled difficulties. One man amongst us, it is true, has set a great and glorious example—my friend Mr Ratan Tata—whose name I assure you is held in the deepest affection and gratitude by the Indian community in South Africa. A committee in Madras has also done some work and the committee here has collected some funds, but all these taken together amount to but little, considering the issues involved. I hope, however, that whatever may have been our remissness in the past, we shall do better in this respect in the future. I hope we shall all take in the future more interest in what will go on in South Africa, follow the developments more carefully and enable our countrymen there to feel that we stood solid and united behind them. I hope too that we shall collect and send much larger funds in aid of the cause there than we have hitherto done. Remember the community there is already exhausted financially and otherwise by its long struggle. Remember also that it requires assistance not only in waging this most unequal struggle, but for providing educational and other facilities for the moral and material well being of its children. Remember finally that it is not merely the interests of the Indian community in South Africa alone that are involved in the struggle, but our whole future as a nation in this Empire is involved in it. In proportion therefore as we do our duty in this matter, shall we have advanced more and more towards a position in this Empire more worthy of the self-respect of civilised beings. In proportion as we do this duty shall we have deserved well of our country, of our children and our children's children.

(To be continued)

## News in Brief

The adjourned meeting of the Hon. Gokhale Reception Committee was held on Wednesday evening last when the accounts were passed, and the meeting authorised their publication in pamphlet form at an early date.

Both the Germiston and Springs Municipalities have adopted the resolution submitted by the Volksrust Municipality in regard to Asiatics, published by us last week.

We have just received intimation that the Estcourt Indian School held their annual sports on the 14th December last and that the function was a successful one. We would suggest to the sender that he is rather late in sending his report.

The Medical Officer of Health, Johannesburg, in condemning certain premises in the centre of the town, told the Court that he thought coloured people should live in locations. Answering a question about low whites, he said it would be a good thing if they, too, were kept in locations.

The *Times of Natal* announced on Thursday in last week that a detachment of Natal Police with Native Constables had been dispatched to Darnell Sugar Estate, as trouble was apprehended among the Indians on Sir Lietz Hulett's estate. The same paper on Sunday reported that all was quiet.

An Indian, charged with desertion and for having no pass, in the First Criminal Court, Durban, informed the Court that he would prefer to undergo a sentence of five years' imprisonment than return to his employer. The *Advertiser*, from which we take the information does not trouble to inform its readers of the name of the employer, which is a pity.

"Forbidding appeal to the Law Courts on the general merits of an application [for a trading licence] is of questionable wisdom, and is certainly opposed to the British idea, that every interest and every question should be subject to the impartial judgment of our legal tribunals," says the *Natal Witness*.

The case of bribery, charged against the Superintendent of the Boksburg Location, was brought before Mr. H. Britten, R.M., on the 23rd ultimo, at Boksburg. Sergeant Bolton led for the Crown; Mr. L. Blackwell (instructed by Mr. P. C. Bredell) appeared for the defence; Mr. R. S. Rigg for the Municipality, and Mr. Ritch for the Indians concerned, held watching briefs. A Chinese witness gave evidence in regard to certain fees paid. The case was adjourned to February 10.

In the Union House of Assembly on Tuesday last, Mr. Van der Walt (Pretoria South) gave notice that on Feb. 4 he would ask the Minister of Railways and Harbours whether, owing to the unsatisfactory state of affairs with regard to Europeans and coloured persons having to travel in the same carriages, he would at once give instructions to have Europeans and Natives kept rigorously apart, and that there should be special carriages for each.

At the Durban Town Council meeting on Tuesday last, the Borough Engineer submitted a further report after conference with representatives of the Indian sports community regarding the amendment of his original proposals for the laying out of Indian sports grounds at the foot of the Botanic Gardens. The Engineer had prepared a fresh estimate showing an expenditure of £4,565 as against the original scheme costing £7,559. The committee recommended that a copy of the Borough Engineer's report be forwarded for the information of the Indian Sports Committee.

We regret to announce the untimely death of the late Mr. G. S. Pillay, a pioneer of the Transvaal and a staunch passive resister, after a prolonged illness, at the residence of his mother, 210 Market Street, Johannesburg. The deceased had served several terms of imprisonment during the passive resistance struggle and was once deported to Natal. In spite of his shattered health he braved the hardships of prison life and has ever since not enjoyed good health. He leaves a large family to mourn his loss. We extend our heartfelt sympathy for the irreparable loss they have sustained.

It has been the custom for many years at the Central Station, Durban, to bring alongside the platform, at about ten or eleven o'clock at night, the train which is due to leave for Maritzburg at 2-30 a.m. the next morning. This allows passengers to enter the carriages at a convenient hour and retire to rest. On the 21st ultimo Mr. M. D. Timol, a prominent Indian resident of Durban, accompanied by some ladies, attempted to enter a first-class compartment on this train about 10 p.m. The carriages were locked, and he asked a conductor to open one, which the latter refused to do. Mr. Timol approached the official several times afterwards, but he ignored his request, and the unfortunate passengers were compelled to sit for three hours in the open station. As Mr. Timol has several times before travelled by the same train and been allowed to enter the carriage, he cannot understand why he was refused on this occasion, and he has, therefore, made a complaint to the Superintendent of the Railways.