

INDIAN OPINION

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NOTES AND NEWS

Mahatma Gandhi Expresses His Thanks

MAHATMA GANDHI writes as follows in *Harjan* dated October 12:—

I am grateful to the senders of wires, cables and letters received from friends in India and abroad containing their good wishes and blessings on my sixty-seventh birthday. I can only hope that the future such as may be in store for me will find me worthy of their precious gift. They will forgive me for my utter inability to send them personal acknowledgements.

Dr. Malan On Reuter's Agencies

Dr. D. F. Malan, leader of the National Party, at a social gathering given in his honour at Bloemfontein recently, is reported to have declared that "Reuter, like so many South African papers, was unnational and anti-national, and its function was not merely to provide news, but to present it with an Imperialistic bias. No nation, he said, could allow its people always to be provided with news which came from unnational and anti-national source, and the time had come when the State would have to take much more notice of the activities of newspapers, and of the educational work they were naturally called upon to do in the course of providing news. If the position could not be rectified through legislation, then the Afrikaans Press should, at any rate, be made independent of a news agency that was foreign and whose main function, therefore, was to further and foster foreign interests. The suggestion had recently been made that he (Dr. Malan) should be muzzled. But he thought that, if anything was to be muzzled, it should be newspapers that made suggestions of that nature: papers that were unnational and anti-national and established with foreign capital to further foreign interests."

We are glad to note that we are not the only ones to have a grievance against Reuter's Agency. We had occasion to criticise the ways of that Agency in not supplying South Africa with news of national importance from India. Reuters are a British news agency and are reported to be getting from the British Government in

India about Rs. 58,000 annually. No wonder they have an Imperialistic bias. What Dr. Malan says is too true.

Port Captain's Arbitrary Order

Mr. Jaibhaya Rustomjee who recently left Durban for India had an unusual experience at Lourenco Marques. By virtue of an arbitrary order issued by the Port Captain no in-transit Indian passengers whether they be first or second class or deck passengers were allowed to land at that Port and Mr. Rustomjee was one of those who was refused permission to land. It was after a great deal of agitation and representations having been made by the Captain of the ship, Captain Hansford, and the local shipping agent that permission was granted at midday to Mr. Rustomjee and his friends to land. Mr. Rustomjee, refused to avail himself of the permission if it was granted as a special favour, but he was given the definite assurance that the Portuguese authorities were not able to show under what regulations this prohibitory order was issued and that it had now been withdrawn altogether and that no one would be restricted in future from landing. In view of the very friendly relations existing between Indians and the Portuguese authorities it is no doubt very unusual to find such arbitrary orders issued by them. We are, however, glad of the assurance that the trouble will not arise in future.

A Fitting Retort

Thus *The Leader* (Allahabad):—
The new German law prohibiting Jews from employing Aryan maidservants, is justified by the Nazis on the ground that domestic service in Jewish households exposes young girls to the dangers of a life of shame. Of course, the law which places a stigma both on Aryan girls and their Jewish employers, will be condemned, and rightly too, in non-German circles. But we may mention that recently a resolution was

passed in the Transvaal Provincial Council that the Government should be requested to prohibit white girls working for Asiatics or other coloured persons. Unless drastic steps were taken, said one of the members of the Council, against this employment of white girls, the white civilisation would be ruined. The white settlers of the Transvaal should welcome the new German law which is based on principles somewhat similar to those advocated by them. But do they? Why then this campaign of vilification of the Indian community?

Mr. Manmohan Singh In Durban

Nearly 500 Indians assembled at the Stamford Hill Aerodrome, Durban, on Monday afternoon to welcome Mr. Manmohan Singh, the Indian airman, who arrived from Johannesburg. Mr. Singh was greeted with rousing cheers when he stepped out of his Puss Moth machine. He was expected on Saturday but the delay was caused owing to bad weather. Mr. Manmohan Singh is giving "flips" to hundreds of children and grown-ups as he has been doing in the other centres of the Union. A number of Durban Indian women were among the first to avail themselves of the opportunity of a free flight.

Death Of Dr. J. T. Godfrey

Friends of Dr. John Thomas Godfrey will regret to learn that cable news was received on Monday night of his death at Southampton, England. Dr. J. T. Godfrey was the brother of Dr. W. Godfrey, a prominent doctor of Johannesburg, and Mr. J. W. Godfrey, the well known Indian advocate of Durban. Dr. J. T. Godfrey, who was 50 years of age, succumbed after a prolonged illness. He leaves a widow and four children to mourn their loss, to whom and to his brothers and sisters and relatives in South Africa we extend our heartfelt sympathy.

Indian Opinion

FRIDAY, NOVEMBER 15TH, 1935

Segregation

THE speech of the Agent of the Government of India, Sir Syed Raza Ali, at the opening of the Indian ward at the Boksburg-Benoni Hospital reported in *The Star* (Johannesburg), (wrongly stated in our last week's issue as having been reported in *The Rand Daily Mail*, was bound to create a stir among the Indian community. The Agent's denial however was very welcome and now a correction has been sent to us by the Agent's office which appeared in *The Star*, dated 21st October, 1935. It reads as follows:—

"In the report of the opening of the new Indian ward at the Boksburg-Benoni Hospital on Wednesday, October 16, the Agent of the Government of India in South Africa, Sir Syed Raza Ali was reported as saying, 'I don't want to enlarge on the subject, but so far as residential areas are concerned, if there is any strong feeling that the Indian should not live next to the European, that feeling should be respected.'

"We are informed that Sir Syed Raza Ali was not referring to residential areas, and that the extract should read, 'but so far as this hospital is concerned if there is any strong feeling that the Indian should not be next to the European, that feeling should be respected. But this is not the time to go into the question of residential areas,' meaning that the same argument did not apply to residential areas.

"In a number of speeches Sir Syed Raza Ali has made it abundantly clear that the policy of segregation of Indians is not only morally wrong, but is also vitally injurious to the European himself."

In view of this correction we do not wish to enlarge upon the Agent's speech but we are bound to say this much that ever since the Agency has been established in the Union the principle of segregation which was in the past

vehemently opposed by the community, is being slowly but surely established in almost every walk of life. What is the Transvaal Asiatic Land Tenure Act if not a segregation measure. The Slums Act is also gradually turning into a segregation measure. And what are these separate wards for Indians in the general hospitals, which have been blessed by the past Agent and are being blessed by the present, if not measures of segregation? We do not in any way wish to belittle the acts of generosity of individuals like Khan Bahadur Hajee Cassim Adam who has donated a magnificent sum to build an Indian ward in the Pretoria general hospital. But can it be gainsaid that by building these wards Indians are once for all tacitly accepting the principle of segregation? And that these various wards stand as monuments of our inferior status in this country, towards which Indians have contributed so generously and the Agents of the Government of India have showered upon them their blessings!

Have we thought for a moment why separate wards for Indians should be necessary in general hospitals. Are not these hospitals public institutions? Have not Indians paid towards establishing them equally with the other sections of the community and are they not paying to run them by rates and taxes which are imposed on them equally with the other sections of the community? Should the Indian community then not be legally entitled to equal accommodation and treatment in these institutions? But they are denied these and Indians have very generously volunteered to contribute towards building separate wards for themselves. We talk of segregation being morally wrong and yet we are co-operating with the Government in establishing the principle of segregation, even as the Congress professed to be against send-

ing away of Indians domiciled in this country and yet co-operated with the Government in evolving a scheme for that purpose.

It might be said that we are indulging in destructive criticism. But if there is one thing that the community ought to be conscious of and prepared to lay down their lives for it is self-respect and national pride. If they are void of that then they are backward by hundreds of years and are not fit to claim an honoured place in the civilised world.

It has been proved beyond doubt that the Indian community has sufficient wealth in this country. Why can they not have their own independent institutions and run them on national lines. Money spent in this direction will not have been wasted. Such institutions will run down to posterity who will look upon their ancestors with pride. They will be monuments of their self-help. We would welcome such a step far rather than these separate wards in general hospitals which stand as marks of our degradation.

