

Indian Opinion

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EDITORIAL NOTICES.

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CORRESPONDENCE.—Letters and other communications should be written on one side of the paper only. When articles of "Correspondence" are signed with the writer's name or initials, or with a pseudonym, or are marked "Communicated," the Editor must not necessarily be held in agreement with the views therein expressed. In such instances, insertion only means that the matter or point of view is considered of sufficient interest and importance to warrant publication. Space being a consideration, correspondents are requested to be brief and to the point. Letters should be addressed:—The Editor, "Indian Opinion," Phoenix, Natal.

Indian Opinion

SATURDAY, SEPTEMBER 26TH, 1908.

Theoretical Equality

THE Transvaal press, and particularly the *Star*, have amply discussed, during the past week, the question of the status of educated Asiatics in connection with the Asiatic struggle. The *Star* has contended that, if the theory of equality of treatment of educated immigrants, irrespective of race or colour, be accepted, it would be impossible to have a different practice—in other words, practice, in the opinion of the *Star*, should always co-ordinate with theory. This is a principle that, in ordinary affairs, is almost invariably broken. It is held to be meritorious to lay down, and work for, a perfect theory, although practice may fall very short of it. It is also held to be most dangerous to work for or accept a false or imperfect theory because through a weakness, or other causes, we may not be able to act up to it. In theory, parallel lines never meet; in practice, it is impossible to draw any such lines—and, yet, we cherish the theory. In theory, the king can do no wrong—it is very sound; we like to think of our kings as beyond corruption—in practice, no king has been found who has never done any wrong. In theory, in England at least, there is one law for rich and poor alike; in practice, we find, unfortunately, that, somehow or other, the rich manage to have justice demonstrated to them in a different manner. No sane man has, however, suggested that the Imperial Parliament should incorporate the practice in its legislation and recognise it. Coming nearer home, in theory, for

certain offences, the penalty is the same whether for the native of the soil or the European; in practice, many a native has suffered the extreme penalty, and rarely has such a case happened in connection with a European, in spite of the commission of the same offence.

So that what British-Indians in the Transvaal are fighting for is undoubtedly theoretical equality for Indians possessing educational qualifications. This is also the theory accepted throughout the British Dominions; and it is the Transvaal which wishes to establish a different principle. What British Indians say, however, is that, so far as they can help it, there shall be no departure from the accepted theory, but that they do not expect the practice to accord with it. They are prepared, therefore, to reconcile themselves to a differential test being applied to Indian immigrants, and perhaps no test, or a slight test, being required in respect of European immigrants.

The question of half-a-dozen educated Indians being allowed to enter under the test has cropped up, and has given rise to some opposition among Indians. The latter consider that the rights of educated Indians will not be properly protected, if a numerical limit is accepted. Whilst, on the one hand, European Colonists resent the general test as being too wide in its scope, Indians naturally resent a limitation upon the number of educated Indians to be introduced every year into the Transvaal. Both equally misunderstand the position. The battle is raging not round half-a-dozen Indians or thousands of half-educated Indians, but round the question as to whether the theory adverted to above is to be continued in the Transvaal, or whether it is to be departed from. In practice, in order to dispel the imaginary objections raised by European Colonists to the introduction of thousands of educated Indians, British Indian leaders say, in fact, "we are so certain of our ground and our *bona fides* are so unquestionable, that we would have no hesitation in assuring you that, if the administration of the Law, which is applicable to all, is so regulated as to admit only half-a-dozen educated Indians into the Colony per year, Indians will then in honour be bound not to agitate for the introduction of a larger number, but, in the eye of the law, Europeans as well as Indians will be treated equally." Such limitation will put Indians upon their honour, and will mean, undoubtedly, a sacrifice by the present generation on behalf of the future. It would be futile to go further, in the teeth of South African

opposition, and it would not behove passive resisters to carry on a fruitless campaign. They profess to fight for a principle. Let them have the principle established, and the practical carrying out thereof will depend largely upon the future conduct of the Transvaal Indians themselves.

This is not a commercial question. So far as a few clerks may be required by British Indian storekeepers in the Transvaal, provision is made in the Asiatic Act. The question that Indians are fighting for is one of removing the colour-bar, removing a national insult, resisting statutory degradation. It is worth fighting for, and, if British Indians will have sufficient patience and self-control, they will gain their end.

THE NATAL GOVERNMENT "GAZETTE"
for the 8th inst., contains a Bill to amend
Natal's Latest Move. Act 18 of 1897, *ie.*,
the Dealers' Licences

Act. The genesis of the Bill is told in a few sentences. One Lazarus was charged under Act 18 of 1897. He was convicted. He appealed to the Supreme Court, and the Court upheld the appeal. The result of this is that certain cases will be taken out of the deadly operation of Act 18 of 1897. For that relief Indians were beginning to be thankful. The Government have now stepped in. They wish to nullify the effect of the Supreme Court decision by passing the Bill above named. To carry the doctrine to its logical extent, the Government, whenever they find a ruling of the Supreme Court contrary to their wish, have but to ask the Legislature to undo such ruling. In other words, it means abolition of Courts of Justice. Justice will then be administered not by an impartial tribunal, but a parody of it will be perpetrated by a movable Ministry which can be worked upon by prejudice and passion. It used to be said of the late President Kruger that he undid or tried to undo the work of his High Court by asking the Volksraad to pass resolutions which practically repealed its judgments if they did not tally with the late President's wishes. The Natal Ministry evidently wish to imitate the late President. Will the Imperial Government allow this self-governing Colony thus to misgovern those who have no voice or vote in the election of the Legislators? This instance is a telling illustration of the maxim that in a popularly governed country it is dangerous to have a disfranchised class. Indians in Natal will have to clothe themselves with a more potent vote in the shape of passive resistance; otherwise, their doom is sealed.

THE REGULATIONS, FRAMED BY THE Government in connection with the new Asiatic Act, are, like the Act itself, a great improvement on the old Regulations, but they still leave much to be desired. They bear the trace of having been framed without the leaders of the Asiatic communities having been consulted. Seeing that the struggle continues unabated, Asiatics do not intend to avail themselves of the benefits of the Act, and the question of amending the regulations is more or less academic. It is, however, worth while to draw attention to three glaring absurdities, one of which is a breach of the compromise. Applicants for registration are to be called upon to give at least their thumb-impressions in addition to their signatures. The compromise lays down definitely that thumb-impressions or digit impressions should be waived in respect of those who can give well-formed signatures. The Asiatic communities cannot then now sit under such a manifest breach of the compromise, and allow the Regulations to pass unchallenged. The other Regulation is in connection with lost certificates. The applicant for a duplicate of his certificate has to give the same particulars of identification that were given on his original application. It is common-ground that the Asiatics, in order to oblige the Government and to facilitate scientific classification, gracefully and voluntarily gave finger-impressions. The Government are much mistaken if they consider that those who have lost their certificates will give their digit impressions, which can serve no purposes whatsoever. They cannot be required for classification or for identification. A duplicate will not be granted until the original is traced in the records, and until the identity of the applicant with the certificate is completely established, which can be done by simply comparing thumb-impressions, where these have been given, or comparing the signature and physical particulars where a thumb-impression has not been given. The third point arises in connection with the curious regulation regarding the furnishing of particulars of identification on application for a trading licence. The Colonial Secretary reserves to himself the right in each case to decide what particulars the applicant is to give. Such a system means favouritism and constant irritation. Asiatics ask for no favour. They demand justice and recognition of their rights as men as a matter of course. Whatever the requirements that the Colonial Secretary may contemplate, they should, therefore, be reduced to writing and form part of the regulations, so that each Asiatic knows what his position is. We are sure that when a final settlement is reached, if ever, these matters can be adjusted by consultation between the Officers responsible for the adminis-

tration and the Asiatic leaders. In the meanwhile, Asiatics have only to ignore the Act, the Regulations, and the Asiatic Officers. For them, these do not exist.

