

Indian Opinion

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M.L.A. ADDRESSES INDIAN CONSTITUENTS

MR. H. A. OLIVER, C.M.G., M.L.A., addressed the British Indian electors of his constituency at Kimberley, on the 25th ultimo. The meeting, which was a large and representative one (says the *Diamond Fields Advertiser*) was held under the aegis of the Indian Political Association, the subject upon which Mr. Oliver spoke being the Immigration Regulation Bill.

The Chair was taken by Mr. P. M. Dawson, President of the Indian Political Association, and with him on the platform were Messrs. T. Vedia Pillay, Mahomet Sharif, V. Samy, Ahmed Mahomet, V. K. Padayachy, and S. R. Naidoo, with the Hon. Secretary, Mr. R. S. Padayachy.

The Chairman, in opening the proceedings, said he had the honour and privilege of introducing Mr. Oliver, who represented this constituency in Parliament. They would remember the Immigration Restriction Bill, against the provisions of which they had occasion to protest some weeks ago. They would also remember the splendid speech which was delivered by Mr. Oliver when opposing that Bill. This Bill had passed the third reading after certain amendments had been made, and would become law in August. Mr. Oliver (continued the speaker) had kindly come that afternoon to explain the text of the Bill as it now stood, and he (the speaker) had no doubt they would give Mr. Oliver a fair and attentive hearing. (Applause.)

Mr. Oliver's Speech.

Mr. Oliver, who had a most cordial reception, said he was holding a meeting on the Thursday night in the City Hall, which was open to all, but that on that occasion he would not have time to talk about the Immigration Restriction Bill. He therefore decided to hold a special meeting for the Indian community. He had been asked to explain to them that afternoon a few of the clauses of the Immigration Act which had just been passed, especially as it affected Indians in South Africa, and to point out

Several Improvements

which they managed to get after hard fighting in the House of Assembly. In the past there had been different laws in the four colonies as regards immigration, and he thought they would agree with him when he said that the rites and privileges granted to the Indians in the Cape Colony were much better than those given to Indians in the Transvaal. They knew that one law in the Transvaal (viz., Act No 2 of 1907, which provides for compulsory registration) caused a lot of trouble in the Transvaal, and led to the passive resistance movement. They will be pleased to hear that it was now repealed, and that the objectionable law was not now in force. (Applause.) They would understand that the Immigra-

tion Bill which had just been passed would apply equally to the four Provinces of the Union, viz., the Cape, Transvaal, Orange Free State, and Natal. Those of them who followed the debates in the House of Assembly upon the Immigration Bill would know that the Unionist Party, to which he belonged, fought very hard to get the Bill improved, and to make the conditions more favourable to them. They succeeded in some instances, but not in all, and whilst he realised that they would not think all the provisions of the Bill satisfactory, yet if they read the Bill as it was introduced, and then read the Bill as passed, they would, he thought, admit that it had been greatly improved by the Unionist Party's efforts; and he also wished to say that they had reason to be especially thankful to Advocate Alexander for the splendid way in which he fought in their interests. (Applause). He (the speaker) received a copy of a petition from the Cape British Indian Union stating their objections to the Bill as published, and he ought to tell them that all the Unionist Party could do was to try and stop

Undesirable Legislation,

and they had tried to get the Bill postponed for a year in order that members could find out what the Indians wanted. He would now read their objections as contained in the petition he had mentioned, and tell them how far they were successful in obtaining the alterations they asked for. Mr. Oliver read the clause in which the right of appeal to the Courts—when the liberty of a subject is at stake—was asked for by petitioners. This, the speaker said, he was glad to announce had been altered, and they now had a clause granting appeal to the Courts before sending a man out of the country. Clause four of the petition was read, in which the petitioners asked that the onus of proof that an immigrant was a prohibited person should lie on the immigration officer. His party, said Mr. Oliver, fought very hard to get that condition into the Bill, but the Government said it was a matter for inclusion in one of the regulations under the Bill. If, continued the speaker, the Indians found the regulations objectionable, he would advise the Indian Union to give him a list of their objections, which he would place before Government, and which was all they could do in the meantime. In reference to the petitioners' request that a subject's wife, married abroad in accordance with recognised religious ceremonies, should be permitted to join her husband in the Union, the speaker said they doubtless knew that a short time ago all the Indians were very much annoyed with a judgment given against an Indian who had brought

A Wife from India.