The Agent, we fear, is splitting hairs when he argues that, in the hospital there is any strong feeling that the Indian should not be next to the European, that feeling should be respected, but that the same is not the case as regards residential areas. If the Indian is not objectionable when he waits on the European, if he is not objectionable when he slaves to make him and his country prosperous, if he is not objectionable when he fights side by side with him on the battlefield for the glory of his Empire, surely he should not be objectionable when he is sick and is being nursed in the hospital just because the colour of his skin happens to be a shade darker. One cannot "respect" such a feeling, one can only forbear and that too up to a certain limit. In conclusion, if we are opposed to segregation on principle, as we have always professed to do, we surely cannot with any show of consistency co-operate in any act that establishes the principle of segregation.

THE GREATEST FORCE

By Mahatma Gandhi
In 'Harijan' dated Oct. 12.

NON-VIOLENCE is at the root of every one of my activities and therefore also of the three public activities on which I am just now visibly concentrating all my energy. These are Untouchability, Khadi, and Village Regeneration in general. Hindu Muslim Unity is my fourth love. But so far as any visible manifestation is concerned I have owned defeat on that score. Let the public, however, not assume therefrom that I am inactive. If not during my lifetime, I know that after my death both Hindus and Mussalmans will bear witness that I had never ceased to yearn after communal peace.

Non-violence to be a creed has to be all-pervasive. I cannot be non violent about one activity of mine and violent about others. That would be a policy, not a life-force. That being so, I cannot be indifferent about the war that Italy is now waging against Abyssinia. But I have resisted most pressing invitations to express my opinion and give a lead to the country. Self suppression is often necessary in the interest of Truth and Non-violence. If India had as a nation imbibed the creed of non-violence, corporate or national, I should have had no hesitation in giving a lead. But in spite of a certain hold I have on the millions of this country, I know the very grave and glaring limitations of that hold. India has an unbroken tradition of non-violence from times immemorial. But at no time in her ancient history as far as I know it, has it had complete non-violence in action pervading the whole land. Nevertheless, it is my unshakable belief that her destiny is to deliver the message of non-violence to mankind. It may take ages to come to fruition. But so far as I can judge, no other country will precede her in the fulfilment of that mission.

Be that as it may, it is seasonable to contemplate the implications of that matchless force. Three concrete questions were, the other day, incidentally asked by friends :

(1) What could ill-armed Abyssinia do against well-armed Italy, if she were non-violent?

(2) What could England, the greatest and the most powerful member of the League, do against determined Italy, if she (England) were non violent in your sense of the term?

(3) What could India do, if she suddenly became non-violent in your sense of the term?

Before I answer the questions let me lay down five simple axioms of non-violence as I know it.

1. Non-violence implies as complete self-purification as is humanly possible.

2. Man for man the strength of non-violence is in exact proportion to the ability, not the will, of the non-violent person to inflict violence.

3. Non violence is without exception superior to violence, i. e. the power at the disposal of a non violent person is always greater than he would have if he was violent.

4. There is no such thing as defeat in non-violence. The end of violence is surest defeat.

5. The ultimate end of non violence is surest victory—if such a term may be used of non-violence. In reality where there is no sense of defeat, there is no sense of victory.

The foregoing questions may be answered in the light of these axioms.

(1) If Abyssinia were non-violent she would have no arms, would want none. She would make an appeal to the League or any other power for armed intervention. She would never give any cause for complaint. And Italy would find nothing to conquer if Abyssinia would not offer armed resistance, nor would they give co-operation willing or forced. Italian occupation in that case would mean that of the land without its people. That, however, is not Italy's exact object. She seeks submission of the people of that beautiful land.

(2) If Englishmen was a nation to become non-violent at heart, they would shed imperialism, they would give up the use of arms. The moral force generated by such an act of renunciation would stagger Italy into willing surrender of her designs. England would then be a living embodiment of the axioms I have laid down. The effect of such conversion would mean the greatest miracle of all ages. And yet non-violence is not an idle dream, some such thing has some day to come to pass somewhere. I live in that faith.

(3) The last question may be answered thus. As I have said, India as a nation is not non violent in the full sense of the term. Neither has she any capacity of offering violence—not because she has no arms. Physical possession of arms is the least necessity of the brave. Her non-violence is that of the weak, she betrays her weakness in many of her daily acts. She appears before the world to day as a decaying nation. I mean here not in the mere political sense but essentially in the non violent, moral sense. She lacks the ability to offer physical resistance. She has no consciousness of strength. She is conscious only of her weakness.

If she were otherwise, there would be no communal problems, nor political. If she were non violent in the consciousness of her strength, Englishmen would lose their role of distrustful conquerors. We may talk politically as we like and often legitimately blame the English rulers. But if we, as Indians, could but for a moment visualize ourselves as a strong people, disdainful to strike, we should cease to fear Englishmen whether as soldiers, traders or administrators, and they to distrust us. Therefore if we became truly non-violent we should carry Englishmen with us in all we might do. In other words we being millions would be the greatest moral force in the world, and Italy would listen to our friendly word.

The reader has, I hope, by now perceived that my argument is but a feeble and clumsy attempt to prove my axioms which to be such must be self-proved.

Fill my eyes of geometrical understanding had been opened, my brain was swimming, as I read and reread the twelve axioms of Euclid. After the opening of my eyes geometry seemed to be the easiest science to learn. Much more so is the case with non-violence. It is a matter of faith and experience, not of argument beyond a point. So long as the world refuses to believe, she must await a miracle, i. e. an ocular demonstration of non-violence on a mass-scale. They say this is against human nature—non-violence is only for the individual. If so, where is the difference in kind between man and beast?

India's Growing Population

India's growing population has been described as a "devastating torrent of babies" by Sir Arnold Wilson, M.P., in a speech on world population to the British Association for the advancement of science Conference now meeting in Norwich, England. India's population, he said, had increased by one third in the last 60 years. It had grown by 34,000,000 in ten years. But the production of food was not increasing, and with 353,000,000 to feed, India was already over populated. The same was substantially true of China. In South Africa, the native population was growing, he continued, and the soil was getting poorer. In the U. S. S. R. the population in 1914 was 139,000,000 but in 1933 it was 166,000,000.

ADMINISTRATION OF SLUMS ACT

DEPUTATION TO MINISTER

A DEPUTATION from the South African Indian Congress appealed to the Minister of Health, Mr. Hofmeyr on Nov. 4 to prevent the Durban City Council from expropriating certain land at Mayville under the terms of the Slums Act, saying that the Council was "actuated by racial considerations."

In a statement to the Minister, the deputation is reported to have said that its fears that the measure would be operated in a spirit of racial discrimination were being realised in Durban. It recalled that when the measure was before Parliament, Mr. Hofmeyr, remarking that "in certain quarters the fear has been expressed that the Bill has either been conceived with or will be used to further some deeper policy for race discrimination" had emphasised that the Bill was merely intended "to wipe out slum conditions, irrespective of race or colour of slum owners or tenants . . . It has no ulterior motives. It will be administered in that spirit by me and my department."

The deputation complained to the Minister that the Durban City Council, since it took action to declare the Mayville area as a slum area, had flouted the procedure to be followed and had acted in an arbitrary manner.

"In the Mayville area, which has been declared a slum there are 36 Indian owners of property and a European owner. It is, with one exception, wholly an Indian area, and Indians have occupied this land for about 30 years. When the application of the Slums Act was first considered in relation to this area, the Medical Officer of health reported:

The Mayville area is privately-owned with valuable main road frontages and disreputable rear premises housing Indians and natives and a few coloured. This site presents a non-European salient penetrating into a good class European residential area. I recommend that the site be cleared, expropriated and utilised for European purposes, housing and recreational.

"The Borough Engineer submitted four alternative schemes, the fourth

providing for 'a new lay-out to include recreation ground and swimming bath, and utilisation of the remaining land for business and European housing, after carrying out essential public works.'