IT IS RARELY THAT WE FIND OURSELVES IN COMPLETE agreement with the *Natal Advertiser*, but the series of articles commenced by our contemporary, in its issue dated the 17th inst., commands our warm congratulations and perfect accord with the views expressed therein. The series constitutes an attack on the system of indentured immigration, and it is based upon the Report of the Protector of Indian Immigrants for 1907, who has brought out one serious defect of the system. The Medical Officers, who are, next to the Protector, very largely responsible for the well-being of indentured Indians, are commanded by the Immigration Trust Board and are in its pay. The Board consists of nine members, seven of whom are elected by employers of indentured Indians, and two of whom are nominated by the Government, one of them being the Protector himself. The nominated members are themselves in a hopeless minority, and even if he intended to do his duty thoroughly, the Protector is powerless to help. In his annual reports, he usually gives reports from Medical Officers. This time, he has deliberately omitted to ask for such reports, "in view," as he says, "of this unsatisfactory state." Mr. McLarty, anti-Indian though he be, is humane enough to resent such procedure. The *Natal Advertiser*, in concluding the article, says: "We do not hesitate to say that the Indian immigration laws, if they do not reduce indentured labour to a form of slavery, at least establish conditions far more nearly approximating to servile conditions than do those which the British Parliament and people rejected in the case of the Rand Chinese. They are inequitable and disproportionate in their incidence on employer and employed. They convert actions on the part of the employed which are not criminal offences into criminal offences. They pretend to establish safeguards for the employed which are not safeguards. They are undoubtedly restrictive of the liberty of the individual." This is a fairly severe indictment, and yet it is well deserved. The late Sir William Wilson Hunter called the indenture system a state perilously near to slavery. This is a question which should be considered apart from prejudices and apart from the general Indian question. The only solution lies not in mending the system, but in ending it. Mr. Moor has bluffed South Africa into believing that he was really sincere when he published his Bill to abolish the system. We now know that he never meant to persevere with it.

He has lulled the people of South Africa into a sense of false security. We sincerely hope that the *Natal Advertiser* will make it a special mission, now that it has commenced the battle against this criminal system, to continue the struggle until the liberation of these serfs is accomplished.

A CORRESPONDENT FROM LADYSMITH sends us a long report in Gujarati regarding the condition of Indians in the collieries in that district. He sends us a sample of rice supplied at a certain colliery. We have had the sample examined by experts who condemn it in no measured terms. We must confess that it does not appear to us to be at all delectable. We have forwarded it to the Protector of Immigrants, and await the result of his investigation, which we have no doubt he will make. The other complaint our correspondent makes is as to the over-stepping of the statutory time allowed for the work to be taken from these half slaves. We have always held the opinion that an inquiry by the Protector and consequent relief can only be in the nature of a palliative. The real remedy lies in an entire abrogation of the system of indenture. If it were stopped it would be a cure for more than one evil. Most questions that engage the attention of South African statesmen flow from the pernicious system whether it be applicable to Indians, Chinese, Natives, or even the Whites.

Answers to Correspondents

VERB. SAP.—Before publishing your letter, we should be glad to receive from you chapter and verse for your various allegations, which are very serious. You should give names, dates, and places, and support your statements, wherever possible, by affidavits. Otherwise it is almost impossible to convince the public of the reality of the evil and so secure redress.—Ed. I.O.

A WELL WISHER OF DELAGOA BAY INDIANS. We cannot decipher your name. Your letter in any case does not require publicity. You who know more should gradually and patiently enlighten others. Your complaint resolves itself into the education question.—Ed. I.O.

LACK OF IMPERIAL DUTY. London, September 9. Lord Amthill in a letter to *The Times*, dwells on the grievances of British Indians in the Transvaal, and says nothing is more conducive to the belief that the Transvaal is unfit for self-government, than its persistent neglect to recognise Imperial duty as a necessity.—Reuter.

Natal Parliament

LEGISLATIVE ASSEMBLY.

September 17th, 1908.

Taxation Assessment Bill

The House went into Committee on the Land and Income-tax Assessment Bill.

Mr. WATT moved the following addition: "Land owned by a European shall not be deemed to be beneficially occupied if the same is occupied solely by natives or Indians, unless such land is not suitable for European occupation."

The motion was lost.

There was some discussion on the clause stating that in the case of lands owned by natives and Indians allowance should be made for any deficiencies naturally to be expected in the cultivation or use made of the land.

Mr. JOHNSTONE said the cry in the past had been that they wanted more white settlers, and the present Bill would encourage kafir-farming.

Mr. BRUNNER pointed out that the object of the clause was to ensure beneficial occupation. If it was desired to prevent kafir farming, special legislation should be introduced.

Sept. 22.

"A Public Scandal"

Before the House went into Committee on the Supply Bill,

Mr. McLARTY said he desired to voice what he considered a public scandal—the grievances against the Indian Immigration Department. He drew attention to letters which appeared in the Press, complaining of the lack of supervision, the carelessness with which the lives of Indians were treated, and the shocking treatment in hospital. Owing to the carelessness in the selection and examination of Indians in India, a new disease had been introduced into the Colony. According to the reports of the Protector of Indian Immigrants, the death rate among the Indians had increased enormously, and there was evidence of gross neglect. The medical men were fettered to the Indian Immigration Trust Board, and dare not state the true position. Year after year it had been recommended that these medical men should be placed in an independent position. If the Government would be honest in the matter they would take the medical men away from the control of the Board. They should not be allowed private practice, as they could not serve the interests of both masters and servants. He asked for some assurance from the Prime Minister that there would be a remedy to the existing state of affairs.

Sir LIEGE HULETT said he was a member of the Indian Immigration Trust Board, and would give a denial to the statements made. As a planter, he declared that the letter which had appeared in the *Natal Advertiser*

was a tissue of lies, in spirit. He had employed this labour for 40 years, and had taken a personal interest in it, and he knew that the statements were false. The writer of that letter was a medical officer who had to resign his position because the planters found fault with his neglect of duty. He knew the animus which actuated the letter. The Indian Immigration Trust Board had as much regard for the protection and comfort of these people as the Protector of Immigrants. It was as the result of investigations made by the Board that fault had been found with medical officers of the Board. He would prefer to see those officers appointed by the Government, but not to be under the control of the Protector, any more than under the control of the Board. If the Indians were not fairly and properly treated by the employers, then they were all concerned in having the thing put right. The high death-rate was due to the introduction of disease by one ship. The Board stepped in immediately, and said that no immigrants were to be sent suffering from disease. The immigrants in question were brought at an unhealthy time of the year, but now the death-rate was very low. The higher death-rates which had been recorded were due to epidemics which could not be avoided. The Colony was being maligned by those who were determined to put a stop to Indian immigration. As a whole, the Indians of Natal were well treated. He would not say there were no wrongs, and any wrongs which did exist should be set right. Reverting to the letter in the *Advertiser*, he declared that the writer of the letter, a former medical official, had refused to attend to immigrants when he was called upon. Perhaps he would go when it suited him.

Mr. PALMER considered that Mr. McLarty had done a good service in bringing the matter before the House. He read a letter from an ex-medical officer of the Board, who stated that he resigned his position because he was tired of seeing abuses which it was impossible for him to rectify. The indentured system was, he considered, worse than slavery, and one of the greatest objections to the system was the disease which the coolies introduced into the Colony. He (Mr. Palmer) considered that the matter called for urgent and immediate inquiry.

Mr. KIRKMAN asked, if the condition of things was as stated, what could the Protector have been doing. But the Protector in his last report declared that, speaking generally, the employers were well disposed to their servants. It was not right for persons to take every opportunity of villifying their fellow-Colonists. A Commission was to be appointed, and it was not a fair thing to prejudice the minds of the public. No men more welcomed the inquiry than the employers of Indian immigrants.

Mr. SCHOFIELD supported the attitude taken up by Sir Liege Hulett and Mr. Kirkman, and he quoted from the report of the Protector to show that the Indians were not badly treated.

The COLONIAL SECRETARY moved the suspension of the sitting until 2.30 o'clock.

This was agreed to, and the sitting was suspended.

The Speaker resumed the chair at 2.30 o'clock.