That judgment was considered objectionable, and

on representations being made to Government they would not admit that it referred to a case in which a man had only one wife, but that he had brought out a second wife, and that polygamy was not permitted by law in this country. They had, however, now settled that an Indian could have one wife, and further, that if it was proved that the woman was married under Indian custom the Bill will permit of the admission of the wife, which was a great improvement on the old law. On the question of granting return permits—without the lengthy delay now experienced to subjects who had temporarily left the country, the speaker stated that, in reply to a request that these should be granted, the Government said that this was another matter for a regulation. He thought Indians should be allowed to go home for more than a year, and he would try to get a regulation for three years, or better still, as long as they liked. (Applause). With regard to the request for the appointment of an official in India who could inquire into the question of whether any person, wife or child of a resident in the Union, wishing to come to South Africa was entitled to do so, the speaker stated this was also a matter, the Government said, for a regulation, and he urged that the Indians must

Give Government no Peace

unless they got redress. On the question of the appointment of boards to determine appeals by a person coming under the Immigration Act, the Government's Bill had the words: "Each such Board shall, subject to such directions as the Minister may lawfully issue under this Act, have jurisdiction, etc." These words, continued the speaker, were important, and his party objected to the Minister telling the Boards what they should do. What would be the use of the Board? Those words, he was glad to say, had been left out in the amended clause, and a more favourable one substituted. The next alteration was in clause 3 in the old Bill, where, if the Board decided that an immigrant was undesirable, he had no redress. In the new Act an Indian could appeal to the Court, and that was what the Indians asked for in the petition. In the old Bill, the speaker pointed out, there was no protection for any South African-born Indian or, indeed, anyone else. Under that law, if his own son went away and returned, he would be prohibited. In the new Bill the necessary alterations, doing away with these disabilities, were made. It was also pointed out that in the Bill the Government gave power to a Magistrate to issue a warrant to search premises for a prohibited immigrant, which the speaker considered was most objectionable unless they gave the name or description of the man. This, he stated, had also been altered, the words "a named or described person" having been substituted. Under the old Cape law, if immigrants landed at a port the Immigration Officer never informed them that they could appeal under the Act; but in clause 19 that official now had to inform immigrants in writing of the privileges they had in being

Able to Appeal

to an Immigration Board, and if the Board refused to hear them they could appeal to the Court. No definition, continued the speaker, was made in the old Cape Act, of domicile, and it often led to litigation; but in the new Act definition clauses were inserted, one explaining that after anyone had been three years in a place, that constituted his domicile—an important matter which they got introduced into the Bill. These, said the speaker, were all the alterations they got introduced into the new Act, and when the regulations came out he would leave the new Bill, together with the regulations, with the President of the local Indian Association. Where objections were found they must be pointed out to him (the speaker), and he would also advise

the Kimberley Association to inform members of associations in other parts in order that objections coming from united sources might have more power, and claim more attention from Government. The speaker briefly reviewed the disparity that existed in the scale of charges for licences in the different Provinces, which he considered most unfair. He maintained that all the licences should be the same, but that they had only been successful in regard to the liquor licences. In conclusion, Mr. Oliver stated that the Unionist Party did all they could to get the Bill altered in the interests of the Indians; and while thanking them for the attentive hearing they had given him, he hoped that at any time they had grievances to bring forward they would, either personally or by letter, inform him of these, when he would be pleased to give effect to any reasonable requests on their part.

Mr. Oliver resumed his seat amid loud applause.

Vote of Confidence

Mr. T. V. Pillay, in proposing a vote of confidence in Mr. Oliver, said he would like to state that Mr. Oliver had raised his voice in Parliament by making a striking speech in opposing the Immigration Bill, and they were all aware that the Indian community owed him a debt of gratitude for his hard work. He (the speaker) had much pleasure in proposing a vote of confidence in Mr. Oliver, and hoped he would continue his good work in Parliament in obtaining liberty and justice for them. They also wished to thank Mr. Oliver for coming forward and expressing his views, and giving details of the new Bill. All the Indians, concluded the speaker, thanked Mr. Oliver for his splendid work. (Applause).

The motion was seconded by Mr. Mahomet Sharif, and carried unanimously.

Mr. Oliver briefly replied, expressing his pleasure that they had been interested, and he thanked the meeting for its unanimous vote of confidence.