"Eventually it was recommended by the Borough officials to adopt scheme 4, which the Durban City Council did.

"The Council, from the very beginning . . . has applied the Slums Act with a view to expropriating land owned by Indians and eventually evicting them and placing Europeans thereon. The reports of the various officials and the proceedings held before the Durban Council establishes that they had already made up their minds of clearing what is called a 'black belt' contiguous to the Old Durban Borough, and making it an all-white area.'

"It may be noted that four sets of premises, three owned by Europeans and one by an Indian, were subsequently excluded from being treated as part of a 'single set of premises.' The land owned by the Indian, being the front of a site owned by a European, thus escaped being declared a slum."

FIRST INDIAN COLONIAL CONFERENCE

THE first Indian Colonial Conference was held on Sept 28 at the Gokhale Hall, Madras, Mr V. Masilamany Pillay presiding in the absence of Sir C. P. Ramaswami Aiyar.

Mr. T. K. Swaminathan, Organising Secretary, said that the object of the Conference was to celebrate the Centenary of the Indian Colonial Association started in Ceylon. Messages wishing the Conference every success were received from Mahatma Gandhi, Sir P. Ramaswami Aiyar and Dr. Tagore, Kunwar Maharaj Singh and Rt Hon V. S. Srinivasa Sastri.

The Poet's Message

Dr. Tagore's message read as follows:

"India is painfully struggling with her immediate problems which she is yet unable to solve while lacking physical power and political prestige. She fails to save from indignity and injustice those of her children who are out to seek their fortune abroad.

We have our only recourse to-day to moral appeal to the civilised

humanity and at the same time developing the power and character that can effectively insure us human treatment wherever we may find ourselves."

Mahatma Gandhi in a message said: 'Even at the risk of being misunderstood I must refrain from attending the conference. I shall watch the deliberation with sympathy'.

Among the subjects dealt with the following were in reference to Africa.

Mr. U. C. Gopalan speaking on the rights and duties of Indians abroad said that the claim of Indians to live and settle down in the colonies was based on their having mainly contributed to the growth of African colonies and their economic prosperity.

He then referred to the differential treatment meted out to the Indians in the various parts of the Empire especially in East Africa Kenya and Natal, and observed that the Indians must have the right in the colonies to settle down

wherever they pleased without racial and commercial discrimination.

Mr. Achar speaking on Indians in East Africa said that the Indians in India should intensely feel for their brethren and should keep vigil about what took place in distant countries where they earned their livelihood. He suggested that the Indian National Congress should keep a permanent office in Africa and work through the organisation for the betterment of the conditions of Indian settlers in Africa.

A resolution urged the South African Indian Congress to continue agitation to secure civic liberties and free trading licenses for Indian settlers in Africa.

By another resolution the conference requested the Colonial Governments to recognise the system of Indian marriages conducted according to their religions and customs and not to make registration of marriages before registrars compulsory.

THE TRANSVAAL ASIATIC LAND TENURE AMENDMENT BILL (1936)

THE following Bill "to amend the laws relating to occupation and acquisition of land in the Province of the Transvaal by Asiatics and coloured persons, and to provide for matters incidental thereto," to be introduced by the Minister of the Interior in the next session of the Union Parliament is published in the *Union Gazette* dated 28th October, 1935, for general information and in order to secure consideration by interested parties and with a view to obtaining their comments. For the convenience of the reader relevant sections of the laws referred to in the Bill are given in the second column.

The Bill

Be it enacted by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa as follows:—

Amendment of Section one hundred and thirty of Act No. 35 of 1908 (Transvaal), as amended by Section one of Act No. 35 of 1932.

1. (1) Sub-section (1) of section one hundred and thirty of the Precious and Base Metals Act, 1908, of the Transvaal hereinafter referred to as the Gold Law is hereby deleted and the following sub-section substituted therefor:—

"(1) Save as is provided in section *twenty-four* or *one hundred and thirty one (A)* or in any other law expressly permitting a coloured person to reside on or otherwise occupy any land or ground mentioned in this sub-section a coloured person may not acquire any right under this Act, or reside on or otherwise occupy any land or ground in respect whereof any other person holds any right acquired under this Act or Law No. 15 of 1898 or a similar prior law, and a person who holds any such right, or a person who has acquired from such holder any right to any such ground or land, may not transfer any such right or part thereof or let any ground or land in respect whereof he holds any such right, to a coloured person or permit any such transfer or letting and may not permit any coloured person to reside upon or otherwise occupy any such ground or land; provided that a coloured person, who is in the employ of a white person or of a company controlled and managed by a white person or white persons may, with the permission of the white person or company employing him and for the purpose of his employment, and subject to compliance with the requirements of any other law, reside upon or otherwise occupy any such ground or land as aforesaid which his said employer is entitled to reside upon or otherwise occupy.

(2) The reference, in section *four* of the Transvaal Asiatic Land Tenure Act, 1932 (Act No. 35 of 1932) to section *one* of that Act, shall be deemed to be a reference to sub-section (1) of this section.

Amendment of section one hundred and thirty one of Act No. 35 of 1908 (Transvaal), as amended by Section two of Act No. 35 of 1932.

2. Section *one hundred and thirty-one* of the Gold Law is hereby amended—

(a) by the addition of the following proviso to sub-section (1):—

"provided that any coloured person who is in the employ of a white person or of a company controlled and managed by a white person or white persons may, with the permission of the white person or company employing him and for the purpose of his employment, and subject to compliance with the requirements of any other law, reside upon or otherwise occupy any such ground or land as aforesaid which his said employer is entitled to reside upon or otherwise occupy";

Relevant Sections Referred To In The Bill

SUB-SECTION (1) OF SECTION 130 OF ACT NO. 35 OF 1908.

Save as is provided in section *twenty-four*, or *one hundred and thirty-one A* no right may be acquired under this Act by a coloured person; and the holder of a right acquired under Law No. 15 of 1898 or a prior law under this Act shall not transfer or sub-let, or permit to be transferred or sublet, any portion of such right to a coloured person, nor permit any coloured person (other than his bona fide servant) to reside on or occupy ground held under such right, and no *coloured person other than such bona fide servant may reside on or occupy any such ground.*

[The words italicised and wherever they appear in subsequent sections represent the amendment under Act 35 of 1932.]

SECTION FOUR OF ACT NO. 35 OF 1932

The provisions of sections *one* and *two* shall be deemed to have come into operation on the first day of May, 1930; Provided that any coloured person (as defined in section *three* of the Gold Law) who was lawfully residing on, or occupying any ground or land referred to in either of those sections immediately prior to the date when their provisions became or are (in terms of this section) deemed to have become applicable to such ground or land shall be entitled to continue such residence or occupation and to transfer such right of residence or occupation to his lawful successor in title (whether such successor is or is not a coloured person), subject to compliance with the requirements of any other law.

SUB-SECTION (1) OF SECTION ONE HUNDRED AND THIRTYONE OF ACT NO. 35 OF 1908

Subject to the provisions of section one hundred and thirty-one A, no coloured person shall, in any mining district comprised in Class A, referred to in sub-section (2) of section seven, reside on or occupy any land (including any place or ground referred to in section fifty-two) which has been or purports to have been proclaimed a public digging under any provision of this Act or Law No. 15 of 1898 or of a prior law and which has not been lawfully deproclaimed, whatever may be or may have been, on the date of such deproclamation, its situation, the nature of its tenure, the nature and extent of any rights in regard thereto under this Act or any other law, or the condition of its surface, except in a bazaar, location, mining compound or any such other place as the Mining Commissioner may permit.

(b) by the deletion of sub-section (3).

Amendment of Section one hundred and thirty-one (A) of Act No. 35 of 1908 (Transvaal) as inserted by Section three of Act No. 35 of 1932.