On the motion to leave the chair,

The COLONIAL SECRETARY agreed with the speaker, who had said that nothing was to be gained by declamation. There could be no doubt that the administration of the Act was, according to the reports of the Protector of Immigrants, just and fair. The great question brought forward was the death-rate. They knew that during the past three years there had been a severe epidemic of malaria in the coast districts, which had taken off, not only Indians, but Europeans and natives. They heard no complaints in regard to the native deaths from that cause, although the native loss had been greater than the Indian loss. As a result of the dissatisfaction of the Indian Medical Board with the class of Indian sent to Africa, an officer had been sent to India to investigate. Since then, there had been a marked improvement in the health of Indian immigrants. He referred to the difficult task the Indian medical officers had to perform. If they did their duty strictly, it was almost certain that ill-feeling would be created between the officers and certain employers. It was the intention of the Government to refer this and other matters that might be raised to the Commission to be appointed soon after Parliament was prorogued. This Commission would go into the whole question of Indian immigration. He did not think that all the remarks made about the Protector of Immigrants had been called for. That official filled a difficult position, and had done everything to avoid friction.

The question was then put, and the Speaker left the chair.—*Mercury*.

THE SULTANS ACCESSION. The Potchefstroom Mahomedan Community forwarded a cable to His Majesty the Sultan of Turkey congratulating him on his accession and on the inauguration of the Hedjaz Railway.

TO FRUIT AGENTS. The Transvaal Department of Agriculture has issued a circular letter which states that large consignments of Citrus fruits affected with the rot fungus have been imported into the Transvaal recently, and, with a view to protecting the interests of local fruit growers and shippers, it is the intention of the Government to order the destruction, or return to consignors of all consignments found to be affected to the extent of 1% or more.

Meeting at Blantyre

Treatment of Indians in the Transvaal

[SPECIAL TO INDIAN OPINION]

A meeting of Indians resident in Blantyre, Nyassaland, was held on the premises of Mr. Haji Nurmahomed Hasham on Wednesday, August 19th, 1908. There was a large attendance of merchants and others.

Mr. Ratanshaw Koyaji, B.A., LL.B., Solicitor, was elected to the Chair.

The Chairman, in the course of a lengthy address, went over the whole ground of the Transvaal controversy, and in conclusion, said:—

There is one thing about this renewal of hostilities there which I must mention to you. When they first went to gaol, they did so for their own sake and for the honour of their country, but they have buckled up their armour now purely for the honour of their countrymen and for the good of others who are not now in this country—in other words, purely from patriotic motives.

Gentlemen, at present white men in almost all Colonies are afflicted with a desire to sweep out Indians from there. They cannot do so openly, and so they resort to legislation which no self-respecting man would submit to. Southern Rhodesia has lately copied the Transvaal Asiatic Registration Act, though there was no need for it. There are barely 500 Asiatics there, and still the Legislative Council there has barred the door against new Asiatic entrants. Take Natal, it was built purely on Indian labour, it owes its present prosperity to that, and now trading licences are refused to Asiatics on very, very flimsy grounds. Everywhere the cry is "Away with Asiatics, away with Indians," and Indians also must now rise to the occasion. The Transvaal Indians have led the way, and Indians everywhere must copy them and exert their utmost to have their rights as British subjects acknowledged. If they show as much patriotism and self-sacrifice as these noble sons of India have shown in the Transvaal, it requires no great prophetic insight to say that the victory will be theirs.

The following is the text of the Resolutions:—

"That this meeting most strongly protests against the humiliating degradation imposed upon Indians as a class by the Transvaal and against the subtleties which General Smuts has been resorting to, to break his promise of repealing the Asiatic Registration Act."

"That this meeting most sincerely sympathises with the Transvaal Indians in the struggle they are carrying on for themselves and for the honour of their country, and wishes them every success in this their second battle with the Transvaal Government as in the first, in the anti-Asiatic war."

"That this meeting is of opinion that Messrs. M. K. Gandhi, Essop Ismail Mia, Sorabji Shapurji, Imam A. K. Bawazeer and all those who have gone to gaol for non-compliance with the unjust and un-British piece of legislation called the Asiatic Registration Act have done incalculable service to the people of India, and especially so to those of them who are resident in British and Foreign Colonies."

"That the Chairman be instructed to send a cablegram of sympathy and also to forward copies of these resolutions to M. K. Gandhi Esq., Secretary to the British Indian Association, with a request to circulate them among the suffering martyrs in the Transvaal."

Life in Boksburg Gaol.

How an Indian was treated.

Serious Allegations.

Mr. A. M. CACHALIA, Chairman of the British Indian Association, writes as follows:—

I beg to send you herewith, for publication, a communication addressed by me to the Director of Prisons. The British Indian Association has voluntarily undertaken to suffer, and to advise British Indians to suffer; but I do not know whether treatment such as is described in the letter herewith enclosed squares with the humanity of the Colonists. We do not ask to be treated as favoured prisoners, but we do ask that British Indian prisoners be treated with some degree of humanity in this enlightened country.

19th September, 1908.

The Director of Prisons,
Pretoria.

Sir,—My Association has received a letter in Gujarati from a British Indian named Syed Ali, who has just undergone imprisonment at Boksburg. I give below a free translation of the material portion of the letter. It is dated the 17th instant, and is written from Springs:—

"I write the following, God between us. On the 19th day of August, 1908, I was sentenced by the Magistrate to pay a fine of 10/- or suffer imprisonment for seven days with hard labour, for trading without a licence. I accepted gaol. When I was admitted, a Kaffir came to me and asked me to strip myself naked. I did so. I was then made to walk, in that condition, barefoot, some distance. I was then kept, together with Kafirs, in cold water, for twenty-five minutes. I was then taken out and taken to an office. I was then given some clothes to wear, but I did not get any sandals. I, therefore, asked the

gaoler for some. At first, he said "no", and then he gave me torn sandals. I asked for socks, and he used abusive language (untranslatable). I asked again, and he said "Look here I will sjambok you." I was then frightened and, had I spoken again, he would certainly have struck me.

On the 20th August the work given to me was that of carrying and emptying closet buckets; I complained to the gaoler about this work; and I received a kick and slaps. I still persisted in my complaint, and told him that I would be glad to break stones but would like to be relieved from the work of carrying and emptying these buckets. I was then kicked again. I became helpless, and I had to carry those buckets.

On the 22nd August, Saturday, I was again kept in cold water for nearly half-an-hour. It was extremely cold. I was shivering. God knows how cold it was. I then became feverish. My chest became bad. On the 25th I was discharged. The gaoler, on discharging, said "You may come again if you wish to die" and I retorted "All right, you may kill me if you can." I then returned to Springs by the 11 o'clock train. And ever since I have been ill, and I have been discharging blood from the chest, and am under medical advice.

I was treated worse than Kaffir prisoners. Happily, I was the only Indian. I thank God that I was spared. All my book-debts have become bad, but I do not care. I hope the community will be able to preserve its self-respect."

My Association does not know how far the above statement is true, but, on the face of it, in my humble opinion, it calls for a thorough investigation, which I have no doubt you will make. In the meanwhile, I venture to inform the Government through you that, assuming the truth of the above statement, the advice given by my Association is, despite all difficulties, to continue to suffer for what it believes to be a principle.

I may add that the correspondent, as his name implies, is a direct descendant of the Prophet, and I need hardly comment upon the resentment that would be bitterly felt by Mahomedans, when they understand that such a person has been called upon to perform the dirtiest work at the Boksburg gaol.

I have the honour to be, Sir,

Your obedient servant,

A. M. CACHALIA,

Chairman,

British Indian Association.

INDIAN WOMEN'S PETITION. The Durban Indian Women's Association have forwarded a petition, signed by 60 members, to the Legislative Assembly, praying for the repeal of the £3 Licence Act.

Views from Volksrust.

