

# Indian Opinion

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## Indian Opinion

SATURDAY, JANUARY 11TH, 1908.

### General Smuts' Speech

THE speech delivered by General Smuts, at Mayville, Pretoria, on the Asiatic question reveals two men in one. He is "temperate and furious" at the same time. He wishes to be just and reasonable to Asiatics, and he is satisfied over the fact that 5,000, according to his estimation, have left owing to the stress of the Asiatic Act, and he threatens that, if, after the leaders have been dealt with, the rank and file do not repent and accept the Asiatic Act, the people of the Transvaal will put them across the border. General Smuts is incoherent because he is in anger. We will not deal with the many misstatements for which he made himself responsible, we fully believe unconsciously. These will be clearly brought out in the interview granted by Mr. Gandhi to the *Leader* reporter. But there are certain things in the speech which require to be noticed, although with a great deal of pain.

The honourable gentleman has seen fit to speak of a highly sensitive race as "coolies." He knows that the term is one of offence, applied to any but labourers pure and simple. Hitherto, British Indians have been induced to believe by most British statesmen that they were full British subjects, fellow-subjects with Englishmen. It was reserved for General Smuts to state that Indians were British subjects to a "certain extent" only. So that in this remarkable speech we have all the elements which go to prove that British Indians, abandoned by the Imperial Government, will receive short shrift at the hands of General

Smuts. It is, therefore, perhaps as well that the opinions he expressed were, as he was careful to state, not those of the Government but only his own. And, yet, somehow or other, we feel that even General Smuts will not be impervious to truth, when it begins to shine upon him. To-day he has built around himself an impossible wall of prejudice. He has been fed upon reports and statements which he has accepted as incontrovertible, and he sincerely believes that everything emanating from an Indian source is tainted. So long as he retains that view, we can quite understand his anti-Asiatic attitude. It is for British Indians to show that they mean what they have always said: that the vast majority of them are opposed to the Asiatic Act, and that they decline to accept the charge of surreptitious entry on a wholesale basis. We feel certain that, when Indians have made good that position, the General will grant justice.

There is one remarkable admission made by General Smuts, which should be pondered over by every Imperial-minded statesman. He has admitted what Indians have been saying all along: that their position was infinitely better during the Boer régime than under the British. General Smuts now declares, to the world, that the very Government which, during the Boer régime, was prepared to back British Indians has now turned round and has been backing General Smuts to do what the late Boer Government was unable to accomplish.

THE *Times* HAS SUGGESTED THAT an Imperial Conference should meet to discuss the difficulties attendant upon Asiatic immigration into British Colonies. The suggestion is an admirable one, and was made many months ago, it even being suggested to Mr. Winston Churchill that the matter should be dealt with at the Colonial Conference that met in London in April. The official reply was to the effect that the subject was not on the agenda of the Conference, but would be probably discussed if there were time. Such a Conference, however, even if convened, could do nothing, apparently, to safeguard the interests of Asiatics already resident in British Colonies. That must be left to the sense of honour of the Colonies themselves. But with regard to future immigration, no Conference would be complete without strong representation from India, including Indians as well as Anglo-Indians. Otherwise the Conference would be too biased on the Colonial side—and after all, there are

three hundred millions of people in India who should, as Viscount Middleton has pointed out, have a voice in their own disposal.

### Natal Indian Congress

#### Substantial Help for the Transvaal

A meeting of the Congress was held at Mr. Dawad Mahomed's Hall, Pine Street, Durban, on Monday evening last to discuss the developments in the Transvaal. Mr. Dawad Mahomed presided and was supported by the prominent leaders of the Indian community.

Mr. G. Isaac of Johannesburg made an appeal for a message of sympathy, and for funds to assist the Transvaal Indians in supporting themselves, many of them having been deprived of their means of livelihood by the action of employers in dismissing them because they refused to register. Mr. Isaac pointed out that the conflict was not merely a local one, but it affected the whole of South Africa, and he exhorted them to do all they possibly could to assist their brethren who were having a hard fight for liberty and conscience.

The following cable was passed for transmission to England on the 8th inst.:

"From Congress, to Lord Amptill, c/o 'Africaia,' London. Natal Indians thank your lordship for fighting nobly for self-respecting Indians domiciled in Transvaal. Hope to-morrow's meeting will show might of Right."

Mr. Parsee Rustomjee called attention to a report that forty Indians had landed from *S.S. Kaiser* and had registered under the new Transvaal Law. After making inquiries, he wished to repudiate that statement as being entirely false.

In response to the appeal for funds, a special Transvaal Indians Relief Fund was started, and at the time of writing about £260 had already been collected.

### Cape Indians

#### Licences Refused

The Capetown Correspondent of the *Rand Daily Mail* telegraphs, that the campaign against granting, or renewing general dealers' licences to Indians still goes on.

A large number of local councillors have spoken against Indian trading and numbers of licences have been refused. On Tuesday, the local divisional Council refused certain renewals on the motion of Mr. Gibbs, who said recently that he would drive all Indians out of the country, if he could.

## General Smuts' Speech

### The Asiatic Problem

#### Position of the Government

On Saturday evening, General J. C. Smuts, the Colonial Secretary of the Transvaal, addressed a meeting of his constituents at Mayville, Pretoria.

Mr. Smuts gave his version of the history of the Asiatic question from the year 1885, with which our readers are fairly well informed. The gallant General, we learn from the Johannesburg papers, then went on to say:

They had the British Government with them so far, but how long the Home Government would stand by them the future would show them. Still, the Imperial Government was with them now, and with the use of intelligence and prudence he saw no reason why the Home Government should not continue to assist the Transvaal. (Applause.) Someone had said they should throw the Asiatics out of the country. Well, under the law as it existed at present, there were three courses which could be pursued. One was that they could refuse to give licences to those people who did not comply with the law. There were about 5,000 Asiatics who with their licences were able to compete against the white merchants. Those men competed and were able to ruin the white merchants. He had seen the fruits of the competition. So by taking away the licences they could deal with the Asiatics in that way. Another way was to place them in prison. Even if they had prison accommodation for them all that would not be the most effectual way to deal with them. Then the third course was to put them over the border. Well, the Government must always act with as much fairness as possible. It was not in the nature of the population of the Transvaal to be harsh, to be cruel, and as long as the Government could enforce the laws and so maintain order in the country without being harsh and cruel so long would they do so. To seize about 9,500 persons and fling them into prison would be a terrible step to take. To take those people and put them all over the border would be an equally terrible step. But the day would come when the Government would be forced to take severe measures. But it was

#### The Duty of the Government

to deal with all in justice and equity and to take into consideration all the circumstances of the case. Well, the circumstances were these—that there were thousands and thousands of Asiatics who had objected to the law. But they misunderstood the case; they had been misled by certain of their leaders whom they had trusted. Their leaders had told them that the Government could not touch them because they were British subjects, and, therefore, the

British Government would stand by and protect them as they had done in the days of the old Boer Government. The leaders had said: "We will see you through your difficulties; stand by us and we will help you." So the people had trusted their leaders, they had relied upon promises, with the inevitable result that they were now placed in great and grave difficulties. The people had been led away by their ignorance. He thought that they (his auditors) would agree with him that there was a way open to the Government to deal with the question, and that was to

#### Arrest the Leaders.

They could get at the root of the evil. They could get hold of the instigators—the people who had created these difficulties for the Government and the population, and fight it out with those men and see how far they (the Government) could go with them. That was what the Government had done. They had arrested those leaders, whom they held responsible, and with those men the law would take its course. He saw no other choice for the Government. If they wished to maintain law and order in the country there was no other course to be followed; those people must be treated according to the law. (Loud applause). There were thousands still in the country who wished to be registered. He had the proofs of that. As he had travelled about the country they had come to him and had said, "please register us." After Mr. Gandhi was arrested they got afraid of the consequences. They had said that it was not their intention to challenge the Government—"we would sooner register; give us the opportunity." Well, that was a question which it appeared to him the Government would have to take into consideration. If the Asiatic population—not as individuals, but as a whole—came forward and offered to register themselves, then the opportunity would be given to them, and they could say "yes" or "no" to it. When he said that, he was not expressing the opinion of the Government upon the subject, he was merely expressing his own personal opinion, for he wished to act with justice.

#### The Intention of the Law

The law had not been passed originally for the purpose of chasing the Asiatics out of the country—not to clear those men out who had been in the country for 10, 15, or 20 years. The intention was to recognise all Asiatics who were in the country before the war. Those people only comprised a small number, and by their presence constituted no threatening aspect to the members of the white community. Those people could remain in the country, could live and die their natural deaths, and they would not prove to be a source of danger to the Transvaal. That was the intention of the law. (Hear, hear.) The desire of the Government

was to assure the position of those Indians in the country lawfully, and stop further immigration. And the Immigration Law had been passed now, and the Government could keep all Indians out of the country in the future. His personal opinion was that if the Indian population would come now as a whole, and say, "We recognise we have made a mistake, we recognise we have been led astray by our leaders, and we wish to have another chance to register," then it would be the duty of the Government to take into serious consideration such a request; but if they did not do that the Government could not accept individuals. They could not put aside the law, and therefore it appeared to him that it was in the hands of the coolies themselves.