3. The following new sub-sections are hereby added to section one hundred and thirty-one (A) of the Gold Law:—

(3) If the freehold title relating to any piece of land issued upon conversion of title from 'voorkeurrecht' or leasehold to freehold title under the provisions of section sixty of the Townships Amendment Act, 1908, of the Transvaal (Act No. 34 of 1908), or any subsequent title derived from such freehold title, contains any prohibition or restriction against the letting of such land to coloured persons or against occupation thereof by coloured persons and no such prohibition or restriction existed in the 'voorkeurrecht' or leasehold title to such land prior to conversion, a certificate granted under sub-section (1) in respect of such land or any part thereof or any area including such land or such part shall have the effect of cancelling such prohibition or restriction in respect of such land or such part.

(4) If the 'voorkeurrecht' or leasehold title relating to a piece of land forming the whole or a portion of an area in respect whereof a certificate has been issued under sub-section (1) is, after the issue of such certificate, converted into freehold title under the provisions of sections sixty of the Townships Amendment Act, 1908, and the 'voorkeurrecht' or leasehold title to such land does not contain any prohibition or restriction against the letting of such land to coloured persons or against occupation thereof by coloured persons, the freehold title to such land to which the 'voorkeurrecht' or leasehold is converted shall not include any condition embodying any such prohibition or restriction.

(5) If a certificate has at any time been issued under sub-section (1) in respect of the site of any trading premises, and it appears from the register mentioned in section nine of the Transvaal Asiatic Land Tenure Amendment Act 1936, that the coloured person shown by such register as having been in occupation of such trading premises was, at the date of completion of such register, sharing with occupants of adjoining premises the use of any common yard, or using or sharing the use of any auxiliary premises erected in such yard, or ordinarily entered from such yard, or forming part of the building which constitutes such trading premises, it shall be lawful for the owner of such common yard or auxiliary premises to allow any coloured person in occupation of the trading premises covered by the certificate and any coloured person employed by him on such premises, to use such common yard or auxiliary premises for such purposes as may be defined by regulation, and for any such coloured person to use that yard or those auxiliary premises for such purposes, notwithstanding the fact that no certificate has been issued under sub-section (1) in respect of the land forming the site of such common yard or auxiliary premises.

(6) In sub-section (5)—

'auxiliary premises' includes any bathroom, lavatory, washing place, storage place, pump, tap, closet, urinal, stable or garage and any room used for the accommodation of native servants, and any passage, staircase or balcony leading to any such place or room;

'common yard' includes any yard which, although it is not used in common by occupants of different premises adjoining that yard, is intended and in the opinion of the Minister suitable for such common use;

'trading premises' includes any premises used for the purpose of a trade or business carried on under the authority of a licence or certificate issued by a competent authority in terms of any law.

SUB-SECTION (3) OF SECTION ONE HUNDRED AND THIRTY-ONE OF ACT NO. 35 OF 1908

Nothing in this section shall apply to coloured persons in the employ of a white person in so far as they live on the premises where they are so employed, nor to coloured persons who at the commencement of this Act were lawfully in occupation of premises.

SECTION 131 (A) OF ACT NO. 35 OF 1908

(1) The Minister of the Interior after consultation with the Minister of Mines and Industries, may issue a certificate withdrawing any land specified therein from the operation of the provisions of sections one hundred and thirty and one hundred and thirty-one in so far as they prohibit residence upon or occupation of any land by a coloured person, and thereupon those provisions shall not prohibit any coloured persons from residing upon such land or from occupying it for any other lawful purpose.

2. Whenever a certificate has been issued under sub-section (1) a duplicate original thereof shall be sent to the officer in charge of the deeds registry in which there is registered the title deed to the land to which such certificate relates, and such officer shall thereupon register such certificate and note the registration on such title.

Substitutor of section one of Act No. 37 of 1919, as amended by Act No. 35 of 1932 and section one of Act No. 37 of 1935.

4. Section one of the Asiatic (Land and Trading) Amendment (Transvaal) Act, 1919, is hereby repealed and the following section substituted therefor:—

Exemption of certain Coloured Persons from certain Provisions of Act No. 35 of 1908 (Transvaal)

1. (1) Any provision contained in section one hundred and thirty or one hundred and thirty-one of the Gold Law which prohibits the letting of land to a coloured person or which prohibits a coloured person from residing on or occupying any land and any similar provision contained in any freehold title, relating to land in a Government township or a semi-Government township [as defined in the Townships Amendment Act, 1908, of the Transvaal (Act No. 34 of 1908)] issued on conversion, under the said Act, of any other tenure to freehold, in substitution for a title which did not contain such a provision, shall not apply—

(a) to any coloured person who on the first day of May, 1919, was, under the authority of a trading licence lawfully issued, carrying on business on proclaimed land (as defined in the Gold Law) or on any stand or lot in such township, or to the lawful successor in title of any such coloured person in respect of such business; or

(b) to any person bona fide in the employment of such a coloured person or his successor in title;

so long as such coloured person or successor in title continues so to carry on business on the same land or stand or lot on which, or on any other land or stand or lot in the same township in which he carried on the said business on the first day of May, 1919; provided that this sub-section shall not affect any coloured person who would not have been affected thereby if sections one hundred and thirty and one hundred and thirty-one of the Gold Law as originally enacted had not been amended or extended by provisions of the Transvaal Asiatic Land Tenure Act, 1932 (Act No. 35 of 1932).

(a) The provisions of sub-section (1) shall not exempt any coloured person who carries on any business under the authority of a trading licence from any provision of the said section one hundred and thirty or one hundred and thirty-one in respect of any number of pieces of land in any township in excess of the number of pieces of land on which he or his predecessor in title in respect of his business, lawfully resided or which he or such predecessor lawfully occupied in such township on the first day of May, 1930, or in respect of any area in such township in excess of the area on which he or such predecessor lawfully resided or which he or such predecessor lawfully occupied in such township on the said date, unless the residence upon or occupation of such excess land by the coloured person concerned has on the written application of such coloured person been sanctioned by certificate of the Minister of the Interior, who may, in his discretion, issue a certificate sanctioning such residence or occupation, subject to such conditions as he may think fit to impose; provided that if any such excess in the area occupied by any coloured person who is exempted by sub-section (1) arises only by reason of such coloured person sharing the use of a common yard or other premises available for joint use by the occupants of buildings adjoining such yard or other premises, greater in extent than any such yard or other premises included in the area occupied by such coloured person on the 1st day of May, 1930, such coloured person shall be exempted in respect of his occupation of such excess.

(3) If a company is the lawful successor in title of any coloured person in respect of any business, the provisions of sub-section (1) shall not exempt any person in the

SECTION ONE OF ACT NO. 37 OF 1919

Those provisions of sections one hundred and thirty and one hundred and thirty one of Act No. 35 of 1908 (Transvaal) which relate to the residence on or occupation of ground held under a stand licence on proclaimed land by coloured persons and any provisions similar thereto contained in the conditions of any deed of grant or freehold title in a Government Township (as defined in Act No. 34 of 1908, Transvaal) issued under the last-mentioned Act shall not apply—

(a) to any coloured person who on the first day of May, 1919, was, under the authority of a trading licence lawfully issued, carrying on business on proclaimed ground or on any stand or lot in such township, or to the lawful successor in title of any such coloured person in respect of such business; or (b) to any person bona fide in the employment of such a British Indian or his successor in title so long as such coloured person or successor in title continues so to carry on business on the same ground or stand or lot on which or on any other ground or stand or lot in the same township in which it was being carried on on the first day of May, 1919; Provided that nothing in this section shall be construed as abrogating any exceptions contained in the said sections one hundred and thirty and one hundred and thirty-one or in the conditions aforesaid.

(2) The provisions of sub-section (1) shall not exempt any coloured person from any provision of the said section one hundred and thirty or one hundred and thirty one, in respect of any number of pieces of land in any township in excess of the number of pieces of land on which he lawfully resided or which he lawfully occupied in such township on the first day of May 1930, or in respect of any area in such township in excess of the area on which he resided or which he occupied in such township on the said date.