On the initiative of the Chairman, three cheers were lustily given for Mr. Oliver, after which the meeting terminated.

Indian Women's Bazaar

The following donors from Durban have forwarded their contributions to the Bazaar, through Mrs. H. S. L. Polak:—Messrs. A. H. Moosa, Abdul Hack, Abdul Khalek, A. M. Shaik, M. S. Randaree, S. P. Butler, Mrs. Sheikh Mehtab, Mrs. H. S. L. Polak, The Misses Graham, Mrs. Bryan Gabriel, Mrs. Jalbhoy Rustomjee, Mr. M. M. Divan, 2/- in cash. Carriage was paid by Mr. Parsee Rustomjee.

The following further contributions have been received for the Bazaar: Mrs. M. E. Nagdee (Warumbathu) a quantity of crochet work; Messrs. Chotabhai and Dadoo (Krugersdorp) curtain and satin cushion-cover; Mr. J. E. Tavarua, 6 gallons milk; Mr. E. I. Aswat (Vereeniging) electric clock-case and tie-pin; Mr. Thakar Naran, waistcoat; Mr. Naran Gopal, waistcoat; Mr. K. Jagabhai, fancy waistcoat; Mr. Shaikh Sultan, dhoti; from Kimberley (per Mr. Dawson): 1 doz. silk handkerchiefs, Mr. T. Vedia Pillay, Mr. S. Rangava Naidoo 6 ties, Mr. R. S. Padayachy 1 scarf, Miss Anges B. Francis 2 pairs baby socks, Miss Beedy Francis 2 pairs pin-cushions, Miss Katie Francis 2 doyleys and 1 tie, Miss Ethel May Dawson 1 overmantel and crochet lace, Miss Harriet Pillay 4 pin cushions, 2 ties and crochet lace. Contributions of dainty needle-work have also been received, through Miss N. Bush, from Mrs. Dean and Miss Bell (England) and from Mrs. Dee (Durban).

From the Editor's Chair

CAPE INDIANS AND THE FRANCHISE

The Indians of the Cape Province have a unique opportunity to-day of rendering great service to their less fortunately-placed brethren in the other Provinces. The Cape Indians have the Parliamentary franchise on the same terms as their European fellow-citizens, and their votes are eagerly canvassed at every election and in every constituency where there are Indian voters. And as a result, the members of Parliament of those constituencies, or some of them, at least, feel that the duty is incumbent upon them of rendering to their Indian constituents an account of their stewardship. The report that we publish this week from a contemporary shows how Mr. H. A. Oliver, the member for Kimberley, has addressed himself to the Indian electors of that place, and we join with them in expressing gratitude to him for his championship of a not too popular cause in the House of Assembly. We learn that Mr. Alexander, member for one of the Capetown divisions, was to have addressed his Indian constituents similarly to Mr. Oliver. The point that we could make is that it is competent for the Cape Indian electors to voice in a direct manner the special grievances of the Indian community, especially those sections of it that have suffered so severely, politically, during these last few years. The Indian voters at the Cape should remember that, in a very real manner, they represent the whole body of unenfranchised Indians of South Africa, and that their members, in the same sense, must realise that they, too, are elected as special trustees in Parliament of a politically voiceless minority. It is a grave responsibility, but one that must be manfully assumed, if the Cape Indian community are to deserve well of Indians in the other Provinces of the Union.

A CAPE LICENSING JUDGMENT

We publish in another column the report of an important licensing case decided recently by the Cape Provincial Division of the Supreme Court. It is notorious that the Cape municipal councils have consistently adopted a policy of harassment and restriction towards Indian traders since Act No. 35 of 1906 was passed. But the decision in the case of Hassim Shaik Mahomed makes it clear that, since April 2, 1912, within the inner portions of the metropolitan area at least, we shall not find one law in force on one side of the road and another on the opposite side. The Woodstock municipality has a not very enviable reputation, from an Indian point of view, and this judgment will do justice to a number of poor people whose common law rights have been cheerfully destroyed in order to enrich their trade competitors of another race.