#### A Bitter Result

If they kept on resisting, he (the Colonial Secretary) only saw one result. It was a very bitter result; but they would only have themselves to thank for it. The result would be that the white population, which had a very strong opinion on this question, would say, "No, go out of the country." His opinion was that they had not to take up that position at present. If the Indians would come *en masse*, and would try to register, then time should be given them; but if they did not wish to take that chance, then there was the law. No Government or party in the Transvaal had the power to revoke the laws which had been passed, and as long as the laws stood on the Statute Book they would have to be carried out. The question was a very serious one—serious for the Government, serious for the population, and for the British Government—for these people were, to a certain extent, British subjects. But if the Government had a law in front of them they could only execute it. There was a way out, and if that was not taken by the Indian population in general, then it appeared to him nothing else could be done. That was the position which he took up.

#### No Mercy for the Leaders

So far as the leaders of the Indians were concerned, he thought they were responsible, and he had no mercy for them. (Hear, hear.) He thought the law ought to be executed so far as they were concerned; but for those people who were placed in their present position through ignorance, he thought the Government would have to take into their serious consideration if a chance should not be given them. But if they did not wish to register, they must take the consequences, because the population of the country would not allow a law of the country to be set aside through agitation. That was the very dangerous principle which had been advocated by Mr. Gandhi and his friends. Never yet has a section of the population of South Africa put aside a law, and if the law were now set aside be-

cause the Indian population tried to do it, what would be the effect on the coloured population? The Kafir would one day say, "No, we do not recognise you white people's law, because you make laws which are partial; you make class legislation." Therefore the Government had a great case. If they gave in easily on a point like this, then they saw the door opening to a terrible evil which would one day come over the country. Let them do their duty in all justice and fairness, and with a spirit of forbearance; but after having considered all those things, let them see that the laws of the country were carried out. (Hear, hear.) So far as he knew the opinion of the Government, they would carry out the law—(hear, hear)—and he hoped his hearers understood the position clearly which they took up. (Loud applause.)

**Question**

During question time Mr. Stent raised the Asiatic question. He asked if the Government did not think the time had come when they should try to meet those misguided persons. He suggested that it was an honourable obligation upon the Government to endeavour to settle the question amicably. Was it not possible to meet Mr. Gandhi and come to some arrangement? It was not solely a Transvaal question, for every man sent from the Transvaal went to India and became an agitator.

General Smuts replied that perhaps Mr. Stent was not aware that he (the speaker) had repeatedly met those people—Mr. Gandhi and others who were believed to be the leaders—and had discussed the question with them. He had acted with the greatest moderation and reasonableness. After the conference he had had, he could assure them (his audience) that no good purpose could be gained by further discussion. Mr. Gandhi insisted upon the repeal of the Act, and no Parliament in the country was capable of repealing that Act. He had discussed the question with the leaders, and came to the conclusion that they did not object to the finger-print system. They said it was class legislation, and as British subjects they should not be differentiated against. He had pointed out that it was class legislation; the whole subject had been dealt with as class legislation since 1885, and the Indians had submitted to it. They had submitted to having their thumb prints taken for the last five years, and if there was any social or sectional distinction made now, it had always been made, and they had always submitted to it. That was a position the Government could not concede them to-day. He had been extremely anxious to avoid unnecessary friction in the matter, and he did not see what could be served by further conferences.

Someone in the audience stated that after all was said and done, the

Indians were not the worst, as they, to a certain extent, backed the farmers up. The people whom they should get rid of as soon as possible, however, were the low class Jews, whom it was impossible to compete with. The chairman called the speaker to order.

**"Transvaal Leader's" Comment**

In discussing Mr. Smuts' speech, the *Transvaal Leader* remarks:

It is, however, the Colonial Secretary's reference to the Asiatic difficulty which the public will study with most interest at the moment. The speech shows a more statesmanlike grasp of the difficulties and possibilities of the situation than any former comments from the same quarter. The hon. gentleman has taken the public into his confidence. If ever there was a case demanding that course this is it. It is curious to reflect that the old Republican Government of the Transvaal had in regard to its European population the severest difficulty which confronted any contemporary Administration, and that the new Colonial Government of the Transvaal at the beginning of its career has to deal with the most formidable Asiatic problem before any of the Imperial States. It would be easy to dwell upon the extent to which events have modified the Colonial Secretary's attitude. It would be easy, but neither useful nor justifiable, in view of the unanimity with which Parliament passed the Act a few months ago. The fact is that the Colony is attempting to deal with a situation which is unique, and unless this is kept in mind, unless all political parties deal with the question as one outside party, there is small hope of our arriving at an early and lasting settlement. The Colonial Secretary confesses the situation has developed along unforeseen lines. It might be wished that he had gone further, and said whether or not the Government desires the Opposition to join its councils at this essentially national conjuncture. Hitherto, with scrupulous correctness, the Opposition leaders have refrained from commenting upon the position; further they cannot go unless they are asked. If the Government wish them publicly to give an assurance that they are not opposed to a modification such as that hinted at by General Smuts, which would meet the views of reasonable upholders of the Act (which, it should never be forgotten, was not passed with the main object of putting Asiatics out, but of identifying those having the right to remain) while causing a minimum of local and Imperial disturbance, it is for the Government to say so. The Government cannot complain that the Opposition has placed party before country in the past.

It is in no spirit of destructive criticism that we point out that the hon. gentleman's admission, that the course of events has nonplussed the Government, must lead the public to

question the soundness of the advice upon which the Government has acted hitherto. It is remarkable that whilst practically every ex-Indian official, and almost every European otherwise connected with India, both here and in London, have for months predicted what has happened, the Government's advisers have utterly misread the position. Do these advisers include men with official experience of India, with knowledge of the Indian languages, of Indian life and ways of thought, men with whom the leaders of the Indians can negotiate on a hopeful basis? An official assurance that this is the case would relieve the minds of many who know how greatly Britain's success in India is due to the enjoyment of the best available men in official positions. Upon the same point, it is not easy to understand how it is that officials can state positively that 5,000 Asiatics have crossed the border, and yet cannot check the incoming Asiatics along the same border. The Colonial Secretary says that three courses are open to the Government (a fourth, adoption of the bazaar system, now that the Transvaal is self-governing, seems, curiously enough, to have escaped attention hitherto). First, the Government can refuse licences. Can it, however, guarantee that its own white subjects will not hire out their names to the Asiatics, as was done here years ago? Secondly, it can put 9,000 or 10,000 men and women into gaol, meanwhile keeping the children. The Colonial Secretary dismisses this plan without waste of time. Its adoption would speedily cost the white community more than the Asiatics can by any stretch be supposed to be costing it now. Thirdly, there is deportation—provided the Judges at Pretoria and in London agree that *Civis Britannicus* means no more than this Act says it means. If we are come to deportation, the Colonial Secretary apparently means to invite the white population to fall upon the Asiatics bodily and put them over the border. Somehow it does not sound convincing. In the meantime, the hon. gentleman is resolved to strike vigorously at the Indian leaders, certain that this will end the trouble. The argument that a whole community is held by two or three men in the hollow of their hands is one that we distrust; but time and events will prove if it is applicable here. It must be confessed that the action of the Chinese affected by the Act in declining to register, despite the fact that their leader, their Consul-General, is co-operating with the Government, does not bear out General Smuts' contention. The Colonial Secretary, however, although he says the law cannot be departed from, is still willing to allow the rank and file of the Asiatics to register, provided they come forward in a body, and not as individuals. The object of this does not appear. If registration takes place, does it matter whether

it take place individually or collectively? The Colonial Secretary seems to fear the effect upon the native races of the success, to however slight an extent, of a campaign of passive resistance. But laws have had to be modified before this for others than Asiatics; and, after all, is it not something to the good that native races should feel that in any differences with the white race there are milder arguments than the rifle and the assegai? The "processes of the suns" affect coloured races as well as white races. The schoolmaster has been abroad.

## Mr. Gandhi Interviewed

### Reply to General Smuts

### The Situation Reviewed

### Judicial Inquiry Suggested

A representative of the *Transvaal Leader* waited upon Mr. Gandhi and sought from him an expression of opinion upon General Smuts' speech at Mayville on Saturday last.

Mr. Gandhi, in expressing his willingness to discuss the matter, said: "I wish to make it clear that Indians have no desire to oppose General Smuts or any Colonist, or to place any obstacles in the way of an honourable compromise. The Indians recognise that the only condition on which they can remain in the country is to work smoothly and amicably, and to understand their limitations also. They have always, I venture to think, worked on that basis, and, no matter what may be now said to the contrary, they still remain law-abiding residents of the Transvaal."

"How does that agree with their present attitude of 'passive resistance'?" asked the interviewer.

"Passive resistance is merely a respectable protest against what they, rightly or wrongly, consider to be a degradation and an offence to religious feeling," replied Mr. Gandhi. "The whole speech of General Smuts unfortunately shows that there is absolutely no desire on his part to consult or to reconcile Indian sentiment. I say without hesitation that he has not mastered his facts. For instance, he talks of the oft-denied influx of Asiatics into the country on an organised scale. Speaking for British Indians, I deny it *in toto*. This does not mean that some Indians have not surreptitiously entered this country, but all these can be effectively dealt with, even to-day, under the Peace Preservation Ordinance. Those who remain in the country without permits, or with false permits, can only be hiding themselves in nooks and corners, and those will never be reached by the Asiatic Law Amendment Act. It is not likely that those who have no permits at all, will go to the Registrar in order to receive notice to quit.