[SPECIAL TO INDIAN OPINION]

In the distance, beyond Charles-town, lies the majestic bulk of Majuba—Majuba, of historic memory; Majuba, the scene of Britain's temporary humiliation and of Boer temporary ascendancy, a rankling wound, salved only by the strong ointment of war, twenty years delayed. Majuba is a burial-place, then, the tomb of General Colley and of fratricidal mania. Majuba, too, is a monument of peace, an emblem of race-union and of national growth. And perhaps it is better to regard the great mass thus, as it looms calmly and reposefully, overlooking three Colonies.

But there is another monument nearer at hand. It lies due north of Volksrust station, as the main line runs. To the east lies the straggling, grave-strewn cemetery. Around rolls the undulating veld, with here and there a dip where a half-dried spruit struggles thirstily along, neat paths lead up to it, some of them outlined by whitewashed stones and pieces of rock. It is a squat, one-storied building of brick, stone and iron. In front and to the right is a pleasant garden, carefully tended. Insignificant to the eye, it is more than significant to the mind, for it betokens a thing the like of which has never heretofore broken in upon the imagination of men in this sub-continent. On closer examination, this unassuming building assumes a more formidable aspect. Its windows are strongly barred, its doors roll heavily on their hinges, and we observe that the inhabitants wear a distinctive uniform. We are looking at Volksrust Gaol.

And Volksrust Gaol is a monument of far greater significance than even Majuba, for it indicates the freedom of a subordinate people, the freedom of all the subordinate peoples of the Empire, did they but know it. It stands for "passive resistance," the only valid argument of the unenfranchised and the unrepresented, the despised, the forlorn, the hopeless, the helpless. Within Volksrust Gaol lie the bodies of some of the most prominent, most important, wealthiest and proudest members of the Indian community in South Africa. They have voluntarily chosen suffering that the principle for which they have so greatly sacrificed might triumph. Their bodies are imprisoned, but their spirit is free as the health-giving winds that prevail in this part of the country to-day. Their spirit has inspired to greater and more determined efforts their struggling brethren.

Perhaps in the days to come, the people of South Africa, be they black, white, or brown, will learn to discriminate between the ideals for which Majuba and Volksrust Gaol stand. Majuba signifies the triumph of a political idea, the attainment of political independence and national

union. Volksrust Gaol stands for something even more permanent than this. It records the growth of self-respect and the value of self-sacrifice. It represents that fundamental necessity of all right development— independence of character, without which there can be no building-up of a nation.

A. CHESSEL PIQUET.

"A Preposterous Claim"

Sir J. West-Ridgeway's Letter.

"Rand Daily Mail's" Comments.

Under the heading "An Asiatic Compromise," the *Rand Daily Mail* of the 19th instant, has the following leading article:—

The letter in which Sir J. West-Ridgeway deprecates the holding of an Imperial Conference on the Asiatic question, is a very strong argument in favour of such a gathering. For despite his experience in the East, Sir Joseph shows that he is not well acquainted with the claims of the Asiatics in the Transvaal. He says that the demand of the Indian leaders is for "unrestricted immigration." Really we sympathise with Mr. Gandhi. In every interview (and there have been many) and in every letter and memorial (and they run into scores) he keeps repeating again and again the statement that he does not ask for unrestricted immigration. He agrees that immigration should be restricted. He said so long ago, when the Asiatic Law Amendment Act made its first appearance. He has been saying so ever since. Probably he will continue to say so. And yet after months and months of controversy Sir West Ridgeway, and others, calmly declare that the Indians claim "unrestricted immigration," and stigmatise the claim as preposterous. Of course it is preposterous. We feel sure Mr. Gandhi would use the same term. But Sir Joseph is fighting a shadow. No such claim has ever been made.

It is just as well to be fair. No good can come of fathering upon the Indians a case they have never put forward. What Mr. Gandhi says is this: Restrict immigration by all means, but do not allow the Statute Book to say that a man is debarred from crossing the border simply because he is an Asiatic. He does not mind if immigration is restricted to one man a year for twenty years, so long as the principle is accepted that a highly educated Indian can enter the Transvaal as a matter of right, and not as a matter of charity. Mr. Gandhi has lived in South Africa long enough to know that if he claimed unrestricted immigration not one white man in the sub-continent would bother to listen to his arguments. It is because he does not demand unrestricted immigration, but is prepared to fine immigration down almost to the Transvaal Government's point,

that anyone listens to him at all. Indeed, as we said yesterday, Mr. Gandhi has watered his principle to such an extent that it seems to us not worth fighting for. He wants a system under which a few—a very few—Asiatics would have the right of entry. The exact number who would be able to come in under a stringent education test is uncertain, but in any case it is so far removed from "unrestricted immigration" that Sir West Ridgeway's phrase cannot be regarded as a fair statement of the case. The Transvaal Government have brought into operation a system which gives no Asiatic the right of entry, although, of course, temporary permits would be issued in certain cases. For practical purposes the difference between Mr. Smuts and Mr. Gandhi is absurdly small, although we admit that theoretically the difference is as large as a difference of principle always is. But it is no question of an open door being demanded. Sir Joseph would hardly say that Australia or New Zealand or the Cape permit the unrestricted immigration of Asiatics. Yet Mr. Gandhi would be content with the system in operation in those Colonies.

The suggestion that an Imperial Conference should be held on the Asiatic question was first made in these columns two years ago, and has on several occasions been supported by the *London Times*. Our own opinion is that the thorough threshing out of the whole question would have a good effect. We do not imagine for a moment that the Imperial authorities would wish to dictate to the Colonial Governments upon the question. Such interference would be resented in every self-governing State in the Empire. But we believe that a meeting of this character would bring home to the English public something of the difficulties which have to be faced in the Colonies, and of the dangers which Asiatic immigration involve to a white community. That any very definite result would follow an Imperial Conference is improbable. The gathering would be valuable mainly for its educational influences. It would lead to a better understanding, and it might eventually produce a uniform system of legislation on this question for the whole Colonial Empire. No Government could pledge itself beforehand to accept the findings of such a conference. The Asiatic legislation of the Transvaal must be drafted in accordance with the wishes of the people of the Transvaal and not upon the recommendations of a meeting in London. Still indirectly we believe that a discussion of the nature suggested would give valuable results and do something to settle a very serious difficulty in several parts of the British Empire.

INDIAN MAIL. For Bombay, per S.S. *Gouverneur*, until 3-30 p.m., Tuesday, October 6th.

Indians at the Cape

Report of Select Committee

The report of the Select Committee (consisting of Dr. Murray, Messrs. Levey, Lundie, Alexander, Withinshaw, Hellier, Powell, Louw, and Greer) appointed by the House of Assembly to inquire into the working of the Immigration Act and the General Dealers' Act, has been issued. The following is the text:

1. Your committee have conducted an inquiry into certain grievances set forth in Asiatic petitions to the House of Assembly with regard to the incidence and administration of the General Dealers' Act and the Immigration Act. Your committee have not attempted any general examination of the working of these Acts, which is all the less necessary in the case of the Immigration Act, because an inquiry into the working of that Act generally has been conducted elsewhere.

2. The Indian witnesses state that British Indians are being wronged owing to the local authorities refusing all their applications (except in Cape Town) for licences as general dealers or hawkers, merely because they are Indians, and they assert strongly that, as British subjects of good character, and ready to comply with the laws in every respect, they are entitled to equal treatment; and it is held that prices at which Indian storekeepers sell are of great advantage to the poor. The statement as to the entire refusal of licences is contradicted in part by the fact that the number of Indian licences is so great in the Cape Peninsula that European shopkeepers declare they are being driven out of existence by Indian competition. It is also shown that at Mafeking the number of Indian shopkeepers has not diminished, except for such diminution as is due, alike with Indians and Europeans, to bad times. The great number of Indians, despite the Act, is, however, partly to be accounted for by the licences held before the Act was passed (referred to below).