In a lengthy contribution on the Native question to the *Natal Mercury*, Mr. Samuelson quotes a Proclamation of Queen Victoria, issued at the time of the taking over of Natal as a British possession, in 1843, which contains the following:—"That there shall not be, in the eyes of the law, any distinction or disqualification whatever founded on mere distinction of colour, origin, language, or creed; but that the protection of the law, in letter and in substance, shall be extended impartially to all alike. That slavery, in any shape or under any modification, is absolutely unlawful, as in every other portion of her Majesty's Dominion."

Native Women Passive Resisters

Of all the objectionable and hateful laws made by the white man, the most iniquitous (says the *A.P.O.*) is that of the Orange Free State which compels Coloured and Native females over the age of sixteen to carry passes. It has led to respectable Coloured women being locked up, and young native girls being dragged from their homes and cruelly outraged by policemen. It is not surprising, therefore, to learn that the women of those municipalities where the Pass Laws are enforced against them have decided to resist the law, and refuse to carry passes.

It will be remembered that some time ago a deputation of women waited upon the Hon. H. Burton, the then Minister for Native Affairs. He promised to use his influence with the municipal authorities to exempt women from the law. Whether he did use his influence or not, we don't know, but we are informed that the Pass Laws are now being enforced with greater rigour. The officials are making life intolerable. Meetings have been held in many places, and passive resistance has been resolved upon as the only means of fighting against the immorality of the white unwashed of the Free State.

The Problem in Canada

[By OUR OWN CORRESPONDENT]

A very good response was made to invitations issued by the London Canadian-Indian Immigration Committee for a public meeting at the Caxton Hall on Wednesday, May 14. The notice was short but the hall was full, and if enthusiasm could move Governments the Canadian Indians would stand a good chance of getting their grievances redressed. We know, however, that enthusiasm must be translated into constant pressure, constant presentment of the definite facts of injustice suffered, and constant determination to win. It goes without saying that a resolution exempting Indians from the disabilities suffered under the continuous journey clause and the separation of wives and children was passed with unanimous determination, and the British section of the audience was as fully convinced as the Indian, that the injustices suffered by British Indians in Canada demanded redress. The point that appealed most was that there seemed no difficulty in carrying out that redress, and the definite statement of a Canadian Minister that the question of admitting wives and children should be attended to "immediately" and other grievances settled in "a just and straightforward manner" shows that the authorities recognise the justice of the claims of the Indian immigrants. As that promise was made in 1911 and nothing has resulted by May, 1913, it seems as though the young Governments of the Colonies are as slow to move as the Mother of Parliaments. Among those present on Wednesday evening were Princess Sophia Dhuleep Singh, General Evatt, Sir James and Lady Wilson, Mr. J. B. Pennington and a large and representative gathering of Indians of all creeds. Telegrams and letters were read from those who, by force of circumstances, were unable to attend the meeting, among them Mr. Gokhale—regrettably absent on account of health but who sent a cordial message of sympathy—Mr. Ameer Ali, Dr. Rutherford, Lord Roberts—who mentioned in his note that it was difficult to compel Colonies to legislate—Indians in Glasgow and Edinburgh sent messages of fullest sympathy, and Glasgow Indians had held a meeting and passed a resolution similar to that submitted to the London gathering.

Sir M. M. Bhowaggee presided, and in his opening speech, reviewed the whole situation; at the outset he laid stress on the fact that the conditions are not so degrading or humiliating as those suffered by

Indians in South Africa, yet there were grounds for serious complaint. "I am afraid," said Sir Mancherjee, "that Canada may become a sort of reflection of South Africa in order to keep British Indians out of His Majesty's Colonial possessions." He made clear two special disabilities suffered by Indians in Canada, through the Privy Council Order of the Canadian Government, namely, that no Indian who has not made a continuous journey from his own country is allowed to land—though there is no direct communications and the steamship companies which might issue through tickets to Indians refuse to do so—and the refusal of admission to wives and children of domiciled Indians. From the point of view of morality alone, said the chairman, such a restriction ought not to be encouraged. Another grievance is the differential treatment meted out to Indians and Japanese or Chinese. Four hundred Japanese are allowed to land every year on giving evidence of the possession of 50 dollars each; this includes the right of bringing their families; and any number of Chinese may land provided they pay the high poll tax of 500 dollars. Of the 4,500 Indians now in Canada, 90 per cent. are Sikhs, men whose loyalty to the British Crown has been shown on many a hard-fought field. Yet these people suffer disabilities from which Japanese and Chinese are exempt.