## The Alleged Influx

"The allegation as to the surreptitious entering is based on the report that was published last year. That report condemns itself, and, if anything, proves the contrary; 1,500 prosecutions during five years show the effective working of the Peace Preservation Ordinance, and that was the deductions drawn from it by Captain Hamilton Fowle in his report to Lord Milner. Any Indian found without a permit in the Colony can be almost summarily removed, and, if he does not leave the Colony, soon finds himself in gaol. Most of the prosecutions, however, were in connection with Indians who were trying to enter the country, who were successfully prevented from so doing by strict inspection at the border towns. Nor were those Indians necessarily endeavouring to enter fraudulently. They were, in the initial stages, trying to do so under the false belief, shared by many Europeans, that under the British flag there could be no difficulty in them entering, or rather re-entering, the Transvaal, for most of those were Indian refugees waiting at the coast towns for an opportunity of re-entering.

"General Smuts talks of forged permits," continued Mr. Gandhi, "and in the same breath says it is difficult to say when a permit is forged and when it is genuine. This is preposterous. The permit officials always had counterfoils containing the same numbers as given on the permits issued to applicants, so that a forgery could always be detected. I know that a few months ago an official from the present Registrar's Office circulated some documents which he called permits. The dupes were never able to use those documents at all. They not only lost their money, but their honour. That official is now no longer in the country, but, I believe, left it after he had sufficiently fleeced the people, and after he saw that the fraud was likely to be found out. There never was an office either in Bombay or Delagoa Bay, or in any other place, where the traffic alleged by General Smuts could possibly take place. Touts there undoubtedly were, not in India, but in South Africa, who gave real permits from the Asiatic Office in Johannesburg to refugees, and, in some instances, others who wanted to enter the country.

## The Permit Fraud

"The fraud was committed in this way. The Asiatic officials in Johannesburg submitted the names to the Colonial Secretary as proper applicants for permits. The Colonial Secretary sanctioned the granting of such permits. These names, however, were often faked, though the permits were properly issued and bore proper thumb impressions, or signatures. In such manner men who were entitled to enter the country had to pay large sums before they could come in, or before their claims were considered. This was three times brought to the

notice of Sir Arthur Lawley, who, at last, ordered a prosecution, which proved abortive, but the officials concerned were dismissed, because the charge was proved against them, so far as the department was concerned. But these things show how effective the Peace Preservation Ordinance was. It confuses the issue to talk about Law 3 of 1885 in connection with the influx, and to describe it as inadequate. That Law was never intended to control Asiatic immigration. It simply says, "Those who settle in the Republic for the purpose of carrying on any trade or otherwise shall be bound to have their names entered in a register." Thus it was merely to exact a poll-tax from those who wish to trade in the Transvaal, for Indians were not even bound to register or pay anything. Asiatic immigration was as free as European immigration. The question of restricting such immigration was raised after peace was declared, and the Peace Preservation Ordinance was then utilised, quite improperly, to check Asiatic entry. For some reason or other it was suggested that the Peace Preservation Ordinance should be amended. The Draft Amendment appears at page 9 of the Blue-book, "Legislation affecting Asiatics in Transvaal," published last year. That would have been quite proper, and British Indians could not have complained. A Draft Amendment of Law 3 of 1885 was also suggested at the same time.

## Policy Suddenly Changed

"It was quite of a mild type, but suddenly the whole thing was changed, and I believe it was Mr. Lionel Curtis who, after all, changed the whole scope and tenour of such legislation, and who sprung upon the community the draft of the Asiatic Amendment Ordinance, now sanctioned as an Act. It is a misnomer to call it an Amendment of Law 3 of 1885; it really makes a change in the whole Asiatic policy. Class legislation affecting Asiatics has been passed before now and not much has been heard against it, but the Asiatic Registration Act is absolutely a novel thing, and, based as it is on the false charge above referred to, can never be accepted by the Indian community, more so as the community is bound by a solemn declaration.

"It is surprising to me that General Smuts has persistently ignored these things, and asked British Indians to violate their consciences. One would have thought that he, as representing a very strong Government and an overwhelmingly large number of Europeans, would have sufficient grace and condescension to respect Indian sentiment, so long as he got the essential thing—viz., identification of every Indian or Asiatic residing in the Colony. These he could have had six months ago, and can have even now."

"But Mr. Gandhi, the assertions of General Smuts are very different from

yours," our representative remarked.

"Quite so," was the reply. "I may be told that mine are merely counter-assertions, and that General Smuts must be saying what he knows to be true. I do not ask that the assertions made by the Indian community should be, *ipso facto*, accepted, but I do say that what I have stated above furnishes sufficient ground for a judicial and open enquiry. No reasonable Colonist can take exception to it, and if in the course of that enquiry it is found that the charges of an influx and statements as to the inadequacy of the Peace Preservation Ordinance are proved there will be something to be said for the Asiatic Registration Act. If, however, the finding of such a commission is in favour of the Indian contention, why should not a strong Government, which also claims to deal with British Indians fairly and justly, acknowledge its mistake and retrace its steps?"

### Finger Prints

In reply to a question as to what was the real objection to finger-prints Mr. Gandhi remarked that a lot of good ink and paper had been devoted to this subject, but it had never formed an impossible barrier. As a matter of fact, thumb impressions have been given voluntarily. "There is, however, a very serious objection to simultaneous digit impressions, because they have the ring of criminality. According to E. R. Henry's book, simultaneous digit impressions are required only for classifying criminals: thumb prints are asked for from illiterates in several departments in India. But the deadlock is created by the Asiatic Act itself. Objections were raised before, the regulations were published and promulgated."

Asked to give a statement upon General Smuts' references to intimidation, Mr. Gandhi said the intimidation simply resolved itself into social ostracism against those Indians who had taken out registration certificates, and he very much feared that such ostracism could not be prevented. Asiatics who had registered themselves had acknowledged more than once that they had done an improper act. It was fear that dictated the course, and not their respect for the law. "General Smuts' remark as to deception by the leaders was unfortunate," continued Mr. Gandhi. "So far as I am aware, no leader has misled any Indians. The Asiatic Law has been translated and distributed broadcast. The protection of the Imperial Government has certainly been placed before the Indian community, and so long as I retain my faith in the Imperial Government and British justice, I shall continue to place it before my countrymen until I find that the whole of the Indian community has been entirely abandoned by the King-Emperor, in spite of previous promises to the contrary. General Smuts has seen fit to describe our respectable community as a community of coolies. It must not

be supposed that Indians do not know these things, or that they do not feel them. Every word that General Smuts has said has been greedily devoured by British Indians, and those who could not read have listened to the translations. Needless to say, those remarks naturally offended them, and so long as he holds British Indians so cheap and denies them the full status of British subjects, so far as their possible freedom and personal movements are concerned, so long must Indians rest content with imprisonment or deportation."

### The Leaders

"I cannot help congratulating him upon having laid his hands upon the leaders. He will then find out for himself whether the Indian opposition is real or false. The question is: Will he do justice after he finds out the guilty, or will he then put forth the enormous strength he possesses in order to crush a handful of Indians who have never done any harm to any portion of the Transvaal community? Talking of leaders, I must deny that all those who have been arrested have taken a leading part in the agitation. Some of them have never been known to have done anything in connection with the Act, and why should those who are in the employ of the Government be intimidated into registering, on pain of being dismissed. I am proud to say that most of the Indian employees of the Government—some of them of long standing—have accepted dismissal rather than register. But if it is true that the agitation has been kept up only by the leaders, why has this extreme procedure been adopted of dismissing even the Indian labourers working on the railways?"

### The "Irrevocable" Laws

Mr. Gandhi then drew attention to General Smuts' concluding remarks, and said he had there laid down a proposition which, if it were to hold good generally, would mean the end of the agitation, healthy or otherwise. General Smuts said that no law could be altered owing to agitation. "Without taking into consideration general laws, affecting all communities, I can cite," observed Mr. Gandhi, "the instance of the Natal Franchise Law having to be altered on reasonable opposition by the Indian community and on representations by the then Colonial Secretary, and this after Natal received self-government. The Natal Municipal Act still awaits Imperial sanction. In my humble opinion the real strength of the British Empire lies in honourable compromise and in paying regard to the rights and complaints of minorities, especially when those minorities are weak or unrepresented. At the time of introducing the Transvaal Municipal Ordinance Sir Richard Solomon cited the instance of the coloured people having rejected the Pass Law. That law, so far as I am aware, has never been enforced against them."

"What of the numerous interviews

the leaders of the Indian community have had with General Smuts? Could you come to no friendly understanding?"

"There have not been numerous interviews, so far as I am aware," was the reply. "I only know of one, but I do know that he has repeatedly rejected all advances from British Indians. It is perfectly true that each time an approach has been made it has been with a view to a repeal of the Asiatic Act. There can be no other course possible for Indians who believe in God, and who are bound by their solemn declaration taken after having had everything placed before them."

### The Way Out

"Is there no honourable way out of the present difficulty?" our representative asked.

"Yes," was the reply; "Indians have always offered to fulfil the essential object of the Act—viz., to give every facility to the Government for complete identification of British Indians entitled to remain in the Colony. This could have been done voluntarily under the Peace Preservation Ordinance. Now that that Ordinance is virtually repealed, and must be totally repealed if the Asiatic Act is also repealed, the only practical way out of the difficulty is to amend, during the next session of Parliament, the Immigration Restriction Act, so as to embody the necessary clauses for identification, regard being had to the statements always made by the Indian community with reference to minors under 16, and with reference to those who can pass the education test under the Act, which is severe enough."