3. The evidence of the European storekeepers who have given evidence on Indian competition is striking. They declare that the Indian represents a lower standard of civilisation than their own; that he lives meagrely; is poorly housed; pays his staff at a rate at which Europeans could not live; and consequently compels European competitors to close their doors. It is impossible to view the extinction of the European storekeeper without the gravest fears for the future of the Colony. Indians have, as a rule, no domestic establishments to maintain, so they remit nearly all the money they make to India. It is also in evidence that Indian competition has driven out nearly all Malay and coloured small shopkeepers in Indian storekeepers vicinity. It is, more-

over, alleged that as Indians do somehow live, while their prices are scarcely distinguishable from wholesale prices, there must be some sinister explanation. Insolvencies are somewhat heavier than amongst Europeans; many Indians keep no books, and in some cases (though no general allegation on this head has been made) resort is had to short weight. In these respects the existing law is adequate if properly enforced.

4. The committee recognise the hardship the Act inflicts on respectable Indians who were in business as hawkers in 1906. The position of hawkers of good character and habits domiciled in this colony before 1906 deserves special consideration by the local authorities charged with the administration of the General Dealers' Act; but one Indian witness admitted that Indians in India were made acquainted with the law here through the medium of INDIAN OPINION, so that they well know what to expect, and would come at their own risk. Here, however, it is important to note the evidence of Mr. McNamara, of the Woodstock Municipal Council, from which it appears that Indians, domiciled here before the passing of the General Dealers' Act may obtain any number of licences in the area in which they have held licences previously, and place in charge of their businesses men who have obtained entrance since 1906, and possibly some still arriving. This difficulty would be met by a more rigid enforcement of the existing Act, especially section three. In the opinion of your committee hawkers of standing in rural areas who were in business before 1906 should be placed on the same footing as general dealers under the Act.

5. It appears from the evidence that grievances as to unexplained refusal of licences are not confined to Indians. It would, in the opinion of the committee, meet such cases, whether Indian or European, if in any future legislation on the subject it were provided that after refusal of a licence then, upon the presentation of a petition signed by a majority of the registered voters of the ward or wards of the municipality or division in which the applicant proposes to trade, the Municipal or Divisional Council, as the case may be, shall be compelled to grant the licence. It would tend to prevent some of the abuses of the Indian trading if all traders were compelled to keep books in some European language.

6. With regard to the working of the Immigration Act, there is less to be said. Some personal allegations were made with regard to favouritism in passing Indians, but they have not been proved and, speaking generally, the Indians have been satisfied with the working of the Act since certain modifications have been made in its administration. Mr. Cousins, the Chief Immigration Officer, absolutely denies the existence of any

favouritism in the treatment of agents. With regard to the admission of Indian minors, the committee find that the Immigration Department has great difficulty in administering the law as it stands, and it would facilitate the work of the Department if certificates of minority could be obtained from the Indian authorities, coupled with the evidence of identity to prevent personation.

7. The committee have examined Hing Woo, who gave evidence on behalf of the various Chinese Associations of the Cape Colony, and recommend that the evidence be referred to the Government for consideration. The committee further recommend that the Government should, as far as possible, recognise the various Chinese Associations throughout the Cape Colony in dealing with any matters affecting the Chinese residents.

8. The committee have taken evidence as to the grievances of Indians in East London, but as these arise out of municipal regulations the committee recognise the impracticability of interfering with the authority of the local municipality.

A minority report signed by Messrs. Lundie, Withinshaw, and Hellier dissents from the last clause of par. 4 of the report, which reads as follows:

"In the opinion of your committee, hawkers of standing in rural areas, who were in business before 1906, should be placed on the same footing as general dealers under the Act."—*Cape Times*.

The Immigration Department

In the Cape Legislative Council on the 9th instant the Hon. Dr. PETERSEN brought up the interim report of the Select Committee on Immigration.

The Clerk read the report, which was as follows: Your committee beg to report that they have continued the inquiry made during the session of 1907 into the working of the Immigration Department, and have taken further evidence on the subject. Owing, however, to the probable termination of the session in a few days, they find that time will not permit of their completing their inquiries. They accordingly recommend that the inquiry be held over until next session of Parliament, and that the proceedings and evidence be not published until after a full investigation has been made. Your committee are, however, of the opinion that certain allegations made by witnesses with regard to abuses of the Immigration Act whereby, it is asserted, many Asiatics have been, and are being, illegally admitted into the Colony, deserve the immediate attention of Government. These witnesses state that favouritism exists in the treatment of agents by the Immigration Department. In order to enable your committee to obtain first-hand information on this question, they gave an assurance that no witness

would be prosecuted as a result of any evidence given by him. Thereupon evidence was obtained from several witnesses, some of whom admitted that they themselves had come into the Colony illegally, whilst others asserted that through the instrumentality of an Indian agent, to whom sums varying from £5 to £50 were paid, they had secured the illegal admission of friends. It would appear from this evidence that certain ignorant immigrants were charged by a certain person, or persons, to an extent that would seem to your committee to be culpable, and in this connection documentary and *prima facie* evidence have been received. Time, however, does not permit of rebutting evidence being heard. Your committee recommend that the evidence taken in connection with these allegations be submitted to the Honourable the Attorney-General for his confidential perusal in order that he may make further inquiry.

The report was set down for consideration at the next meeting of the Council.—*Cape Times*.

Mr. Gandhi and The Star

Important Points Discussed

The following correspondence and our contemporary's comments thereon may do something towards creating a clearer understanding in regard to the points of difference that still exist, and which prevent a settlement of the Asiatic question in the Transvaal. The *Star*, in a leading article, says:—

To those who are a little doubtful of the wisdom with which Mr. Smuts has handled the Asiatic problem, we commend a perusal of the summary of a leading article in this morning's *Times*, which appears in another column. *The Times*, which can be trusted to offer a judicial view on most large Imperial questions, takes what is, to our mind, a very sensible attitude on the Asiatic controversy. It finds that the weight of evidence is on the side of the Colonial Secretary and that the root of the present trouble lies in the endeavour of Mr. Gandhi and his friends to secure concessions which were not contemplated by Mr. Smuts when he entered into the compact of last January. A brief interview with Mr. Gandhi, which we publish in our news column to-day, should set at rest all doubts as to the principles for which he is contending. The Asiatic leader is willing to accept any educational test, however severe, provided it is applied impartially to Europeans and Asiatics. But he insists that those admitted under the present or a new Immigration Restriction Act must be treated with absolute "equality." If we make the educational test very severe we run the risk of excluding many Europeans whose services are essential in the development of our industries; if we maintain the present standard and repeal the Asiatic Act

of 1907 we throw open the portals to countless Asiatics who have been or are being educated in Natal and other parts of the Empire. As the first course is impracticable and the second incompatible with our interests as a European community, there is no room for compromise, especially having regard to the fact that Mr. Gandhi scouts all idea of discriminatory legislation.

Mr. Gandhi's Reply

Sir,—You will perhaps allow me to state that your persistent misrepresentation of the Indian standpoint appears now to be wilful rather than unconscious. You state that I am "willing to accept any education test, however severe, provided it is applied impartially to Europeans and Asiatics." This is the exact reverse of what I have stated all along. My contention is that there should be a general education test in law, but that, in practice, it may be administered not impartially but differentially. The law gives the Minister full discretion, to be used by him as he chooses. If he does not possess the discretion, Indians are quite willing that the discretion be given. This statement I have made before the public and to your representatives not once but very often. Nor, as you have stated in a previous leaderette, is there any question of a subterfuge. Administrative inequality must always exist so long as people who are not of the same grade live under the same flag. All I claim is that the law should be no respecter of persons especially with regard to educated Indians. You cite the authority of *The Times*, but, if you will pardon me saying so, *The Times* merely trumpets what has been passed on to it by or on behalf of General Smuts. *The Times* is not, at present, in possession of the full facts of the case.

A Few Facts

I emphatically deny that a new question is now being raised by my countrymen. The following briefly are the facts:—Before the war, the immigration of Indians was free. After the conclusion of peace, immigration generally was regulated under the Peace Preservation Ordinance, under which new educated Asiatics were allowed to enter the country. The Asiatic Act of 1907 simply provided for registration of those who were entitled to reside in the country, but, according to the admission made by General Smuts, did not regulate immigration. The Immigrants' Restriction Act replaced the Peace Preservation Ordinance, and laid down a general education test. The Asiatic Act was then dishonestly, without even mentioning it, brought in to defraud Indians of their just rights, under subsection 4 of section 2; but, as Indians have never accepted the Asiatic Act and have always steadily, persistently, and amid untold suffering, demanded its repeal, how can they be charged with having brought in a new point?