Wives and Children

Success and prosperity, naturally, led the Indian immigrants to desire the presence in Canada of their wives and children, but all efforts to bring them had entailed not only many personal inconveniences and trials, but costly litigation, and eventually a few Indian women and children had been admitted with their husbands as an act of grace, not by right. Mr. Nand Singh detailed several distressing cases, among them that of Mr. Hira Singh, who after a residence of about four and a half years in Vancouver, went to India to fetch his wife and little daughter; he, as an old resident, was permitted to land in Vancouver; his wife and daughter were ordered to be shipped back to India. A bond of 1,000 dollars was produced and Hira Singh's wife and children were permitted to remain, pending the hearing of the Court and granting of the writ of *Habeas Corpus*; eventually both wife and child were permitted to remain as an act of grace. Two other Sikhs had similar experiences; in Calcutta they were refused through passages by the agents of all the shipping companies, and the Government of India informed them that they were free to go if they complied with conditions—a physical impossibility. They went to Hong Kong, thence to San Francisco, where they were sent back to Hong Kong, the Immigration authorities saying, with a certain amount of logic: If a British Colony will not admit them why should the United States; three months later they managed to reach Vancouver; both men—Bhag Singh and Balwant Singh—were allowed to land, but the women and children were forcibly separated and ordered to be deported. Again a cash bond of 6,000 dollars proved to be of some assistance, pending litigation; after this costly process and three months of sorrowful uncertainty, the families were admitted as an act of grace.

This state of affairs moved the Indian community to send a deputation to Ottawa, and the result was the promise already alluded to, of immediate attention to the distressing separation of husband and wife and children, and the promise of a settlement of the other grievances "in a just and straightforward manner." The year 1912 brought no solution, nor has any been received up to the present, so the deputation is now bound for India to arouse public feeling there, and paid a brief visit in London on the way. They have been received by an official of the Colonial Office—not by the Secretary of State for the Colonies—and all the satisfaction they received was that they should go back to Canada, make representations through the Canadian Government to the Imperial Government, which, up to the present,

had received no information from the Canadian Government on the subject.

Other speakers to the principal resolution and to the second one, asking the meeting to resolve that copies of the first should be sent to the Imperial, Canadian, and Indian Governments, were Mr. J. M. Parikh, Mr. P. C. Tarapore, Colonel Warliker, Mr. Leonard Joseph, Mr. J. M. Mehta, Mr. Abdul Ghani Khan, Mr. Balwant Singh and Mr. Talcherkar, who proposed a vote of thanks to Sir Mancherjee who had returned to London from St. Leonard's-on-Sea, in order to preside at the meeting. Sir Mancherjee, replying to the vote of thanks for his chairmanship, said that anything which caused friction in India could not be encouraged, but he had faith in the statesmanship of the Dominion Government.

Cape Licensing Appeal

Before Mr. Justice Hopley and Mr. Justice Searle, on the 14th May, in the Cape Provincial Division of the Supreme Court, the appeal of Hassim Shaik Mahomed from the decision of the acting assistant magistrate of Capetown was heard on the interpretation of the General Dealer's Act, No. 35 of 1906. On the 27th May, Mr. Justice Hopley delivered judgment as follows:—

In this case Mahomed appeals against a conviction, by the Acting Assistant Magistrate for the District of the Cape, sitting at Woodstock, of contravening section 6 of Act 13, 1870, as amended and read with the various Stamps and Licences Acts, 1864-1909, in that he did, between January 27 and March 12, 1913, at 20 Tennyson-Street, Salt River, in the district of the Cape, and within the municipality of Woodstock, carry on the trade of general dealer, and did sell a certain article specified, to a certain person named in the summons, without having first obtained from the councillors of the Municipality of Woodstock a certificate signed by the Town Clerk, allowing the issue of a new general dealers' licence, as is required by sections 5 and 10 of Act 35 of 1906, being accordingly deemed to be trading without a licence in terms of sections 14 of the said Act, and so liable to the penalties provided for by section 6 of Act 13, 1870. The appellant was charged jointly with two others, to wit one Rooknoodien Nazmoodien and Abdol Ganie. Of these Nazmoodien was in default, being admittedly absent in India, and Abdol Ganie was acquitted as being only the clerk or servant by whose agency the business was carried on. The appellant having pleaded not guilty was found guilty and fined 5s. The facts are not in dispute. Early in the present year Abdol Ganie applied to the councillors of the Woodstock Municipality for a new licence in his own name, to trade as a general dealer at the said premises, viz., 20, Tennyson Street, Salt River, within the said municipality. His application was refused. Thereafter, on January 20, 1913, the appellant, without any previous application to the said Councillors, took out a general dealer's licence to trade at the said premises, for which he paid the proper amount of £5 to the Receiver of Revenue, who issued the licence to him to trade at the said premises until the end of the current year. The business was then started and the appellant placed the aforesaid Abdol Ganie in the shop as manager. In acting thus the appellant was exercising his functions as the general agent of his absent principal, Nazmoodien, whose general power of attorney he held, and whose affairs managed during his absence. On his application the licence was issued to, and in the name of Rooknoodien Nazmoodien. It was admitted by the prosecution and proved in evidence that Tennyson Street is within the Municipality of Woodstock, and within the magisterial district of the Cape. It was also proved that Nazmoodien left for India in 1904 and that he had held continuously since 1904 and until his licence as general dealer to trade at a shop