Asked to elaborate his proposal, Mr. Gandhi said the Immigration Restriction Act, which contains the drastic power of deportation under the hand of the Minister, is ample for every purpose. Let the Asiatic Law Amendment Act of 1907 be entirely withdrawn, and the Immigration Restriction Act be slightly amended so that every Asiatic would become a "prohibited immigrant." That was to say, he would then have to prove that he was entitled to remain in the Colony. If he could produce his certificate issued to him under the Peace Preservation Ordinance, or under Law 3 of 1885, he would be given a certificate of domicile, which would take the place of his former certificate, and other documents at present held, and this new certificate of domicile should contain ample proofs of the identity of the holder. Children under the age of 16 should not be required to take out certificates of domicile, but a complete enumeration of such children would be detailed, together with their names, on the certificates of domicile issued to their parents and guardians. The Immigration Act already contains sufficiently drastic provisions against trafficking in these certificates of domicile. This scheme, Mr. Gandhi contended, would be the Government all

that they reasonably required—viz., would prevent any further immigration of Asiatics, and would ensure complete identification and registration of all Indians and Asiatics entitled to remain here. Thus the wishes of the Government and the people of the Transvaal would be fully met, without putting any unnecessary affront upon the Indians. "It has been often said," continued Mr. Gandhi, "that the Transvaal, being an inland Colony, cannot have an Immigration Act like the Cape or Natal. That, in my opinion, is a mistake. What is meant is that the Immigration Act of the Transvaal should provide for stricter identification than the Natal Act. According to the Natal Act, any Indian can at any time prove his domicile and demand entry. Under the amendment suggested by me, every Indian would have to prove his domicile, or his right of residence in the Transvaal, within a stipulated time, after which he would be for ever stopped. Surely nothing more than this can be required?"

## Passive Resisters

### The Ex-Soldiers' Case

#### Ordered to Leave within 14 Days

The *Star* of the 3rd instant gives the following report:—

There was another big crowd both outside and in the court this morning, when the two Indians whose cases were postponed when Mr. Gandhi and the others were dealt with first, were brought up and charged with contravening the Asiatic Registration Ordinance by not being in possession of a certificate of registration. One or two preliminary cases were taken first, and the best positions in the portion of the court devoted to the public were taken by the ordinary habitués for whom police proceedings seem to have an extraordinary fascination. The consequence was that the Indians, who did not expect the cases in which they were interested to come on before 11 o'clock, were many of them unable to get into the Court, and had to be content with crowding the approaches. Something like a thousand or 1,500 of Mr. Gandhi's compatriots assembled in and around the Court, and a subdued murmur of many voices, perfectly audible in court, testified to the interest taken in the proceedings by those outside.

#### A Soldier of the King

Nawab Khan, an ex-soldier of the Indian Army, was charged.

Superintendent Vernon, "B" Division, said that at 10 a.m. on December 28, he called upon the accused to produce his certificate of registration under Act 2 1907. He had known accused for the past twelve months or more.

Mr. Gandhi did not ask any questions, but he put the accused in the

witness-box. He examined him as follows:—

You are a Jemadar?—Yes.

You came to the Transvaal at the time of the war?—Yes, during the war.

Attached to the transport corps?—Yes.

What expeditions have you served in?—Burmah, Chitral, Black Hill, Firoz Expedition (1897), and the Transvaal war.

And you were wounded three times?—Twice I was shot, and once I was cut over the eye.

Your father was attached to Lord Roberts' staff when he went to Kandahar?—Yes, he was Subadar Major.

Witness said he was in charge of the native police on the C. S. A. Railways.

The Magistrate said the evidence did not affect the position.

Mr. Gandhi: You have refused to take out a registration certificate under the new Act?—I will not take it out under the new Act.

Will you explain your reasons?—Because it would ruin me altogether if I did so.

#### The Magistrate's Comments

Mr. Jordan, in giving his decision, said the accused was not registered, and he must register. Since the hearing of the last cases on the 28th he had been approached by both Indians and Chinese, and they had informed him that this question of the fingerprints had nothing at all to do with their religion, absolutely nothing. In fact, he would quote the words of one Indian who had been known to him personally for four years, and who said that if he had twenty finger prints he would put them all on as far as his religion was concerned. Also the same thing had been said to him by Chinamen, and that the whole thing was that they were frightened to register for fear of being molested. They had put it to him (Mr. Jordan) that the position taken up was absolute nonsense. Mr. Jordan added that the accused was a different class of man to the ordinary coolies, the basket wallahs, and he ought to know better than to refuse to register; he ought to register. Accused would have to leave the Colony in fourteen days.

Accused in reply to what the Magistrate had said as to his being a different class to some of his compatriots, said in this matter they were all united. They would leave the country and go to gaol together.

#### Came with Lord Roberts

Sumandar Khan, a Pathan, and ex-soldier of the Indian Army, who had also at least one wound to show, was next charged with the same offence.

Superintendent Vernon gave evidence to the effect that the accused could not produce a certificate under the Ordinance, and Mr. Gandhi put the defendant into the box.

In reply to questions by Mr. Gandhi, Sumandar Khan said he came to this Colony with Lord Roberts. He had previously served thirty years in the

Indian Army. He was present at the engagement at Paardekop and received a bullet wound in the right thigh. He was orderly at the Asiatic Office at Pretoria.

You don't want to submit to this Act?—No.

Have you been frightened by anyone?—No, who will frighten me? If I am hanged even I won't register.

You have just paid a visit to India?—Yes.

And have just returned?—Yes—about two weeks.

Mr. Jordan: Can you write?—No.

How did you get your pay in India?—I used to make a mark.

Did you not put your finger-print?—No.

This concluded the evidence.

Mr. Gandhi said the remarks that had fallen from the Bench came as somewhat of a surprise to him. His Worship had stated that some Indians and Chinese had approached him and stated they were afraid to register. Fortunately, or unfortunately, the Court had before it two soldiers who were not likely to be frightened by anybody at all, and in fact the last witness had said that he was not likely to be frightened.

The Magistrate: You know perfectly well, Mr. Gandhi, there is a great deal of difference between the plain tribes and hill tribes; this man belongs to the hill tribes.

Mr. Gandhi said there was a very great difference, but there was no question of fright at all, and if there were any question of fright the arm of the law was long enough and strong enough to protect the meanest subject in the country.

Mr. Jordan: I have no doubt it will be.

Mr. Gandhi said he did think it was futile to suggest that anyone had been frightened into not taking out a registration certificate and, as one of the witnesses had said, there was absolutely no question of thumb impression or fingerprints. It was a question that touched the vitals of the community. It was a question of compulsion or a voluntary act.

Mr. Jordan said if Mr. Gandhi liked to hold a meeting outside he could do so.

Mr. Gandhi: The Bench has led the way or otherwise I would have held my peace.

Mr. Jordan: I won't allow any more. It has nothing to do with the case.

Mr. Gandhi: I do not wish the public to leave the court under the impression that the whole of this fight is in connection with the thumb and finger impressions. The whole of the fight is a struggle for liberty.

Mr. Jordan said that both Indians and Chinese had come to him and alleged they were intimidated and were frightened to go and register by a number of people and that was the reason they have for not registering.

An order was made that the accused should leave the Colony within 14 days.

## The Mass Meeting

### European Sympathy

[FROM OUR TRANSSVAAL REPRESENTATIVE]

The Mass Meeting of the 1st inst. was a memorable occasion. Over 2,000 people were present, or, approximately, one third of the present Indian population of the Transvaal. Quite 100 delegates came from Pretoria and large contingents from Potchefstroom and other centres. The proceedings were most enthusiastic. A temporary stage had been erected in the Mosque Grounds, upon which took their stations the Chairman (Mr. Essop Mia), Moulvi Ahmed Mukhtiar, Imam Abdul Cadir (Chairman of the Hamidia Islamic Society), and several other well-known members of the community. Several press representatives were present, together with a fair sprinkling of other Europeans.

### An Englishman's Protest

Immediately after the Chairman's speech had been rendered into English, with splendid emphasis, by Mr. N. A. Cama, Mr. H.S.L. Polak, Editor of INDIAN OPINION and Assist. Hon. Sec. of the British Indian Association, rose to move the first resolution. He said:

Mr. Chairman, Friends, and Brothers,—On previous occasions, when we have held mass meetings, I felt it to be inadvisable, as a prominent member of the committee of the British Indian Association, and also with a view to preserving the incognito that is customary to the editor of a newspaper, to take a leading part in proceedings of this nature, but to-day, the circumstances are so changed, conditions are so altered, and the feeling of the people is so intense (and my feeling with it), that I have asked as a special privilege to be allowed to move the first resolution. This resolution is as follows: "In the opinion of this meeting, the Imperial Government by sanctioning the Immigrants' Restriction Act have surrendered their right and their duty of protecting the interests of weaker and unrepresented parties." I particularly asked for this privilege for three primary reasons—first because I am a European, that is to say an English-born European, secondly, because I am an elector of the Transvaal (my name is on the voters' roll), and thirdly, because of the faith which I profess and which links me very closely to many of those whom I see here to-day. Let me now briefly outline these and certain subsidiary reasons why I have desired to appear thus prominently before you to-day.