It was General Smuts who, in complete breach of his promise when the time came for him to repeal the Act, offered repeal on four conditions, three of which he has, yielding to the force of passive resistance, and finding his administration of the law paralysed, withdrawn. The fourth he does not withdraw, and, until that is granted, in the estimation of British Indians and other Asiatics, he must stand guilty of the charge of dishonesty.

You and, I am sorry to say, the Progressive leaders, who profess to have Imperial interests at heart, and who profess to lead the party of progress, are allied on the side of dishonesty. May I draw a parallel? With reference to the Vereeniging Treaty, General Botha interpreted the word "native" to include Asiatics. Lord Milner and Sir Richard Solomon repudiated it, but they accepted the interpretation that General Botha put upon it, and Asiatics are to-day debarred from the municipal franchise because of such interpretation. General Botha, again, said that his people were promised immediate self-government by Lord Kitchener. In order that British honour might remain unstained, in this instance also his understanding of the promise was accepted by the Imperial Government. Is British honour or Colonial honour to be measured differently in connection with the repeal of the Asiatic Act and British Indians?—I am, etc.,

M. K. GANDHI.

September 17.

A Repudiation

The *Star* returns to the subject and says:—

We emphatically repudiate the charge that we have wilfully misrepresented either Mr. Gandhi or his compatriots. The Asiatic leader restates his position in another column. He denies that he desires the education test under the Immigration Law to be applied impartially to Europeans and Asiatics. "My contention," he says, "is that there should be a general education test in law, but that in practice it may be administered not impartially but differentially. The law gives the Minister full discretion, to be used by him as he chooses. If he does not possess the discretion, Indians are quite willing that the discretion be given." Our reply to the foregoing is that no regulation or Ministerial decree can override the express terms of an Act of Parliament. Laws are made to be enforced. If the Government made the education test ridiculously severe in order to exclude all but a handful of Asiatics and failed to enforce the provisions in the case, say, of European artisans, it would be lending itself to a species of dishonesty unworthy of statesmen.

A Solution Possible

On the 18th inst. Mr. Gandhi again writes to the *Star*:—

Sir,—I am delighted that you emphatically repudiate my suggestion that

you may have wilfully misrepresented me. Your repudiation fills me with hope that I may yet convince you of the justice of the Indian demand. I assume now that you would not mind an open door for highly educated Indians. If so, the question is not of "whether" but of "how".

You reject my solution to be "a species of dishonesty unworthy of statesmen." And yet it has been resorted to by statesmen all over the world. The Peace Preservation Ordinance gave absolute discretion to the Governor as to the issue of permits. White British subjects received them for the asking; other Europeans with little difficulty, but not with the same facility; British Indians after the greatest difficulty. The Governor went so far as to establish a separate department for administering the same Ordinance for Indians. This was unfair, but not dishonest, because it was openly done. The Governor had the discretion and he chose to use it in this partial manner, as he said, in the interests of the predominant race. Indians would not have cavilled at the differential administration, if the department at one time had not been tainted with corruption and always most niggardly regarding the claims of *bona fide* refugees.

You have charged General Smuts with having used his discretion unfairly as to filling the vacancies in the Civil Service with Boers, but whether it is statesmanlike or not will depend upon results.

In Natal, the Immigration Officer has a discretion as to the education test. I will take my oath that Europeans as a rule, are not even examined. Indians, as a rule, are examined and that, too, severely. A Mr. Abdulla Brown, an Irishman, was subjected to the test some years ago in Natal, because he wore the fez, whilst his other white fellow-passengers were not touched. Subsequently, the late Mr. Escombe and Mr. Browne had a hearty laugh over it. Mr. Browne felt the ludicrous position, but did not consider the examination to be dishonest.

The same thing is, to-day, done at the Cape.

The fact is that legal inequality would be an insult to the race. Administrative difference would be a concession to prejudice, and Indian acceptance of it would be a graceful and, shall I say, statesmanlike recognition of such prejudice, as also of the fact that, if we want to live in this country, we must submit to the predominance of the European races.

In any case, if you agree that a handful of educated Asiatics may safely be allowed to enter without molestation, surely the combined wisdom of the Government and the Progressive Party cannot fail to find a solution that will be acceptable to both Europeans and Indians, and end a situation which cannot be viewed with unconcern by any lover of the Empire.

Natal Trading Licences

Corporation's Powers

A New Bill

In the Supreme Court, recently Mr. Cress brought in appeal a decision of the Newcastle Magistrate against one Doozen Lazarus, who was fined 10s., or five days' imprisonment, for carrying on a retail business without a licence. Mr. Watt appeared for the respondent.

In delivering judgment, Mr. Justice Beaumont said that the chief ground of appeal was that the appellant had been wrongly charged under Section 9 of Act 18 of 1897, and that it was not competent for the Corporation to prosecute under that section, inasmuch as they had not, in law, the power to issue licences for retail dealers. He thought they all agreed with the contention put forward by Mr. Watt on behalf of the Corporation, that when Act 18 of 1897 was passed it was contemplated that the term "retail dealers" should include retail shopkeepers, and if they did not so regard the term, then it was obvious that it must lead to considerable difficulty. They had, however, before them a decision of the full Court in the case of *Mura v. Dyer*, in January, 1898. In his judgment, Sir Michael Gallwey, the then Chief Justice, said, "Law 18 of 1897 cannot be held to supplant Ordinance 3 of 1850, which is the only law that gives power to a Corporation to issue licences." In the case, the circumstances were similar, inasmuch as the same charge had been made against the accused by the Durban Municipality. The Court had held that the Corporation had no power to issue a retail licence under Ordinance 3 of 1850, and, that being so, he did not think they need consider any of the other grounds of appeal. They were bound by the previous decision. He thought the appeal must succeed.

Mr. Justice Broome and Mr. Justice Kock both concurred, but expressed regret that the previous decision should be binding. The latter said he thought the decision might have been different had the case not been heard so soon after the passing of the 1897 Act.—*Times of Natal*.

The following Bill "to remove doubts as to the meaning of Act No. 18, 1897 entitled 'Act to amend the law relating to licences to wholesale and retail dealers,'" appears in the *Gazette* of the 8th instant:—

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Natal, as follows:—

1. The provisions of Act No. 18, 1897, in regard to wholesale and retail licences shall respectively apply and be deemed to have applied to all

licences of the nature of licences for wholesale or retail business, including shop licences, issued in municipal boroughs or in townships under Law No. 11, 1881, whether the same be issued under Ordinance No. 3, 1850, or under any other law or Act applicable to boroughs or townships.

At Volksrust

Last Monday, Mr. G. D. Mentz, Public Prosecutor, informed Mr. A. F. de Villiers, A.R.M., Volksrust, that he was instructed to withdraw the cases against Messrs. H. M. Gandhi and Mulji G. Patel. Mr. H. M. Gandhi, who was undefended, was forthwith discharged.

Mr. Mulji Patel, who was in Johannesburg, on bail, was represented by Mr. Polak, who entered an emphatic protest against this procedure on the part of the Crown. His client had been deported from the Colony although a domiciled resident of the Transvaal. He held a permit entitling him to enter and reside in the Colony. What was the object in deporting him? He had been taken away from his home, to the border, and from there had had to pay his train expenses back to Johannesburg. The whole procedure had been unjust and in the highest degree absurd. He himself, his client, the Prosecutor, and the Court were all placed in a very awkward position by the action of the Government, and totally unnecessary inconvenience and expense had been incurred by his client.

The Magistrate accepted the withdrawal of the Prosecutor.

During his brief incarceration at Volksrust Gaol, whilst awaiting trial, Mr. H. M. Gandhi shared the prison food with his fellow-prisoners, all of whom are in good general health.