(3) If any coloured person was, on the first day of May, 1930, residing upon or occupying any land and such residence or occupation was by virtue of any provision of the said section one hundred and thirty or one hundred and thirty-one or of this section unlawful, such coloured person may, subject to compliance with the requirements of any other law, nevertheless continue such residence or occupation till the thirtieth day of April, 1935: Provided that he has, before the first day of September, 1932, furnished the Minister of the Interior with a written notice, specifying the land which he unlawfully resides upon or occupies, the nature of such residence or occupation and the period during which he resided on or occupied such land, and such other particulars in regard to such land, residence or occupation as the Minister may require him to furnish.

employment of such company in respect of any number of pieces of land in any township in excess of the number of pieces of land which the coloured person, of whom the company is the successor in title, lawfully occupied in such township for the purposes of such business on the first day of May, 1930, or in respect of any area in such township in excess of the area in such township which such coloured person lawfully occupied for the purposes of such business on the said date, or, if the company succeeded such coloured person in respect of such business before the first day of May, 1930, the provisions of sub-section (1) shall not exempt any person in its employment, in respect of any number of pieces of land in any township in excess of the number of pieces of land which the persons bona fide in the employment of such company lawfully occupied in such township for the purposes of such business on the said date, or in respect of any area in such township in excess of the area in such township which the persons bona fide in the employment of such company lawfully occupied for the purposes of such business on the said date.

(4) If it appears to the Minister of the Interior that any coloured person, or any two or more coloured persons carrying on business in partnership with one another, would fall under the exemption provided for in sub-section (1), but for the fact that there has been a break in the continuity of the business carried on, under the authority of a trading licence, by such coloured person or partnership, or by any predecessor in title of such coloured person or partnership in respect of his or its business, and if it appears to the said Minister that the circumstances of the case justify the condonation of such break in continuity, he may in his discretion, on the application in writing of the person or partnership concerned, by a statement in writing condone any such break in continuity as may have occurred prior to the date of such statement, and thereupon such break shall be deemed not to have occurred.

(5) If any coloured person was, on the first day of May, 1930, residing upon or occupying any land and such residence or occupation was by virtue of any provision of section one hundred and thirty or one hundred and thirty-one of the Gold Law or of this section unlawful, such coloured person may, subject to compliance with the requirements of any other law, nevertheless continue such residence or occupation till the thirtieth day of April, 1937; provided that he has, before the first day of April, 1935, furnished the Minister of the Interior or the Commission mentioned in Government notice No. 1324 of 1932 with a written notice, specifying the land which he unlawfully resided upon or occupied, the nature of such residence or occupation and the period during which he resided on or occupied such land and such other particulars in regard to such land, residence or occupation as the Minister or the Commission may have required him to furnish.

Amendment of section nine of Act No. 37 of 1919, as amended by section seven of Act No. 35 of 1932.

5. Sub-section (1) of section nine of the Asiatic (Land and Trading) Amendment (Transvaal) Act, 1919, is hereby amended by the insertion of the word "conclusive" after the word "constitute" in the proviso.

SUB-SECTION (1) OF SECTION NINE OF ACT 37 OF 1919

9. (1) Any authority entrusted by law with the issue of any certificate which any person desiring to take out a licence to carry on any business or trade in the Province of the Transvaal is required to produce before such licence may lawfully be issued to him, shall, subject to the provisions of sub-section (3) of section one, not issue any certificate to any person applying therefor unless such person proves that the proposed holder of such licence and the person who will be in actual control of the business or trade to be licensed, are not Asiatics, or if they are Asiatics, that they may lawfully carry on the business or trade for which a licence is desired on the premises whereon such business or trade is to be carried on:

Provided that a copy of a certificate issued in terms of section one hundred and thirty-one A of the Gold Law, certified by the officer in charge of the deeds registry wherein such certificate is registered, shall for the purpose of this section constitute proof that a coloured person may lawfully carry on business or trade on such premises.

Amendment of section eight of Act No. 35 of 1932

6. Section eight of the Transvaal Asiatic Land Tenure Act, 1932, is hereby amended—

- (i) by the insertion in sub section (1) of the word "or" at the end of paragraph (b);
- (ii) by the insertion of the following new paragraphs after paragraph (b):
 - (c) practising in the Union any recognized learned profession; or
 - (d) visiting the Union from abroad and whose standing is such that it is, in the opinion of the Minister, desirable to exempt him from any law prohibiting his residence upon or occupation of any land;
- (iii) by the insertion after the word "prohibiting" in sub-section (1), of the words "the letting of any land to or;"
- (iv) by the deletion of sub-section (3) and the substitution therefor of the following sub-section:—

"(3) Any person referred to in paragraph (a), (b) or (c) of sub-section (1) may, with the consent in writing of the Minister of the Interior, acquire the ownership of any land or an interest in any land which he requires in connection with his work or for his residence; provided that the said Minister may cancel such consent if he is satisfied that the land in question is being used otherwise than in connection with the work or for the residence of the person to whom the consent was granted.

(4) If the Minister of the Interior is satisfied that any land, the residence whereon or the occupation or acquisition whereof by Asiatics or coloured persons is prohibited by any law, is being used or is desired for use by Asiatics or coloured persons solely for religious or educational purposes or for purposes of recreation or for purposes incidental to such purposes, he may (after consultation with the Minister of Mines, if residence upon or occupation of such land by Asiatics or coloured persons is prohibited by the Gold Law) by a certificate under his hand authorize any Asiatic or coloured person or any association of Asiatics or coloured persons or any Asiatic company (as defined in the aforesaid Act, No. 37 of 1919,) to acquire or hire such land or an interest therein for such purposes and on such conditions as the Minister of the Interior may specify in such certificate, and authorize Asiatics or coloured persons or any specified class of Asiatics or coloured persons to make use of such land for any purpose so specified; provided that such a certificate shall contain and be subject to the condition that the said Minister may at any time cancel the certificate if it appears to him, that the land in question is being used for purposes other than those specified in the certificate.

(5) When the Minister has cancelled the consent mentioned in sub-section (3) or the certificate mentioned in sub-section (4) he may direct the person in whom the land or interest in question is vested to dispose of it, within a specified period, to a person who is entitled to acquire it, and if he fails to comply with that direction within the period specified or within any extension of that period which the said Minister may grant, the said land or interest shall vest in the State, but subject to any charge or servitude with which it may be burdened.

(6) When any land or interest has vested in the State as aforesaid, the Minister of the Interior shall inform the registrar of deeds in whose registry the title deed to such land or interest is registered, of such vesting and of the particulars of the land or interest in question, and the said registrar shall thereupon record upon the said title deed the fact that the land or interest is vested in the State."

Special Relief to certain Coloured Persons.

7. (r) If a coloured person (as defined in section three of the Gold Law) is at the commencement of this Act carrying on (either by virtue of a licence or certificate issued by a competent authority or without such a licence or certificate) a trade or business which he cannot lawfully carry on without

SUB-SECTION 1 OF SECTION EIGHT OF ACT No. 35 OF 1932

The Minister of the Interior may issue a certificate of exemption to any Asiatic or coloured person who is—

- (a) a consular officer or public agent of any State; or
- (b) the servant of any State, working under or in conjunction with a consular officer or public agent of that State,

and thereupon the provisions of any law prohibiting the residence upon or occupation of any land by an Asiatic or coloured person shall not apply to or in respect of the holder of such certificate or to or in respect of any member of the household of the holder, as long as the holder is a person to whom the said Minister may issue a certificate under this section.