I have been told by many friends that my attitude on the Asiatic question was a very peculiar one, a very strange one, and that I should be isolated, that I should be the only one of my kind to take the part of the Asiatics. Now all these kind people have told me so in all good faith, but

possibly with a slight tinge of satire. Nevertheless, I cannot for one moment believe that I am the only European in the Transvaal to have the courage to stand up and protest against treatment which, in my opinion is iniquitous and opposed to the best interests of the Empire, and which disgraces the country of my domicile. I am fortified in my opinion by the many messages of sympathy that various members of the British Indian Association have, within the last few days, received from a large number of Europeans, high, low, and of all classes. It is a great pleasure indeed for me to find that I am not alone, because I never believed that I was alone; but what I did wish to see was that my own belief would be shared and expressed by a large number of other Europeans. It has been urged that European feeling in this matter is unanimously opposed to Asiatics, but I have always felt that that was not a true aspect of the question at all, that that was gross exaggeration, that that was a grave libel upon the small, thoughtful, and self-respecting section of the European community.

With Sir Mancherji, I have felt that, in regard to the Imperial aspect of the question, this was a matter in which we must all fight in the best and highest interests of the Empire. When I heard the news that the Royal sanction had been given to the Immigrants' Restriction Act, I received a terrible shock. I felt as though the standard of Imperialism, that had been held before my eyes for so many years, during the time in which I had been bred in western institutions, had been riddled, that the staff had been shattered in my hand, and it was a very terrible thing indeed for me to think that, by according this most important assent, the Imperial Government had apparently betrayed those of whose special interests they were the particular trustees. I remembered in a flash all the Imperial promises that had been made to India, I remembered the promises that had been made through the old East India Company, the late Queen's proclamation, the King-Emperor's message to the Delhi Durban—I remembered all that—and then I felt that everyone of those promises had been broken, that everyone of those different treaties, as one might call them, had been violated, and it was a terrible thought that the public honour of Britain had been defiled by British Ministers of the Crown. This is one of the reasons inducing me, a British-born subject of the King, to protest against this new Law.

Secondly, I speak as a Transvaal elector. I am ashamed that this thing should have been done in my name by a Government supposed to represent me. The thought of it cuts me to the quick. I repudiate that Government and the action of that Government in this particular matter. I do not consider that I am to-day represented by that Government. At the time of the

elections I made close inquiries of the two gentlemen who were standing for election in the division wherein I dwell, and I asked them for their views with regard to the treatment of Asiatics in this Colony, and because they could not give me satisfactory replies, because I considered their views were wrong views, I refused to give them a mandate on my behalf to legislate in an oppressive and arbitrary manner. I now consider, after seeing what has happened, that I acted rightly. I felt that it would have been a disgrace to throw away a precious privilege, as I should have done; that I should have betrayed my fellow-citizens had I thrown away a franchise granted for the purpose of rendering justice to everybody in this country.

Thirdly, I speak from the standpoint of my professed faith. I am born a Jew and I am proud of that fact. And I seem when I see legislation of this kind, when I hear the bitter cries of the Indian and other Asiatic communities, to hear the cry of my own people resounding through the years of oppression that have been and are to-day, and I realise that in the Transvaal under the British flag the spirit of persecution is still abroad.

I consider that where an individual opposes himself conscientiously to the State, it is he that gains and the State that loses, though the State take punitive measures against him. I believe that the movement of passive resistance is not only an ethical thing, a thing divine, but I also believe emphatically that it is in the interests of the Empire as a whole. I consider that men who have the courage to passively resist a law which they conscientiously believe to be degrading to their manhood and insulting to their religion, I consider that these men are by far the best citizens of any state and any Empire, and especially so of the British Empire, which has all these years held itself up as an example of equal justice for all British citizens, for all British subjects. It therefore seems to me that in adopting this attitude of passive resistance you have actually performed a primary duty to the Empire, as was suggested by Sir Mancherji Bhownaggee.

I have just one word more to say before closing. Last night I was passing a Salvation Army hall—it was rather brilliantly lit up—and I saw this inscription fixed upon the opposite wall: "With God we shall all do valiantly." It struck me that that was a very apt motto for us here. To-day is the first day of a new year, when we turn over a new leaf, and if I may be permitted to offer you a New Year's greeting, if I may be permitted to offer you one more word of encouragement, it is that you should remember those few words: "With God we shall all do valiantly."

Owing to the threatening rain, the formal proceedings were brought to an abrupt close. But the enthusiasm of the people was so great that they continued to stand for an hour in the

steady downpour, listening to address after address, urging them to remain firm and fight on to a finish.

#### An Englishwoman's Sympathy

Mr. Gandhi, who took no prominent part in the proceedings, read the following exhortation on behalf of Miss Schlesin, a Colonial-born European:

Now that the struggle has reached its culminating point, I, who have followed it with the closest attention almost from its inception, would fain say a few words of sympathy, of heartfelt sympathy, in the sufferings which you have already undergone, in the sufferings still before you, of which the former are but a foretaste. But I implore you not to flinch from the hardships which now confront you, not to falter at the shoals ahead, but to continue steadfast in your heroic resolve to give up all, aye very life itself, for the noble cause of country and religion. Let me remind you of a similar crusade now being waged by my sisters in England. I refer to the suffragettes. For the sake of a principle, they are prepared to lose their all, to brave innumerable trials. Many have already suffered imprisonment, more are ready, nay eager, to do so. If delicately-nurtured women can do this, will hardy men, inured to toil, do less? Do not swerve from the course upon which you have entered, be true to the ideal before you; and "heart within and God o'erhead," proceed to conquer or to die. And, if you do that, if you adhere to your solemn covenant with God, if you prove yourselves resolute in deed, as you have already shown yourselves gentle in method, then it will not be to die! Success then is assured, victory is yours, is ours.

#### Lord Ampthill's Speech in Paris

We give below a further extract from Lord Ampthill's address on "British Imperialism" delivered recently in Paris:—

We white men think that we have an unquestionable right to enter the territories of Asiatic nations and to force upon them our trade and our religion, whether they want it or not. We consider it perfectly just and right that we should oblige these Asiatic nations to give us concessions for exploiting the resources of their countries and that in doing so we should disturb their social system. Yet when a few hundreds or thousands of these Asiatics go to a white man's country, not as conquerors or monopolists or concessionaries, but as humble traders or mere labourers, offering their labour for wages, there is wild excitement, political agitation and even mob violence. Nobody can pretend that this treatment of the coloured man by the white man is fair or dignified or consistent with the superiority to which the white man lays claim. This is a

question which only the higher morality of Imperialism can decide. Let us not forget then that the Christian faith which should guide the actions of individual Christians, bids the powerful be just towards the poor and oppressed.

The first duty of Imperialists is to see that their policy is illumined by the highest ideals of justice, humanity and morality and that all their fellow citizens are inspired by the wholesome pride of taking part in the spread of enlightenment, civilization and universal peace.

#### Correspondence

##### Mr. Jordan's Remarks

To the Editor of INDIAN OPINION,

Sir,—I am sure Mr. Jordan's remarks made at yesterday's proceedings in connection with the trial of two Indian ex-soldiers who wear decorations and bear scars of bullet wounds received for the sake of the Empire must have caused deep offence to all right thinking men. I have myself been a Magistrate for 12 years and have occupied other judicial positions. I have always understood that a Magistrate while on the Bench must confine himself only to the facts before him. He can never use to the detriment or otherwise of the Accused before him information received by him otherwise than as a Magistrate or in any other case tried by him. Mr. Jordan, no doubt, in the heat of the moment, forgot himself and allowed himself to remark upon what some Indians and Chinese are stated to have told him about intimidation.

Mr. Jordan was trying cases under the Asiatic Act, and not administering it. Why he should have passed any remarks upon the Act itself or what those who were affected by it have been doing is difficult to understand.

British Courts are rightly termed founts of justice. I am sure, in this mixed community, we do not want political Magistrates or Magistrates with a bias. I am afraid that, if Mr. Jordan continues, as he has begun, he will certainly bring down, with his own, the reputation of Colonial Courts. I cannot conceive of anything more disastrous to the fair fame of my race than that such a thing should happen. Hitherto, whatever the prejudice may be, we have been able to take unction to our souls from the acknowledgment made by Indians, so often, that at least in the Courts of Law of the Transvaal they obtained justice from Magistrates who were not afraid to exercise their independence and self-restraint. I hope that, like myself, the press and the public will appreciate and treasure the reputation we have deservedly gained.

I am, etc.,

GERARD F. W. CURTIS.

Johannesburg,

4th January, 1908.