OUR JEWISH CONTEMPORARY. We have received the special "Rosh Hashona" annual of the *S. A. Jewish Chronicle* (Johannesburg), and we congratulate the Editor and publishers on producing such an attractive as well as instructive number. New Year messages from prominent South African Jews, as also from Premiers and Ministers of the Crown, are interspersed throughout the pages. Articles of a high moral tone are contributed by Dr. Landau, Rev. Bender, M. A., J. P., and others. The number is a fine record of the social and communal progress of the 50,000 Jews who have made their home in South Africa. Special mention may be made of "A Resumé of the History of the Durban Jewish Community" which includes a portrait of H. E. the Governor of Natal (Sir Mathew Nathan) who is the Hon. President of the Durban Hebrew Congregation.

Transvaal Shops-Closing Act.

The Full Text.

The following Act (No. 32 of 1908) "To regulate the Closing Times of Shops and Hairdressing Saloons in Towns, Villages, and certain other places" was assented to on the 22nd August last, and is published in a *Gazette Extraordinary* dated the 2nd instant—

Be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of The Transvaal as follows:—

1. This Act shall apply to all areas under the jurisdiction of any Municipal Council, Village Council or Health Committee now or hereafter established for the control, management and local government of the same and to all places situate within a distance of five miles from the boundary of any such area.

2. Section four of the Municipal Amending Ordinance 1906 and sub-sections (a) and (c) of Article four of Law No 28 of 1896 in so far as those sub-sections relate to the selling on Sundays of medicines by apothecaries and druggists and of meat and fish by butchers and fishmongers shall be and are hereby repealed.

3. In this Act unless inconsistent with the context:

"auctioneer" shall have the meaning assigned to such term in the Revenue Licenses Ordinance 1905;

"chemist" and "druggist" shall mean a person in possession of a registration certificate entitling him to practice as a chemist and druggist under the Medical Dental and Pharmacy Ordinance 1904, or any amendment thereof;

"closed" in relation to a shop, shall mean closed against the admission of any person for the purpose of buying or obtaining goods or merchandise;

"Governor" shall mean the officer for the time being administering the government of this Colony acting by and with the advice and consent of the Executive Council thereof;

"hairdresser" or "hairdresser's assistant" shall mean a person who carries on, or who assists in carrying on the business of shaving, or cutting, or the dressing of hair of human beings for payment or other valuable consideration;

"hawker" shall have the meaning assigned to such term in the Revenue Licenses Ordinance 1905;

"Health Committee" shall mean a Committee constituted under and

by virtue of the Epidemic Disease and Hospital Committees Ordinance 1905 or any amendment thereof;

"Municipal Council" shall mean the Council of a Municipality established under any law;

"open", in relation to a shop, shall mean open for admission to a person for the purpose of selling or supplying to him in such shop any goods or merchandise;

"pedlar" shall have the meaning assigned to such term in the Revenue Licenses Ordinance 1905;

"public holiday" shall mean any day prescribed as such by section two of the Public Holidays Ordinance 1903, or any day appointed as a public holiday under the provisions of section three of the said Ordinance;

"shop" shall mean any building, structure, room, market stall, tent, booth, vehicle or any place whatever if such building, structure, room, market stall, tent, booth, vehicle or other place be used for the sale therein, thereon, or therefrom of merchandise or goods or as a hairdressing saloon, but shall not include any premises licensed for the sale of intoxicating liquors under the provisions of the Liquor Licensing Ordinance 1902, or any amendment thereof;

"shop assistant" shall include a salesman and saleswoman, shop-walker and any other person engaged in any shop in or about the selling or supplying to customers of merchandise or goods or engaged in or about the preparation of the same for sale or supply in such shop;

"shopkeeper", in relation to a shop, shall mean its owner or the representative for the time being of such owner in the business carried on in the shop;

"tobacconist" shall mean a person who sells or carries on business in tobacco, cigars, cigarettes, pipes and such goods as are by the general custom of trade usually sold in connection with the business of a tobacconist.

4. No shop in which any business (other than a business mentioned in section six or in the Schedule to this Act) is conducted within the Municipalities of Pretoria, Johannesburg, Boksburg, Germiston, Krugersdorp, Roodepoort, Maraisburg, Springs, and Benoni, and within a distance of five miles from the nearest boundary of

any such municipality shall be permitted to remain open

(a) later than seven o'clock in the evening on Mondays, Tuesdays, Thursdays and Fridays;

(b) later than one o'clock in the afternoon on Wednesdays;

(c) later than nine o'clock in the evening on Saturdays;

provided that shops in which wholesale trade is carried on exclusively shall be permitted to be open on Wednesdays till seven o'clock p.m. if they are closed not later than one o'clock p.m. on Saturdays.

5. No shop in which any business (other than a business mentioned in section six or in the Schedule to this Act) is conducted in any Municipality or area under the jurisdiction of any Village Council or Health Committee (except the Municipalities and places specified in section four) or within a distance of five miles from the boundary of any such Municipality or area shall be permitted to remain open later than six o'clock in the evening on any day of the week except Saturday, on which day they shall be permitted to remain open not later than seven o'clock in the evening, unless Saturday be set apart as the day on which a half-holiday is to be observed in any particular Municipality. And all shops so situated as in this section mentioned shall observe one half-holiday in every week upon which they shall not be permitted to remain open later than one o'clock in the afternoon, such half-holiday to be observed in each individual place as shall be notified by the Governor in the *Gazette* after consultation with the Municipal Council, Village Council or Health Committee and the Chamber of Commerce or any other similar association (if any) in the particular town or village concerned, provided that on such day the closing hours prescribed for Wednesdays in the Schedule to this Act shall apply; and provided further that in all towns or Villages where Wednesday is not observed as a half-holiday the closing hours prescribed for Tuesdays in the Schedule to this Act shall apply to Wednesdays.

6. The closing hours prescribed in this Act shall not apply to restaurants, tea-rooms (not being Asiatic tea-rooms) baker's shops, confectioners shops, railway book-stalls, eating houses (not being Kaffir eating-houses or Asiatic eating-houses) nor to any premises where no merchandise other than fresh milk or flowers is sold or offered for sale.

7. No shop in which is carried on any business mentioned in the first column of the Schedule to this Act shall be permitted to remain open later than the hours prescribed respectively for the several days in the second, third, fourth, fifth, sixth, seventh, and eighth columns of the said Schedule in respect of such business: provided that in any shop where the business of a chemist or druggist is carried on, medical

requirements may be supplied at any hour on weekdays, Sundays and public holidays upon special call.

8. No shop (other than a shop which by Law No. 28 of 1896 or any amendment thereof may be open on Sundays) shall be permitted to be open on a public holiday, and no shop which by such Law or amendment thereof may be open on a Sunday shall be permitted to be open on a public holiday at any time other than the hours prescribed for it by such Law or amendment thereof; provided that all shops shall, notwithstanding anything to the contrary in this Act or the Schedule contained, be permitted to be open on any day preceding a public holiday (not being a Sunday) up to but not later than the hours prescribed for closing on Saturdays for each particular class of trade or business,

9. (1) Notwithstanding anything in this Act or the Schedule contained it shall be lawful to keep open any shop not later than the hour prescribed in respect of it for Saturday as the closing hour on any day between the twenty-second and thirty-first days of December, both days inclusive, provided any such day be not a public holiday: provided further that on the twenty-fourth day of December (not being a Sunday or public holiday) shops shall be permitted to be open not later than eleven o'clock in the evening.

(2) The sale of goods and merchandise to any person who has for the purpose of making a purchase entered a shop on any day on which it may be open, before the hour as in this Act or the Schedule prescribed as the latest hour for keeping open such shop on such day shall not be deemed to be a contravention of this Act, provided such sale shall be completed within a reasonable time (not exceeding half-an-hour) after such closing hour.

10. No auctioneer, pedlar, or hawker shall be permitted to carry on his trade or business on any public holiday or on any other day later than the hour prescribed as the closing hour in respect of the particular class of trade or business in which such auctioneer, pedlar, or hawker may be engaged or be doing business, and the provisions of this Act in regard to the closing of shops shall *mutatis mutandis* apply to the closing of the business of auctioneers, pedlars, and hawkers.