Primrose Street, Cape Town; within the magisterial district of the Cape, and that on his departure for India he left his general power of attorney with the appellant, who had acted on it and managed his affairs. When he left for India his licence for the Primrose Street business was of full force, and it has been renewed in due course until the present time. It appears that Ganie who was not licenced before, or in, 1906, had in 1910 obtained a licence to trade at a shop in McKenzie Street, Cape Town, and that, during 1912, he received assurances of pecuniary assistance from friends if he could get a licence to trade in Woodstock. He thereupon found that the premises at 20 Tennyson Street, Salt River, were to be had, and applied in his own name for a licence for that shop, with the result already set forth. He thereupon reported to appellant Mahomed, who had lent him some money from Nazmoodien's funds, that he had been unsuccessful, but that the 20 Tennyson Street business site was to be had. Appellant thereupon determined to extend Nazmoodien's business by opening a shop there, and applied for the licence to trade there, in his principal's name. No difficulty was made by the Receiver of Revenue, and the licence was duly granted and paid for as already stated, Ganie being placed in charge at a monthly wage to work off the indebtedness to Nazmoodien. Woodstock, formerly a portion of the Cape Magisterial District, was, in March, 1905, formed into a separate magistracy, being cut off from the Cape Magisterial District; but in 1912, it was deemed expedient to re-incorporate it in the Cape Magistracy, and accordingly that was done by proclamation having effect from April 1, 1912. Woodstock, however, still retains its Municipality, its Council, and Town Clerk.

It was admitted by the Acting Attorney-General that, before the Act of 1906, any other trader could take out as many general dealer's licences as he chose to pay for. And that Act was undoubtedly an attempt to restrain the issue of such licences, and to confine them to such applicants as had found favour with the councils, or other local bodies, entrusted with powers of discrimination in this matter. That Act requires that an applicant for a new licence should produce a certificate from the council of the municipality in which he wishes to carry on his trade; but it exempts from the operation of this restriction any trader who at the date of the promulgation of the Act (to wit August 21, 1906) was already the holder of a general dealer's licence; and it is obvious from the terms of section 3 of the Act that such trader was in respect of his own magisterial district still privileged to open new branches or shops within such magisterial district without first obtaining the leave of the municipal councillors of such district or presenting the certificate to prove that such leave had been obtained. It was argued in support of the conviction that as Woodstock was from 1905 to 1912 a separate municipality, and also a separate magisterial district, the privilege did not apply to traders holding licences before August 21, 1906, within the Cape District, but not within the Woodstock district in case they wished after April 1, 1912, to open business in Woodstock by virtue of the fact that they had been licenced and continuously carried on business in the Cape District outside the Woodstock magisterial and municipal area. The Act of 1906, being clearly in restraint of the liberty of the subject and of trade, must be strictly construed in so far as it attempts to restrict persons from trading whosoever they might wish to do so; a right they undoubtedly possessed before the Act of 1906; and it appears to this Court that since the re-incorporation of Woodstock in the Cape magisterial district, no distinction can be drawn between the Woodstock area and any other part of the Cape magisterial district. Woodstock is now within the Cape magisterial district, and any trader exempted from the provisions of the Act relating to the obtaining of the certificate allowing the issue of a licence to open a new