#### The "Star" and Mr. Gandhi

##### "False Issues"

##### A Reply

The *Star* (Johannesburg) of the 3rd instant has the following leading article under the heading "False Issues":—

The storm is gathering round the Asiatic passive resisters. Lengthening columns of telegrams show that they are already the topic of the hour in the English Press. Preparations are being made to raise their case in both Houses of Parliament, and meanwhile a mass meeting in London, under the chairmanship of Lord Ampthill, is announced for next week. There is every sign, too, of an organised agitation in India, though we have always doubted whether the stay-at-home Indian nationalist has any very deep sympathy with the struggles of his brother overseas. Still, a grievance is always a grievance, and we may certainly expect to see some adequate response to the invitation sent to the Surat Congress for a "vigorous protest all over India." All this, of course, must have been foreseen by the Imperial Government, when it decided to sanction the Immigration Law, and by the Transvaal Government, when it decided to make use of its new powers. The growth of a storm which was always inevitable cannot possibly affect their plans which seem nevertheless to be melting away into their old fluid condition. Much to the disappointment of the passive resisters the heavy artillery of the authorities is still hanging fire, and the agitation, of course, is gaining force with every fresh rumour that there is a chance after all that the position may be reconsidered. It is not our business to advise the two Governments in their dilemma, though we feel sure that we are voicing their sentiments in reproaching in the strongest terms the rather unfortunate suggestion of a Jewish correspondent that they should convene a public meeting to support their policy. We can imagine nothing more likely to embitter a controversy which is being carried on at present without any of that racial animosity which has disfigured similar struggles in other parts of the world. We venture, however, to point out that the real question between the Government and the Asiatics is already in serious danger of being overlaid with false issues, and that it is absolutely necessary to stick to essentials if we are to come to any reasonable solution.

##### The Government's Legal Right

Let it be clearly understood then, in the first place (and in spite of two columns of philosophic doubt in the *Rand Daily Mail*), that the Transvaal Government has a perfect legal right,



since the sanction of the Immigration Law, to remove from the Colony each and all of these non-registered Asiatics. It has, of course, no power beyond its own borders—no power for instance to convey a deported passive resister from Komati Poort to Delagoa Bay. But, so far as its own territory is concerned, its powers are quite complete, and it hardly needed the written opinion of eminent counsel, in which Mr. Gandhi still begs his followers "not to pin their faith," to establish a right which, indeed, is the whole *raison d'être* of the relevant clause of the new law. In the second place, the question of excluding fresh Asiatic immigrants is not involved in the present *impasse*. The Controversialists in England—pro-Asiatic partisans like Mr. Harold Cox and Mr. Ritch, and practically the whole of the Press—continue to raise the whole subject *de novo*. They talk, for instance, of "European jealousy," "trade rivals," "the virtues of the Indian," and so on; and, therefore, it must be clearly stated that, so far as this Colony is concerned, the question is not even in dispute.

**The Asiatic Leaders**

The Asiatic leaders themselves have always acquiesced in the principle of excluding fresh immigration. "No one wants it," as Mr. Gandhi admits in the letter which we published on Monday. He goes on, by the way, to say that "the Registration Act cannot stop it," to which the obvious retort is that under present conditions that must remain a matter of opinion. The Government experts maintain, not only that the Registration Act will stop fresh immigration, but that it is the only available means of stopping it, and the public have supported the Act on the strength of that assurance. In the third place, as we are dealing with Mr. Gandhi's letter, we venture to describe the whole of his comparison of deportation under the Immigration Law with what he calls "ordinary deportation," explaining it as penal servitude in a foreign settlement, as the most unmitigated nonsense. Mr. Gandhi would prefer the prospect, it seems, of being treated like a "native rebel sent from Natal to St. Helena," or of being shipped like a French murderer to Cayenne, to the knowledge that he has the freedom of the whole world except the one particular country whose laws he finds oppressive. If those were really his sentiments, we could only ascribe them to a strangely perverted passion for martyrdom. But of course they are nothing of the kind, and no one supposes it for a moment, and Mr. Gandhi has simply overreached himself in his anxiety as a good controversialist to depict the obvious hardship of any form of deportation. Everyone knows that there will be broken homes and financial ruin and infinite distress if the Asiatic community remain recalcitrant up to the point of being deported, but it

is a sheer waste of time to pretend that there are pleasant methods of deportation which have been deliberately rejected by the Transvaal Government in favour of an "act of barbarism."

**The Religious Objection**

The last false issue which we wish to dispel is rather a delicate one. It is contained in the new assumption that the essential part of the passive resistance movement is a scruple on the score of religion. If that assumption were true, it would appeal with immense force to any British community, and the mere possibility of its being true is evidently putting a serious strain on a certain section of the public. We need only instance the letter which Mr. Joseph J. Doke has addressed to the Press and the open sympathy of Mr. William Hosken. But is religion, in the proper sense of the word, at the root of the objection to registration? Has it anything whatever to do with it? Is it even suggested that any of the finger-print formalities and so on are repugnant to any religious creed as such? Is it conceivable that a man like Sir Richard Solomon, who contributed a weighty defence of the Registration Law to yesterday's *Morning Post*, would have consented to the Law for a moment if that were the case? Why did we never hear of these religious scruples in the beginning? Is not the real truth of the matter that they have been evolved in the course of the controversy, and that when the Asiatic leaders speak, as they speak now, of a "religious struggle" they simply mean a conscientious objection to performing an act which they assert to be socially degrading? The essence of the Asiatic case, as we understand it, is not contained in any of these arguments. It is not that deportation is illegal, nor that it is deliberately planned in a peculiarly barbarous form. They do not claim free immigration for the future nor relief from a process of registration which violates their religious susceptibilities. What they really resent is that the Registration Law, backed by the Immigration Law, marks them out from other elements in the community—that it is differential legislation. They dislike performing an act which it is not required of other people. Their objection, in short, is a social objection, and that fact should be kept steadily in view in dealing with controversialists like Mr. Harold Cox, who really knocks the whole bottom out of the social argument by his admission that South Africa must always remain in a sense a "black man's country." It is the possible effect on the native races, who live under differential legislation themselves, which makes it impossible in our opinion for the Government to yield to agitation without loss of prestige now that things have gone as far as they have.

**A Reply from Mr. Gandhi**

Mr. Gandhi replies as follows:—

In your survey of the Asiatic question you say: "It is the possible effect on the native races, who live under differential legislation themselves, which makes it impossible in our opinion for the Government to yield to agitation without loss of prestige now that things have gone as far as they have." May one infer from this that "if things had not gone as far as they have" the Asiatic case would, in your opinion, be strong enough to require a reconsideration? However, whether the inference is justified or not, with your permission, I would merely deal with the religious aspect of the question.

I beg to remind you that the matter wore a religious aspect at the first mass meeting, at the old Empire Theatre, in the September of 1906, when the now famous solemn covenant not to submit to the Asiatic Act was, after due deliberation, made by British Indians. The disqualification against Turkish Mahomedans on the ground of religion was then present in the Bill and has always been pointed out as a ground of complaint. In my humble opinion, the solemn obligation by itself constitutes sufficient religious objection against the Act. And a State that overbears such an objection on the part of its inhabitants fails to fulfil its primary duty to respect conscientious scruples.

I shall now endeavour to place before the public the general religious objection. A and B are resident in the same State. B is charged with having committed a fraud. Although both A and B have demanded a public inquiry into the charges, and fraud has never been proved; yet A and his children over the age of eight years, in common with B, are called upon to submit to a punitive measure on account of B's alleged fraud. If A accept that measure, and, for that matter even B, either does violence to his religion, because he surrenders his manhood and his conscience through fear of personal inconvenience or loss. The position of A and B is that of every Asiatic in the Colony. This would be the essential religious objection, even if there were no binding oath and no discrimination against a particular religion.

If it be true that the Asiatic feeling has been intensely roused, a concession to that feeling, instead of producing an injurious effect on the native mind, would produce a reassuring effect, in that, if the sentiments of one unrepresented class are respected, those of another such class also, it will be argued, are likely to be respected. Prestige is a high horse which, under conceivable circumstances, may bring down the rider, if he do not take care.

## Notes on the Campaign

Telegraphing on Wednesday, the London correspondent of the *Mercury* says:—

I have excellent official authority for stating that the Imperial Government do not intend to interfere in regard to the Transvaal Indians, being convinced of the inexpediency of such a step so soon after the grant of Responsible Government. Nevertheless, the regret is expressed by his Majesty's Government that the Transvaal authorities should not have found it possible to refrain at present from taking the action in view, having regard to Imperial policy, and also the cost of deportation. The guarding of the Natal frontier, it is felt, will be a difficult task, and is likely to lead to bribery and corruption,

The two Pretoria Indians named Sheth and Toolsie who were defended by Mr. Berrange on the charge of being in the Transvaal Colony without Permit required by law, were brought up on remand at the Court on the 7th inst. before Major Dixon (A.R.M.), the former being ordered to leave the Colony by the 21st inst., and the latter by the 12th inst.,

"Can we deport?" asks a special correspondent of the *Rand Daily Mail*. The writer quotes the late Sir Henry Jenkyn's "British Rule and Jurisdiction beyond the Seas" which holds that "the power to make laws for the peace, order, and good government of the colony confines colonial legislation to the territorial limits of the colony."

The following telegram has been received: "African Political Organisation in conference assembled at Indwe unanimously passed resolution of sincerest sympathy in your struggle under the persecution you are undergoing."

Rev. Dr. M. A. Ross, of the S. George's Presbyterian Church, Johannesburg, writes as follows to the *Transvaal Leader*:—

It seems to me that the question of the Indian Immigration cannot rest where it is. In the overwhelming judgment of the Transvaal people, registration is necessary in the present stage of our development, for the protection of the white population. As I understand, the Indians do not question the necessity for some effective method of restricting immigration; but what they say is, "We object to the mode of registration, as it is the mode used for the registration and identification not of ordinary, but only of dangerous, criminals." The objection is valid, and ought to weigh. Not only they, but we ourselves, will be the sufferers if we close our ears to this plea of humanity. I hope our Government will see its way to devise some effective means of registration,

which will not carry the brand of degradation in the eyes of our fellow-subjects.