SUB-SECTION (3) OF SECTION EIGHT OF ACT No. 35 OF 1932

Notwithstanding the provisions of any law prohibiting the acquisition of ownership of any land by an Asiatic or coloured person, any person referred to in paragraph (a) or (b) of sub-section (1) may, with the consent in writing of the Minister of the Interior, acquire the ownership of any land or an interest in any land which he requires for the purposes of his office or residence.

holding such a licence or certificate, on a site on land which section *one hundred and thirty* or section *one hundred and thirty one* of the Gold Law prohibits him from occupying and it appears from the particulars of his occupation of such site as recorded in the register or any recommendation mentioned in section *nine* of this Act—

- (a) that such occupation commenced after the first day of May, 1919, but prior to the second day of June, 1932;
- (b) that such occupation commenced on or after the second day of June, 1932, but that such coloured person—
 - (i) was prior to the second day of June, 1932, carrying on a trade or business under the authority of such a licence, or certificate, on some other site on such land as aforesaid; or
 - (ii) is the successor in respect of his trade or business to some other coloured person who was prior to the second day of June, 1932, carrying on such trade or business on a site on any such land as aforesaid;

the Minister of the Interior, if he has decided not to issue a certificate under sub-section (1) of section *one hundred and thirty-one A* of the Gold Law in respect of the first mentioned-site, may in his discretion, after consultation with the Minister of Mines, for the purpose of mitigating hardship, by order in writing—

- (a) permit such coloured person and any coloured persons employed from time to time by him on such site to continue to occupy such site during his lifetime, either for trade or business purposes only, or for both for trade or business and residential purposes; or
- (b) permit him and, any coloured person who may become his successor in title in respect of his trade or business, and any coloured persons employed from time to time by him or such successor on such site, to continue to occupy such premises for a period not exceeding five years from the commencement of this Act, either for trade or business purposes only or for both trade or business and residential purposes, but subject to any conditions which the Minister of the Interior may specify in such order.

(2) If a coloured person (as defined in section *three* of the Gold Law) is at the commencement of this Act residing on a site on such land as aforesaid, and it appears from the particulars of his occupation of such site as recorded in the register or any recommendation aforesaid, that such occupation commenced prior to the second day of June, 1932, the the Minister of the Interior, if he has decided not to issue a certificate under sub-section (1) of section *one hundred and thirty-one A* of the Gold Law in respect of such site, may in his discretion, after consultation as aforesaid, for the purpose of mitigating hardship, by order in writing permit such coloured person and any member of his household dependent upon or supporting him to continue to reside on such site during the lifetime of such coloured person or for a period not exceeding five years from the commencement of this Act, subject to any conditions which the Minister of the Interior may think fit to specify in such order.

Exemptions Include Family of Exempted Person.

8. Whenever any law exempts a coloured person from any prohibition against the residence of coloured persons upon any land, the exemption shall extend to any member of his household who is dependent upon or supporting him.

Commission's Register as Evidence.

9. The register of persons who are in legal or illegal occupation of any land, which was compiled by the Commission mentioned in Government Notice No. 1324 of 1932, and the recommendations made by that Commission in regard to those persons, shall be in the custody of an officer designated for the purpose by the Minister of the Interior, and a statement of any fact, in such register or any such recommendation or in any copy of an extract from such register or any such recommendation which is certified by the said officer to be a true copy or correct extract shall be prima facie evidence of that fact.

Short Title

10. This Act shall be called the Transvaal Asiatic Land Tenure Amendment Act, 1936.

NORA MORRELL'S VISIT TO INDIA

TO PARTICIPATE IN JOYS AND SORROWS OF INDIANS

"I HAVE loved India all my life and have looked forward to this pilgrimage. I am so happy to find myself here in the midst of those people whose ancient spiritual heritage has always attracted me so much," said Mrs. Nora Morrell when interviewed at the residence of Mr. and Mrs. R. P. L. Bedi in Model Town, Lahore.

Early Interest

When questioned how she came to have her appreciation of India, after a moment's pause she said: "I have lived all my life in Germany and I do not know if the fact of my being born in Penang, Straits Settlements, though my parents came back to Germany when I was only three months old, will explain matters in any way. However, I have always felt inwardly a very great fascination, for Indian culture and something within me has been constantly urging me to visit this ancient land of yours. I cannot describe to you my feelings of inner satisfaction at finding myself in the same land which produced Buddha and Gandhi."

No Politics

Asked whether she regarded Mahatma Gandhi as a spiritual force or as a political power, she said with emphasis: "I have no intention of entering into the arena of political controversy of any kind, between Indians and Indians, or between Indians and anybody else. I have come to this country in response to a spiritual urge and I shall spend every moment of my stay here in getting full satisfaction out of it. Even when I meet Gandhiji, I shall meet him not as the leader of a political party but as an individual who has initiated a vital spiritual force in bringing back to life the doctrine of non-violence in the day to day conduct of human life and relationships."

The Materialist West

"But are the ideals of Gandhi so much understood in Europe? Is there an appreciation of spiritual values in the West? We here believe that the West is dying of Materialism and the pursuit of luxury at the cost of the higher life?"

"It is an unfortunate fallacy that there is no appreciation of spiritual values in the West," said Mrs. Morrell with an understanding smile. "I take it from you that the belief is very common here, but I am sure that it must be the opinion of those only who have had no opportunities of a direct con-

tact with the peoples of Europe, and have drawn their conclusions only from the doings and sayings of some of the Colonial Europeans on the wrong side of Suez. Those of your countrymen who have gone abroad and have not spent their time only in hotels and pensions but have had full opportunity of coming into contact with the family life of different European nations, will certainly bear me out when I say that despite the materialism of the West, the streams of spiritual life have not run dry as much as is generally believed."

Indians Abroad

"Do the Indian students abroad get any opportunity of seeing family life in Europe, and thus appreciate its hidden springs?" She looked surprised—a surprise which conveyed the depth of sympathy and spontaneity with which she had always offered help and hospitality to the Indians in Berlin. "Well, that depends entirely upon the individual," she said with her characteristic reserve. "There are certain people who would command respect and inspire confidence anywhere and everywhere, and would be welcome to our homes. At the same time, there is a type of irresponsible Indian among those who go abroad who, I can say without hesitation, would be a misfit in any decent society and as such does not bring any credit to this country."

Germany And India

When asked about the treatment of Indian students in Germany, "I can assure you," she said, "that there is no dearth of people in Germany who welcome Indians to their hearth and home. There are not a few who are doing their best towards creating a better understanding between India and Germany. There is so much to be gained by the mutual appreciation of cultures. People in my country have no reason to be hostile to the Indians just for the sake of hostility. But I must warn you to take the grumblings of those who make themselves a social nuisance and are thus ill-treated with due caution. They are ill-treated not because they are Indians, but because they break the laws of social morality, and a person of any nationality, be he German, American or French, would have been treated in the same way for such offences. Therefore such instances should in no way prejudice the existence of goodwill between our two nations."

A Humble Student

On being asked what her future plans were, she expressed the intention of touring through various provinces of India in the next year and of seeing all phases of Indian life, as well as of visiting the age-old centres of Indian culture.

"How would you be interested in visiting the Indian States and meeting the Indian Princes?" was the last question.

"I have no objection to meeting anybody here," she replied, "but with all due respect to the Indian princes I must tell you that I have not come to India in the pursuit of tiger-hunts and elephant rides. I have come here as a humble student to study the life of the people of India. It was with that end in view that I studied Hindi for about two years before I came over. I want to participate while I am here in their joys and sorrows, and be one with them in knowing the secret which has distinguished the people of this country and made them bear the ups and downs of life with stoic calmness."

"The Old Bond Holds"

Pandit Jawaharlal Nehru has sent the following statement to the press from Badenweiler:—

"I was in Allahabad for such a short time and I left so suddenly that I could hardly see the host of messages that had come for me from friends and comrades all over the country. I learn now from letters and newspapers received from home that a great number of further messages of welcome and good wishes reached Allahabad after my departure. It is difficult for me to say or put into words what this outpouring of love and affection from innumerable people, friends whom I treasure and comrades who have become dearer to me than brothers in the sharing of joys and sorrows and the facing of common perils and anxieties for many years, and also those whom I have not the privilege of knowing personally, has meant to me during these few weeks. They will forgive me for this belated acknowledgment and expression of my deep gratitude, and for not writing to them separately. All I can say is that the old bond holds and will hold whatever may befall us."