shop in any part of the Cape magisterial district is equally exempt from such provisions as regards the area of Woodstock. Nazmoodien is clearly one of the exempted class by virtue of his continuous trading in Primrose Street, Cape Town, since 1904. He need not apply for a certificate for leave to trade in any portion of the Cape magisterial area, nor can it make any difference to his rights that the portion of such area he wishes to trade in falls within a separate municipal area. He is exempt from restraint by any Municipal Council within his magisterial district, and not the municipal area, which limits the scope of his operations. The operation of the Act of 1906 has been under consideration in various cases to which we have been referred in argument; but it is sufficient to say that the exact point at issue in this case has not previously been adjudicated upon. In my opinion the appeal should be allowed, and the conviction quashed.

Mr. Justice Searle concurred.

Colonial Produce Question

The difficulty in connection with the Retail Dealers' Licence Amendment Bill was apparently overcome in the Provincial Council by a proposition by the Administrator when the measure was in Committee (says the *Times of Natal*).

His Honour said that when the Ordinance was introduced, the object of it was to deal with the unfair competition carried on by dealers in colonial produce, who were not liable to pay licences. A great number of articles come under this category, and it was found that the dealers under the section exempting colonial produce dealers from the obligation of taking out a retail licence were able to compete most unfairly with the people who were obliged to take out licences. This unfairness was accentuated when the Supreme Court ruled that the meaning of the word "colonial" included not only produce of this country and South Africa, but also produce from any British Colony. This gave these people the right to sell almost anything. He was anxious to deal with that difficulty. (Applause.) He was, at the same time, unwilling to impose any hardship on the small fruit-seller, or the man who sold what was the genuine manufactured product of the soil. He proposed that the following addition be made to Clause 1:—"And the following words substituted: '(a) Dealers in unmanufactured produce of the Union of South Africa.'" He thought this would meet the case of dealing with this unfair competition, and at the same time it would safeguard the rights of those who sold fruits and vegetables and those sort of articles on which it was not desired to place any restraint.

The motion was carried, and the clause, as amended, was passed, the Bill subsequently being reported through Committee, with certain amendments.

Mr. Dan Taylor rather let the cat out of the bag (says the *Natal Mercury's* Maritzburg correspondent) during the scene that took place in the Provincial Council with regard to the Women's Municipal Franchise Bills. He said he agreed with the evidence given by the Mayor before the Select Committee which sat on the measure, and that his Worship stated that Indians—At this point the Administrator rose to a point of order, and reminded the hon. member that it was a breach of the rules of the House to disclose the evidence given in Select Committee. It is well known, however, that the great fear in this municipality has been that a Women's Franchise Bill would immediately enfranchise a number of Indian women, and that if such a measure were passed, Indians would take advantage of it and gradually become a power municipally. The defeat of the measure is attributed largely to the feeling on this particular point.

News in Brief

The Licensing Officer for the Province of Natal (Mr. Wynne Cole) has refused the transfer of a trading licence to a European because he intended to employ an Indian salesman.

Rev. D. Koilpillai, on his arrival at Bombay, recently, was invited by Dr. Mackichan, the Principal of the Christian College, to address the 200 students of the Senior B.A. Class on Indian Educational work in South Africa. Dr. Mackichan was inclined to blame the South African Indians for neglecting the study of their vernaculars, but Mr. Koilpillai declared that it was the Union Government that were really to blame, as they provided no facilities.

The Whole Council Committee of the Durban Town Council has recommended that it be an instruction to the Indian Marketmaster that under no circumstances may he accept any consignments of produce for sale on the Indian Market, and in the event of any such consignments being sent to him, he is to immediately transfer them to the Borough Market.

Under the auspices of the Indian Political Association, Kimberley, a gathering of members of the Indian community was held to bid farewell to Mr. S. Ramanujam Naidoo, the Hon. Secretary of the Association for several years. Mr. P. M. Dawson presided. After eulogistic speeches, an address, a silver inkstand, a penholder, and a gold medal were presented to Mr. Naidoo, as a token of the esteem in which he was held by the local Indian community. Mr. Ahmed Mahomed presented him, as a personal gift, with a travelling rug. Mr. Naidoo acknowledged, in appropriate language, the presentations.