Mr. Ally has been interviewed at Cape Town by a *Natal Mercury* representative. He gives it as his opinion that if the Government of the Transvaal were to meet the leaders on the other side, and accept the voluntary registration of thumb-prints and, even the 18 finger-prints which the regulations require, they would be cheerfully given. They would then receive new permits in exchange for those which were issued in 1903, and he believed the whole difficulty would be settled. It is compulsory registration to which they took exception.

Mr. H. P. Kendall, in a letter to the *Transvaal Leader*, says:

I mix largely with the Johannesburgers, and I inform General Smuts that he misreads the mind of the people of Johannesburg if he conceives that Asiatics are without European sympathy. Indeed, the volume of sympathy is increasing day by day, and if General Smuts insists on unnecessarily making martyrs of Asiatics, I doubt not but that the British instinct of the men of Johannesburg will rise against the persecution of men who rightly or wrongly, are offering opposition to the Registration Act on the grounds of conscience. General Smuts is known to be strong, but his strength would be obstinacy if he declined to listen to reason and to the warnings given to him, in time, by many of his supporters, of whom, as I have already said, I count myself one.

Instructions emanating from the Colonial Secretary's Office have been received by the various Sub-Commissioners of the Transvaal Town Police, requesting that a certain number of men from that force be selected, provisionally, to act as "Inspectors of Asiatics," says the *Leader*. The inspectors will first of all parade all Asiatics residing in locations for the purpose of drawing up a list of those men who are without registration certificates. All Asiatic storekeepers within the various Municipal areas will also be visited for the purpose of completing the list of those of their number who have failed to comply with the Asiatic Immigration Restriction Act. The names of men selected for this work have already been submitted to the authorities in Pretoria, but up to the present the chief of the T.T.P. has not been instructed to proceed with the work.

The arrest of men, with wives and children born in the Transvaal, makes painful reading, writes a correspondent named E. Manley in the *Transvaal Leader*. Should the husband be deported, the family must follow, whither no one knows, and without money also, perhaps, for many of the race are poor. Personally, I do not think

the Government capable of such cruelty. The festival in memory of Him who said "Do unto others as ye would they should do unto you" has just concluded, and surely it is possible, without offending the susceptibilities and religion of members of a civilisation older than our own, to devise means less objectionable than the finger-print system, compliance with which would seem degrading.

At a meeting of the White League at Pietersburg, when resolutions were passed approving of the Government's action in regard to the Asiatics, Mr. Munnik, M.L.A., who presided, said he had recently interviewed the Premier and asked that the Government should not give way one iota, but Mr. Botha replied that the back of the Government did not require stiffening in the matter.

In connection with the refusal of trade licences to Indians the Chairman of the British Indian Association has written to the Receiver of Revenues and says:

On behalf of my Association, therefore, I beg formally to inform you that, as the large majority of British Indians have for conscientious reasons declined to submit to the Asiatic Law Amendment Act, and as it is not possible for Indian traders or hawkers to earn their living otherwise than as traders or hawkers, they are reluctantly compelled to continue their trade without proper licences. I may further add that, should the notice regarding licences be withdrawn and should you be pleased to grant licences, on a notification from you, the licence fee will be immediately paid and licences taken out by British Indian traders and hawkers.

Mr. Essop Mia, has received the following reply from the Receiver of Revenue:—

I have the honour to acknowledge the receipt of your communication of the 4th inst. written on behalf of the British Indian Association, disclosing the intention of Indian Traders to continue trading without proper licences, and advising that in the event of the withdrawal of the notice appearing in the Press relative to the renewal of Licences for 1908, licences will be immediately taken out.

In reply I beg to point out to you that Indian traders who are disposed to contravene the law in the manner indicated render themselves liable to the provisions of the Revenue Licence Ordinance 1905 which imposes heavy penalties on any persons carrying on any trade or business without being in possession of a licence, irrespective of whether the persons are offenders against the requirements of any other statute or not.

The Press Notice on the subject of Renewal of Licences 1908 is not of a statutory character, but merely an advisory notice inserted in the papers for the information and guidance of

the business community. Its publication or withdrawal has no force or effect on the question at issue.

I need scarcely reiterate what is now so well understood, namely that my action in refusing to issue licences to Asiatic traders without production of their certificates of registration is governed by the Asiatic Law Amendment Act 1907 Section 13.

On Friday 14 Asiatics approached the Municipal authorities at Roodepoort, laid down the annual licence money—five pounds—and their expired licences, and requested renewals. These latter were refused, the Town Clerk intimating that such refusals were made in accordance with instructions received from the Colonial Secretary.

The *Leader* reporter learns that a loss of revenue to the tune of something like £600 will be sustained by the Roodepoort-Maraisburg Municipality owing to the operation of new legislation affecting Asiatics. In Krugersdorp the loss will be greater. It is pointed out, however, that in the event of the exclusion of Asiatic traders, most of the lost revenue which hitherto accrued from the Indian source will be recovered from European traders who will, doubtless, apply for and take up the lapsed licences.

Mr. Mahomed Suleman, of Wakkerstroom, Transvaal, writes informing us that on application for his annual licence it was refused on the ground that he had not registered under the new act, nevertheless, Mr. Suliman intends to continue to trade,

The following appeared in the *Pretoria News*—

Sir,—I notice in several issues of your paper you refer to Mr. K. Gandhi as "Mr. Advocate Gandhi," and as an "Indian Barrister." Mr. Gandhi is not an advocate. He is an attorney. While I am sorry to deprive "Mr." Gandhi of some of the cheap notoriety which he has obtained through the instrumentality of your paper, I think you will agree that it is better not to deceive the public by giving this nigger a title to which he has no right and for which he possesses no qualifications. You see, while "Mr." Gandhi possesses the inherent low cunning of his race, he has not the education which would entitle him to admission as an advocate of the Supreme Court in this Colony.—I am etc.,

"KCIRTAP."

[Mr. Gandhi should at least be able to teach our correspondent something about courtesy and good manners. We trust the attorneys of Pretoria will appreciate the point of view of a man who thinks "low cunning" a qualification for the profession of a solicitor though not for a barrister.—Ed. *Pretoria News*.]

To which the Editor of INDIAN OPINION replied:

Whilst I do not attach any importance to the vulgar buffoonery of the correspondent whose letter you published and commented upon, nevertheless it is quite possible that the opinion of some people may be that Mr. Gandhi has been masquerading or has led himself to be bedecked with plumes which he is not entitled to wear. The facts are these: Mr. Gandhi is the son of an Indian Prime Minister. He is an undergraduate of London University, a Barrister of the Inner Temple, an Advocate of the High Court of Bombay and the Supreme Court of Natal, and could have been, had he chosen, an Advocate of the Supreme Court of the Transvaal. As a barrister, he had the option of practising as an attorney or an advocate in this Colony, and, for various reasons, he chose the side-Bar in preference to the Bar. It is competent for him to cease practice for six months and to apply for admission as an Advocate of the Supreme Court of this Colony.

The Bombay Anjuman Islam has appointed Mr. Jhina, Barrister-at-Law, to proceed to England and there to place the position of the Transvaal Indians before the people of England and to do all in his power to create public opinion in favour of a settlement of the Asiatic difficulty in the Colonies.

Mr. G. P. Vyas and other Pretoria Indians were before the court again on Thursday and charged with not complying with the order to leave the colony. The case was adjourned until to-day (Friday).

The Johannesburg correspondent of the *Natal Mercury* states that letters have passed between Mr. Gandhi, the leader of the Asiatics, and the Private Secretary to Mr. Smuts. Mr. Gandhi wrote that, in his opinion, the speech by Mr. Smuts, on Saturday evening, showed that a great deal of misunderstanding existed with reference to the Asiatic Act, and, as he desired to serve the Government, consistent with his desire to serve his countrymen, he asked to be allowed to wait upon Mr. Smuts, and place the position before him.

In reply the Private Secretary to Mr. Smuts says:—"The Colonial Secretary is not conscious of any misunderstanding on his part in reference to the Act, and that Mr. Smuts has nothing to add to his speech, not being aware that any useful purpose would be served at this stage by the proposed interview."

It has been suggested by a writer in the *Rand Daily Mail* that, in order to obviate the present difficulty, a law should be passed compelling everyone in the Transvaal to register with finger-prints.

Reuter telegraphs as follows:

Johannesburg, Jan. 9—The Witwatersrand Church Council has investigated the plea of the Asiatics, and passed a resolution to the effect that the Registration Act was an interference with the religious prejudices of the Asiatics, and praying the Government to make some revision of the obnoxious restrictions.

The *Leader* to-day urges a compromise on the lines already telegraphed, and asks: "Does it matter if the registration is done under one Act or under another, provided it is done?" The *Leader* refers to the withdrawal of the troops during the recent riots in Belfast, and the allowance of the clergy to take command, as a precedent for the Government to follow, and presses the Government to exhaust every method before involving the Colony in a campaign causing great trouble and expense.

## Mass Meeting in London

To Secure Peace in the Empire

Letter from Lord Roberts

Lord Amphill's Sympathy

Reuter's London Agency cables on Thursday: Lord Amphill, a former Governor of Madras, presided at a mass meeting to protest against the action of the Transvaal Government, regarding Asiatics, which had been arranged under the aegis of the Aborigines Protection Society, and the East India Society, with the support of numerous members of Parliament of all shades of political opinion. The hall was crowded. Earl Roberts sent a telegram expressing his support of the object of the meeting. Letters and telegrams of a like nature were read from many other public men who were unable to attend.