WHITE MAN'S BRUTALITY TOWARDS NATIVES

COMMENTING on the recent case of Oscar Jongbloed, a farmer in the Pietersburg district who was sentenced to six months' imprisonment and six strokes for a brutal assault on a native child who died as a result of the injuries, *The Star* (Johannesburg) dated Oct. 29, writes as follows under the caption "As Bad As These Cases Can Be":

"It is of importance to record the effect produced throughout the Union by the particulars of the crime for which Oscar Jongbloed, a farmer in the Pietersburg district, was sentenced last week. Revolting cruelty of the kind which was disclosed attracts attention very far afield, and there is a danger that this country will achieve an unenviable reputation for a form of conduct which in most civilised countries is very rare indeed, and is dealt with, when it occurs, as of an abnormal order. It is South African opinion and the South African judiciary, however, which have to be looked to for the creation of a tradition, deterrent on the one hand and educative on the other, which will reduce instances of savage, deliberate assault—often on quite defenceless people—within our borders. We need hardly give the reminder that in the case now in question Jongbloed was shown to have tied a native child to a pole and to have thrashed him with a

whip until he was tired. According to his own statement, "he would have hit harder, but his hands were sore"; so he left the picanin tied up throughout the day. Some time after the victim died. Mr. Justice Fisher, in passing sentence of six months' hard labour and six strokes, pointed out that it was somewhat doubtful whether the causes of death (which included blood poisoning in a previous injury to the child's foot) could be directly traced to the accused, but characterised the latter's conduct as inhuman and Jongbloed himself as a disgrace to his family and nation.

"*The Cape Times*, which describes the occurrence as being "as bad as these cases can be," rightly points out that its most serious aspect was the self righteous attitude taken up by accused himself. "It is this attitude of mind," it says, "this assumption that a white man has a divine right to half-murder his native servants whenever he thinks fit, which is the cause of these scandals and which must be eradicated." *The Cape Argus*, while taking a similar view of the main facts, asks the pertinent question, "What would have happened if the picanin had not died?" It is notorious that many acts deserving of condign punishment never come into courts, and it has been shown in evidence in the courts themselves to what extent threats are employ-

ed to prevent the victims of assault from applying to the police. "The habit of assaulting natives, often for trivial reasons and not seldom with dire consequences," says the *Friend*, "must be put down with a strong hand. It is a blot on South Africa." It adds that the courts of law have a serious responsibility in which they have the support of a growing body of public opinion; and the *Eastern Province Herald*, after using almost the same terms, says "it might even be questioned whether the sentence imposed even with the inclusion of lashes, quite fits the crime."

"While in full agreement with the Judge's expression of detestation of the conduct of the criminal, and with a bias against vindictive action in the treatment of crime, we certainly do not see the sentence as a heavy one. A native who was tried in Johannesburg a few days ago for putting a cat, against which he appears to have had some superstitious enmity, in a sack and burning it, received a rather heavier punishment—six months' hard labour and eight strokes. And, as we had occasion to point out recently in a similar connection, three Wakkerstroom farmers convicted of sheep stealing—in a large and systematic way, it is true—received sentences ranging up to four years hard labour and a fine of £250.

LESE MAJESTE CHARGE DR. MALAN ON REPUBLICAN PROPAGANDA

DR. D. F. MALAN, Leader of the Nationalist Party, was a witness in a criminal case at Caledon Square, Capetown, on Thursday Nov. 7. He was called for the purpose of giving his views on the legality of Republican propaganda in South Africa, and he declared that such propaganda was quite legitimate.

The case was one in which John Gomes, secretary of the Cape Communist Party, and Amina Gool, surgery attendant, appeared before Mr. M. C. du Plessis charged with lese majeste. It was alleged they had published statements at meetings and in circulars derogatory to the dignity of the King.

The case has been before the Court for a considerable time. During last week Gomes made application to the Supreme Court for an order compelling the Clerk of the Court to subpoena General Smuts as a witness for the defence. The official had refused to issue one. The Supreme Court granted the application,

Before the case started, Advocate J. de Villiers, acting for the Minister, applied for the excusal of General Smuts' attendance.

Advocate Snitchoer and Advocate Silke appeared for the accused.

Minister's Application

Advocate de Villiers, in making the application, said that notice of motion had been filed and certain affidavits had been put before the Court and had been replied to by the accused. General Smuts based his application for excusal from attendance on the grounds that he had no knowledge of the facts of the charge and could give no evidence which would assist the Court.

Further, the Minister felt that the documents specified in the subpoena were irrelevant to the case and were privileged because their production would be against public policy and detrimental to the public interest.

He also contended that the issue of the subpoena was oppressive and vexatious.

In a replying affidavit, Gomes denied that General Smuts was unable to give evidence which would assist the Court and claimed that the evidence of General Smuts was necessary for his proper defence.

Counsel's Case

Advocate de Villiers said the point now was not whether the subpoena was issued rightly or otherwise. He was applying for General Smuts to be excused attendance, or for the setting aside of the subpoena, on the grounds that it was oppressive and vexatious. The contention of Gomes was that General Smuts, as the highest prosecuting official in the Union, would be able to say whether lese majeste was a crime or not. The simple answer to that was that General Smuts had only occupied the position of Minister of Justice for three years, and that was the second prosecution of its kind during his term of office.

Recently a full bench in Natal had decided that lese majeste was a crime;

General Smuts' personal opinion had nothing to do with the case, and the question of prosecution was one for the Attorney-General. The evidence which General Smuts could give could not help the defence in the slightest. The Minister had declared that he did not know a single relevant fact, and that had not been controverted by Gomas. All the latter had done was to say that he denied that General Smuts was unable to give evidence which would assist the court. At the same time he did not indicate in which way he could assist the court.

General Smuts had also been asked to produce certain documents which he declined to do on the grounds of public policy, Gomas in his affidavit did not deal with these documents.

Advocate Snitcher in reply contended that the Magistrate had no power to set aside a subpoena once it had been issued,

though the person subpoenaed might be excused from attendance. No case had been made out to satisfy the court that General Smuts was not a material and relevant witness. Every accused person was given absolute right of subpoenaing a witness, and could not be deprived of that right unless the court was satisfied beyond reasonable doubt that there was not the slightest possibility of a particular witness giving relevant evidence.

Mr. du Plessis granted the application for the excusal of General Smuts.

Dr. Malan Questioned

Dr. Malan was then called for the defence and examined by Mr. Snitcher, who asked:—

During your political life, have you heard people making republican propaganda?—Yes. Quite often.

And to-day the party of which you are leader stands for the principle of a republic in South Africa?—Yes.

And conducts propaganda with the ultimate aim of establishing a republic in the Union?—Yes.

And a large section of the community standing behind you wish for a republic?—Yes.

During your long political career, has it ever been brought to your notice that republican propaganda was looked upon as a crime?—I think it was so in 1915 for a short period. That was the general opinion then.

And since that time there has been a radical change and you feel to-day, as the representative of a great part of the community, that the general feeling is that republican propaganda is quite legitimate and is allowed?—Yes. Anything to the contrary would be laughed at in the country.

South African News In Brief

Plight Of Coloured Children

SPEAKING at the annual meeting of the Ethelbert Children's Home and Orphanage, Malvern, in the Wesley Hall, Durban, Mr. M. G. Fannin, Magistrate of the Durban Juvenile Court emphasised the disgraceful conditions among large numbers of non-Europeans in Durban and especially among the children. The Ethelbert Home, said Mr. Fannin, was a magnificent example of what was being done for European children, and he paid a high tribute to those responsible for the Home and to Sister Lottie, the matron. "But we are not doing enough for the Coloured children. There is still too much of that wrong attitude of colour or skin prejudice rearing up its ugly head in this beautiful city of Durban. None of you realise the dreadful conditions under which native children and many Indians and Coloured people live. Below the outward beauty of the City are the most disgraceful slum conditions and the people inhabiting them are no credit to us. It would do a great deal of good to most of us to go out among these people themselves and see what requires to be done. If you do tackle the job properly you will do me out of my post and there is nothing I could wish more."