There was an unusual scene in the Magistrate's Court, Kimberley (says the *Transvaal Leader*), when a batch of fifty Basuto natives from the Kamfersdam mine were charged with refusing to work. The evidence showed that they had declined to perform work owing to some misapprehension as to the terms of employment. Their grievance being against the recruiting agent, the Protector of Natives was called in to hear complaints, and recommended that the natives should resume work, but they all struck, and were contumacious. The whole of the fifty were fined a sovereign each, and the procession of prisoners as they marched through the town to gaol to serve the alternative fortnight attracted much attention.

The Queensland House of Assembly has passed the first reading of a Bill to prohibit the employment of certain forms of labour in the sugar industry by requiring both the cultivators and the employees to pass a dictation test. The Bill aims at the exclusion of coloured labour. For some years past white labour has been largely employed on the Queensland sugar plantations.

Sir David Hunter, K.C.M.G., M.L.A. presided, on Friday, the 27th ultimo, at the prize distribution at the Higher Grade Indian School, Carlisle Street, Durban. Leading representatives of the Indian community were also present, including ladies. After distributing the prizes, Sir David Hunter congratulated Mr. Rutter, the Principal, the staff, and the pupils upon the excellent results of the year's work. He explained how he had been associated with Indian education in South Africa during the last 34 years, and contrasted the appearance of those who attended the early schools with those on the Carlisle Street roll. Mr. H. L. Paul, in a lengthy speech dealing with the history of Indian education in Natal during the last 15 years, moved a hearty vote of thanks to the chair and was supported by Mr. I. A. H. Moosa.

On the same day was held the breaking-up ceremony of the St. Aidan's Cross Street School, which was largely attended by parents, relatives, and friends of the pupils.

The *Indian Patriot* (Madras) writing on the Searle judgment, says:—"Indians in South Africa, the veterans of hundreds of brave fights, will rally round and do their duty well. They need not be taught or appealed to. It comes as natural to them to smell danger and to protect themselves as to a mother to protect her babe. But Indians in India have also a duty, and the Government of India have a duty also. The public would like to know whether Lord Hardinge has protested against this to Lord Crewe. The public ought to know, and it would be a strange lack of imagination indeed if the Government should not make the public aware of its attitude in a matter that exercises popular attention from end to end of India. Here is an opportunity to whip up the earnest attachment of the population that would rally round the standard of Lord Hardinge's Government."

Miss Sylvia Pankhurst has written from Holloway to her mother:—"I am fighting, fighting, fighting. I have four, five, and six wardresses every day as well as the two doctors. I am fed twice a day. They prise open my mouth with a steel gag, pressing it in where there is a gap in my teeth. I resist all the time. My gums are always bleeding. My shoulders are bruised with struggling while they hold the tube into my throat."

At the present time our State-aided schools are worked on what a prominent educationalist has lately described as the factory system. Everything is subordinated to the machinery. The individual child and his idiosyncrasies, mental and physical, count for nothing. The one object is to grind out by means of the examination mill a maximum output in the shape of outward and visible results; and nobody seems to care how the children and teachers alike suffer in the process.—*Argus*, Capetown.

Mr. J. W. Binns, in the course of an article contributed to the *Natal Mercury*, says that the Indian and native questions present identical difficulties. The majority of our legislators cannot be so deficient in mentality, he says, as to fail to recognise that the Indian and native—the former in Natal only—are an inalienable factor in our economic and domestic life. They are here for all time, and, instead of boldly grappling with the problem by applying the eternal, and consequently statesmanlike, principles of justice to its solution, there is a disposition to tinker with this most vital problem, and adopt a repressive legislation. Why is the conviction, deep-rooted in the mind of every legislator worthy of the name, that South Africa can never be a white man's country, in the popular conception of the term, not boldly enunciated? Because it is unpopular—and unpopularity will never sharpen axes. The only true and permanent solution of the difficulty which confronts us is a beneficent tutelage of the subject races, with compulsory education, which will result in increased self-respect, and induce a higher status of living so essential from viewpoints of humanity and that of industrial expansion. The inevitable bogeys of competition and miscegenation will be raised in opposition to this pronouncement. Well, the native and Indian are at present competing with the European artisan at a lower wage. Raise their status and it will be an economic impossibility for them to live on a lower wage than the European. The danger of miscegenation is one which the European himself is all-powerful to avert. If you must endure an unwelcome stranger in your house, it is better to have one without a grievance. If he is there with a grievance, the probability is that you will require a policeman to watch him;