Lord Amphill, in his speech, advocated the consideration of the question in a non-party spirit, and the avoidance of recrimination. No political party would deny to the Colonists the general right to preserve the Transvaal as a white man's country. The Indians did not dispute that. (Cries of "No, no.") The Indians, however, should not be humiliated under the British flag, and the pledges of the King and the Imperial Government should not be set at naught by British subjects. The object of the meeting was not humanitarian or sentimental, but it was to secure peace in the Empire.

DADABHAI NAOROJI. *India* reports satisfactory news regarding the health of Mr. Dadabhai Naoroji. It is announced that he is slowly and steadily making progress, at his family residence at Varsova, near Bombay, under the care of his grand-daughter, who is a M. L. Edinburgh University.

## The Press on the Transvaal Situation

### Further Interesting Comments

The references to the Transvaal Asiatic question by the South African press are so numerous and lengthy that we are only able to give the following brief extracts from the more important journals:—

The *Friend* (Bloemfontein) writes:

On a matter of form Asiatic sentiment should be carefully considered, for that is a different thing from waiving vital provisions. The European population of the Transvaal have in our view a right to regulate or even to exclude all Asiatic immigration. But there are some thousands of Asiatics who are already lawful residents, and the Government would not be justified in altering at this date the terms of their residence in a manner prejudicial to their freedom or property or self-respect. Or, supposing such alteration to be essential in the interests of the white population, those Asiatics who were unwilling to accept the new law should be offered compensation, if they chose to quit the country.

There is much to be said for the suggestion of the *Morning Post* that compensation, if due at all, should be paid by the Imperial Government. It is to be remembered that it was the Imperial Government which, by cramping the action of President Kruger's administration, secured the Asiatics their footing in the Transvaal and their vested rights thence accruing. We cannot believe, however, that the Transvaal Government would shirk any proportion of payment which might appear to be their own liability. The vital point for them is to have their right acknowledged to fix terms for the residence of Asiatics in their colony, not to escape payment of compensation to those whose vested rights may suffer thereby. What cannot be entertained is the proposal to submit Asiatic legislation to an Imperial Conference or a joint committee, or any other outside authority, saving always the King's. His veto is the only one that any self-governing colony can recognise. The King has been pleased to approve the Registration and Immigration Acts, and the only question that remains is whether the Transvaal and the Imperial Government see their way to confer as to what compensation, if any, it may be appropriate to give to any sufferers under these new laws. The Transvaal Asiatics, if they feel they cannot self-respectfully submit, would be advised to confine their resistance to a formal protest, and to leave the colony, sending their appeal for compensation to the Imperial Government. The white people in the Transvaal must protect themselves, but we are sure they wish to do no injustice to the members of any other race.

The *Pretoria News*, under the heading "An Imperial Matter," remarks:

The Asiatic question in the Transvaal may be said, without hyperbole, to be agitating the whole of the British Empire. Transvaal hardly seems to realise the seriousness of the business from an Imperial point of view.

We have heard that Nero, the unspeakable, fiddled when Rome was burning. The British Empire is not burning—yet, but we are in a fair way in Transvaal to set it afire.

The Asiatic problem in this country is at the present moment in a condition inconceivably difficult, and has been allowed to get into that condition by a Government which has from the first been tactless in handling it, and which has displayed a stupid obstinacy in its attitude towards the leaders of the Indian community which might have been expected from some village Board, governing a dorp upon the marches of civilisation, but certainly not from the responsible Ministers of a self-governing colony. Luckily there

is a way of retreat left to the Government. If the Immigration Act be pronounced *ultra vires* by the Court, on the plea that it is extra-territorial legislation—it seems almost certain that it will be so pronounced—the Government will be able without loss of dignity to admit that they have been beaten, and they should lose no time about doing so. The proper course to pursue now would be to meet the leaders of the agitation, to ask them to define exactly, in what way, and in regard to what clauses the Registration Act conflicts with their creed. The Act should then be revised in regard to these particular matters, but in such a manner as to maintain the spirit of the Act and of the Immigration Bill. We take it that the essentials of both bills, which must be considered as a whole, are first an effective registration of every Asiatic in Transvaal; second, the prevention of any further immigration of unindentured Asiatics to this country. It should be quite easy to retain these two important principles, while conceding any minor details the Indians may desire for the sake of a peaceful solution of the difficulty. If the Government does not do this, thinking men in other portions of the Empire will be forced to the conclusion that they are not honest, when they assert, as they have frequently asserted, that the object of the Registration Act is not to drive from Transvaal Indians already legally resident here, or possessing vested interests, but merely to prevent any further immigration. To impose upon the Indians now resident in the Transvaal a law which forces them to choose between deportation and their religious convictions is practically to expel them and if they leave this Colony under those circumstances, they will eventually arrive ten thousand strong at least in India. There they will constitute themselves ten thousand missionaries, filled with that bitter hate of the British authority which a sense of injustice cannot fail to produce.

The *East Rand Express*, after expressing a feeling of devout thankfulness, on behalf of the East Randite, that he is not connected with Johannesburg, says:

East Randites have been called extremists on the Asiatic question, and we are quite prepared to accept the charge. We are extremists, and as a result Asiatic stores on the East Rand are practically non-existent and the district, from the commercial standpoint, is the most prosperous in the Colony despite the depression. But so long as the Asiatics continue in such great force in the other towns of the Colony we are never safe. The enforcement of the Registration Act to the letter will mean that only 500 Asiatics will be left in the Transvaal. As to the means of enforcement the refusal of licences should be sufficient without formal expulsions because the Asiatic is only a parasite. Take away from him his means of existence—that of living on the whites—and he is bound to succumb. . . . It is to be trusted the Government will carry out the law as framed and not be moved by the imbecilities of writers in the Johannesburg papers.

The *Times of Natal* has been making inquiries as to the attitude of the Natal Government and says:

If the Transvaal were to dump over the border Asiatics who were not domiciled in Natal, and not prepared to go to India, the Natal authorities would promptly put such Asiatics back over the Transvaal border, but it is not considered likely that any such necessity will arise, or that there will be any friction. The majority of the Asiatics whom the Transvaal Government desires to get rid of are believed to have originally been domiciled in Natal. In the event of the Transvaal authorities deciding to deport certain Asiatics who were not originally from Natal, it is probable that they will be shipped from Delagoa Bay at the expense of the Transvaal Government. However, nothing is known officially of the intentions of the Transvaal Government. To many the wiser course

would seem to be to put the leading agitators in prison for a period, in which case it is likely that the majority of the Indians entitled to remain in the Transvaal would register in the ordinary way.

The *Natal Witness* remarks:

As we have said before, our own local problem is sufficiently serious without being further complicated by an inrush of Indians from the Transvaal. The Transvaal people only wish to clear their own territory of these people; it is a matter of no concern to them whether they settle in Natal, and it is the duty of the Natal Government to see that the danger which undoubtedly exists of an invasion of this sort is removed. We have no doubt that the Government is quite conscious of its duty in this respect, but it is just possible that, in the face of the other serious and important questions which are at present engaging their attention, this matter may escape their attention. We suggest that, in order to satisfy the public mind on the point, a list be published in the *Gazette* every week showing the number of Indians entering Natal from the Transvaal without permits and the number leaving Durban for India. We will then be assured that the Transvaal Act is being thoroughly carried out and that Natal is not being used as a dumping ground for undesirables from another Colony.

The *Times of Natal* points out:

The real difficulty of the Transvaal will crop up in connection with the attempted carrying out of the provisions of the Immigration Restriction Act. Unless the maritime colonies consent to co-operate and to place themselves perhaps in a somewhat invidious position, we fail to see how the Transvaal Government can deport a single Asiatic. It can send them to its own borders, but not a yard beyond. Natal will certainly not consent to receive any Asiatics other than those originally domiciled in this colony.

The *Natal Witness*, after commenting upon the gravity of the crisis and the Imperial issues involved, says:

Now arises the question of deportation, and the right of any Government to enforce it. Mr. L. E. Neame, who deals with the subject with characteristic breadth of mind, in an article in the *Empire Review*, says: "Under no Act can anyone coloured or white, be put across the border. A man may be ordered to leave. He may be imprisoned for not obeying that order. But he cannot be conveyed to the border and physically impelled across it into some other State."

We have looked in vain so far for any suggestion of a middle course, the adoption of which might form a way out of the difficulty without any loss of dignity on the part of the Government. If it were possible to modify the Act in such a way as to make it less objectionable to the people it applies to without destroying its principle, the present trouble might be got over. We do not know if it is possible for the Transvaal Government to make such a concession without confessing their inability to enforce a law which they have placed on the statute books of the Colony. But we earnestly hope that some means of conciliation may be arrived at. It is obvious that even if the Transvaal wins the struggle, and compels the Asiatics to submission, it will only be done at the expense of a bitterness of feeling between the Indian people and the remainder of the Empire, which will certainly not be to the best advantage of either. It is in this respect that the matter is one of Imperial importance, and not merely a local question, and in this connection we find ourselves in agreement with the *Times*, in its suggestion that the whole matter of Asiatic immigration should form the subject of a conference of the Imperial Secretariat.

The *Lourenco Marques Guardian* has the following remarkable opinion: Mr. Jordan, who naively expressed the