A Magistrate On White Man's Responsibilities

"We must realise that the European and coloured races in this country must live side by side, and that from this living side by side certain reciprocal obligations and responsibilities arise," Mr. A. G. Deamidt, magistrate of Bethal is reported to have said when opening a bazaar in aid of native missions. "It would be unnatural for us to live beside

the coloured races without our offering to uplift them and to help them make their lives better and purer and to offer to do it in the way it would be most appreciated, that is, by religious teaching and education. By education I do not mean academic education merely, only book-learning, but to endeavour to divorce them from traditional customs that savour of paganism and in that way make them more fit to live side by side with us.

How Johannesburg Has Risen

The story of the rise of Johannesburg is demonstrated in her population figures:

1885	...	...	50
1890	...	...	17,331
1900	...	...	104,372
1910	...	...	170,493
1920	...	...	288,000
1932	...	...	375,000

Empire Exhibition: South Africa

In connection with the forthcoming Empire Exhibition Major Colin C. Frye Chairman, says: "It is our plan to make the fullest possible use of Afrikaans culture. No proper picture of the Union, beautiful as we intend it to be, would be possible without it. Afrikaners are being employed, and will be employed, equally with English speaking citizens and the same applies to our Jewish population. The Indian community has been offered an opportunity of participating and we shall, of course stage exhibits appertaining to the life and work of our coloured and native population.

Sea Trip At "Only" 2450 Guineas

Latest information is that the luxury ship the Empress of Britain which is 42,500 tons and which will be the largest

ship ever to berth at Durban Harbour, will arrive here from Capetown on February 1 and sail on February 3. From Durban the vessel sails to Bombay, and, after a tour of the East, will go across to America through the Panama Canal and then to Southampton via New York. The Empress of Britain has accommodation for nearly 1,000 passengers in her 500 cabins and suites and the total value of the accommodation is more than £500,000. The most expensive suite is for two persons and has a bedroom, a sitting room, a reception lounge and a baggage room. The cost of this for the full trip from Monaco round the world to Southampton is 2,450 guineas for each person. The whole trip covers over 29,650 sea miles.

Our Special Number

The Star (Johannesburg), dated November 1 writes:

A special number of INDIAN OPINION was published this week in honour of the Hindu New Year, and its pages are rich in interest to all concerned with Indian life in South Africa. In addition to regular news items from India itself and from the various Indian communities of the Union, this number contains special articles in English and in Gujarati. It is also enriched by a number of photographs and reproductions of Indian paintings. INDIAN OPINION was founded by Mahatma Gandhi in 1903, and is the last relic of the Phoenix Settlement, which he founded then to help to uplift the Indian community.

Ramayan Sabha Mayville

A Meeting convened by Messrs. S. Sewarain, Ramsuran Maharaj, Harisunder, F. Byroo, T. Brijbeharry, B Sebran, and Sewbacous in the Mayville district resulted in the formation of Ramayan

Sabha and a night Hindi School for Boys and Girls in January 1935. Mr. Ramsuran was elected as chairman and F. Byroo Hon. Secretary. At present there are 107 children attending. Thanks are due to Messrs. C. N. Rana, Pramjee Ramjee, B. Karshan, Rughoobeer Boodhoo, and Doolab Lala. The Deepawali Havan ceremony took place in the School hall on Saturday October 26 1935 and was officiated by Pandith S. Hariparsal Sharma. On Sunday the children were entertained by the Committee and distribution of prizes took place and light refreshments were provided. The Secretary spoke regarding the School and thanked the community for their assistance to the society in the past and particularly Mr. S. Sewnarain who devoted all his time and assisted financially to keep up the school going. Other speakers were Messrs. Pramjee, Sewbacous, and S. Sewnarain. A beautiful brass flower bowl was presented by Mr. Byroo to the Sabha. At the conclusion Photographs were taken of the children and members.

Hindu Pracharani Sabha

Mr. Ramdhani Mathai, hon. secretary of the Hindu Pracharani Sabha, Clare Estate, makes an appeal through these columns, to those interested in the Sabha for funds. The Sabha, he says, came into existence some four years ago. The Sabha from its inception is doing social, moral and religious upliftment work and is imparting vernacular education. There are at present about 50 children including 30 boys and 20 girls who are getting primary education under the auspices of the Sabha in the premises of Mr. R. Sirupathi, who has very kindly given the Sabha an acre of land free. The Sabha wishes to erect a Hindi school the cost of which is estimated to be about a £100. The Sabha proposes to send out its officials to collect the amount and hopes that they will be given a generous response. Contributions could also be sent direct to the hon. treasurer, Hindu Pracharani Sabha, P. O. Box 2010, Durban, which will be gratefully acknowledged.

Arya Sangeeth Mandal

The Arya Sangeeth Mandal, a group of young Indian youths, talented in the art of Oriental Music celebrated the Dipawali Festival by parading the streets of Durban. They visited many prominent residents of Durban and Greater Durban and entertained them with songs, specially composed for the occasion. This novel ruse created by these youths brought about great pleasure and happiness in every home they visited and every resident contributed towards the upliftment of the Mandal.

Hindu Youth Club Bazaar

The Hindu Youth Club of Durban, of which Dr. G. M. Nalcker is the Chairman, is holding a Bazaar on December 16, 1935. Part of the proceeds of this Bazaar will be donated to the M. K.

Gandhi Senthamil School section of the Naial Indian Schools Soup-Kitchen Fund.

Donation in kind and cash from well-wishers and friends will be gratefully received at the following places:—Dr. Nalcker, Chairman, Leopold Street, Durban. J. B. Chetty, Vice-Chairman. O/o The Imperial Cigar Manufacturing Co., 171, Umgeni Road, Durban. T. G. Pillay, Secretary, O/o M. K. Gandhi Senthamil School, 122, May Street, Durban. Bobby Padiachey, 91, Leopold Street, Durban. M. S. Reddy, O/o Orient Music Saloon, Field Street, Durban. S. R. Devar, Oato Manor.

Lecture On Religion And Philosophy

A lecture was delivered on Religion and Philosophy by Miss Sivalakshmi Kumari, (Assistant Secretary of the Sabha), daughter of Mr. V. G. R. Naldeo, on Sunday the Nov. 3 at Oato Manor, under the auspices of the Hari Bhajan Sadbakta Svara Sangraha. There was a large gathering and the lecture was listened to with interest.

Wedding

Pillay—Moodley

There was a pretty wedding solemnised at the residence of Mr. Naga Pillay, of Ladysmith between Sranjeevi Gangaduran, seventh son of Mr. Naga Pillay of 18, Malcolm Road, and Soubakiawathi Govindammal, fifth daughter of Mr. and Mrs. M. M. Moodley of Mayville, Durban. The ceremony was performed according to Hindoo rites and was officiated by Mr. C. V. Pillay of P. M. Burg, assisted by

Mr. V. Ponnasamy Chettyiar of Ladysmith. The Pandal was beautifully decorated for the occasion. There were many guests of all denomination present to grace the function, about 300 sat to dine in honour of the wedding. There were many presents for the Bride and Bridegroom. Messrs. Pillay and Sons express their thanks to all those who assisted them.

Participate In Building Boom

Advertiser, Professional Gentleman, has a 3 storey building on 100 x 100 Corner Stand in Jeppe Street (Rental £140 per month) and a 100 x 50 corner vacant stand in Bree Street, wishes to get in touch with principals in order to form a syndicate which will be in position to clear the existing bonds and build on the vacant ground. Plans for building show a nett return of 16%. Apply sharp.

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