11. After the general closing hours for shops prescribed in sections four and five no sale of goods or merchandise other than of food and drink to be consumed on the premises shall be permitted in any restaurant, tea-room, Asiatic tea-room, eating-house, Kaffir eating-house, Asiatic eating-house, or fruit shop.

12. No shopkeeper or hairdresser in whose shop any mixed trade or business is carried on, shall sell or supply or permit to be sold or supplied, any particular class of goods or merchandise at any hours later than those

prescribed in this Act for trade in such goods or merchandise, notwithstanding that such shop may lawfully remain open at such later hours under this Act for the sale of any other class of goods or merchandise.

13. No shopkeeper shall employ or keep at work any shop assistant for more than fifty-four hours per week in any shop, whether such employment or work be under special contract or for any special payment or not.

14. (1) Any person contravening any of the provisions of this Act shall be liable on a first conviction to a fine not exceeding fifteen pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding one month, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

(2) In the event of any contravention of the provisions of this Act by a company, the managing director or person having the management or control of the shop in which the contravention was committed shall be liable to the penalties provided there-

for, and in the event of any such contravention by a partnership each partner shall be liable to the penalties provided therefor.

(3) Every shopkeeper or hairdresser shall be liable to the penalties prescribed for a contravention of any of the provisions of this Act committed in his shop or hairdressing saloon, whether or not he was present and expressly or impliedly permitted such contravention, unless he shall prove to the satisfaction of the Court that he forbade the act or omission constituting such contravention, and every other person who at the time of such contravention was actually in charge of such shop shall be liable to such penalties; provided that both the shopkeeper or hairdresser and such other person shall not be subjected to such penalties.

15. No prosecution for any contravention of any of the provisions of this Act shall be instituted after the lapse of one month from the time when such contravention was committed.

16. This Act may be cited for all purposes as the Shop Hours Act 1908 and shall come into operation on the first day of October 1908.

SCHEDULE.

BUSINESS.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Sunday.
Chemist and Druggist } not later than ...	8 p.m.	8 p.m.	1 p.m. and between 7 p.m. and 8 p.m.	8 p.m.	8 p.m.	9 p.m.	10 a.m. to 12 noon, 5.30 p.m. to 7.30 p.m.
Butcher } not later than ... Fishmonger } Poulterer }	7 p.m.	7 p.m.	1 p.m.	7 p.m.	7 p.m.	9 p.m.	Not to be open.
Vegetable-monger } not later than ... Fruiterer }	10 p.m.	10 p.m.	1 p.m.	10 p.m.	10 p.m.	10 p.m.	Not later than 9 a.m.
Hairdresser, not later than ...	7 p.m.	7 p.m.	2 p.m.	7 p.m.	7 p.m.	9 p.m.	Not to be open.
Tobacconist, not later than ...	8 p.m.	8 p.m.	2 p.m.	8 p.m.	8 p.m.	10 p.m.	Not to be open.
Newspaper Vendor, not later than ...	8 p.m.	8 p.m.	2 p.m.	8 p.m.	8 p.m.	10 p.m.	Not to be open.
Asiatic tea-room or eating-house or Kaffir eating-house } not later than ...	8 p.m.	8 p.m.	8 p.m.	8 p.m.	8 p.m.	8 p.m.	Not later than 8 p.m.

The Transvaal Question Discussed in England.

Letter from Sir West Ridgeway

London, Sept. 18.—Sir West Ridgeway writes to *The Times* this morning in reference to the recent letter from Lord Amphill, wherein the latter stated that the present situation in the Transvaal was entirely due to the attempt of the Government to impose a condition, indiscriminately shutting all Indians out of the Colony, on fulfilment of their part of the compromise of last January.

Sir West Ridgeway declares that there is reason to believe that Lord Amphill has been misled by his informants. He considered that Lord Amphill is unfair towards the Transvaal Government.

"The fact is," Sir West Ridgeway continues, "that the grievances of the Indians have been redressed. They are now striving to extract other concessions."

The writer concludes by declaring that a claim for the unrestricted immigration of all British subjects is preposterous. He deprecates an Imperial Conference on the question, which, he says, must be settled by the Colonies individually.—Reuter.

London, Sept. 18.—Sir West Ridgeway, in his letter to *The Times*, says that the Indians in the Transvaal, presuming on their past successes, are striving to force the Transvaal Government to agree to unrestricted immigration. He pertinently points out that the Colonies have the right to restrict, and even to prohibit, immigration, and that Britain would certainly enforce the same right if alien immigrants threatened to compete with Home labour.

At a meeting of the South African Indians' Committee, under the presidency of Lord Amphill, his lordship was authorised to make special representations to the Imperial Government on behalf of the Transvaal Indians.

London, Sept. 19.—Lord Amphill, in a letter to *The Times* this morning, returns to the charge against Mr. Smuts. He says that Mr. Smuts, having found the Registration Act and Emigrants Restriction Act incapable of being interpreted together as meaning absolute exclusion, owing to the Supreme Court's decision, he tells the Indians that he will only repeal the Registration Act if they agree to an alteration of the Restriction Act, so as to exclude all Asiatics. He also alleges that the Validation Act undoes the compromise, and is subjecting the Indians again to the indignities of the Registration Act. Lord Amphill dismissed Sir West Ridgeway's letter as obviously written without acquaintance with the facts.—*Natal Mercury*.

London, Sept. 19.—Mr. Drummond Chaplin, interviewed by a representative of Reuter's Agency regarding

the renewed Indian agitation in the Transvaal, laid emphasis on the fact that it is hopeless for the Indians to try to exploit the differences of opinion between the Progressives and the Government. The country was united on this question.

London, Sept. 21.—Lord Amphill contributes to this morning's *Times* a letter a column in length re-stating the position of the Indians in the Transvaal.

The Times, commenting on the letter, states that Lord Amphill's contentions are difficult to harmonise with the facts.—Reuter.

Indian Appeal to Lord Morley.

London, Sept. 21.—*The Times* correspondent at Madras telegraphs that Mahajana Sabha, a leading member of the Hindu Political Association of South India, has telegraphed to Lord Morley pointing out to him the oppression to which Indians in the Transvaal are subjected, and appealing for justice.

The Times, in its reply to Lord Amphill's latest letter, declares that the claim of the Transvaal Indians for the repeal of the Asiatic Law Amendment Act is irreconcilable with their attitude in January, and is impossible to concede, as it would mean the surrender of the power of exclusion by the Transvaal Government. The newspaper appeals to the Indians to accept the situation, and expresses confidence that the Transvaal Government will show the same consideration in administering the laws as it has shown to the Indians and to the Imperial Government throughout the controversy.—*Mercury*.

London, Sept. 22.—In view of the misapprehensions that cables suggesting fresh negotiations are proceeding between the Transvaal Government and Indians, imply a change of attitude on the part of the Imperial Government, Reuter's Agency is authorised to say that the attitude of the Imperial Government is absolutely unchanged. They cannot oppose the settled determination of the whole Transvaal in favour of the exclusion of future Asiatic immigrants.

The Imperial Government informed Reuter that the Transvaal Asiatic Act, which automatically comes into force, merely gives effect to the settlement reached between Mr. Smuts and the Indians. The withdrawal of the charges against Harilal Gandhi is regarded in official circles as another proof of the desire of the Transvaal Government to make matters as easy as possible for the Indians. The Imperial Government does not suggest any alteration of the principle for exclusion which has been already determined. The Imperial Government, as well as the Transvaal Government, is doing its best to make the details of administration as palatable as possible.

Lord Morley is communicating to the Colonial Office the telegrams from India on the question.—Reuter.

London, Sept. 23.—Sir Richard Solomon, Agent-General for the Transvaal, and Sir West Ridgeway occupy two columns of *The Times* to-day in answering Lord Amphill.

Sir Richard quotes Mr. Gandhi's speeches as showing that the Transvaal Government never promised to repeal the Registration Act. He asks why, if the Immigration and the Registration Act are incapable of keeping out the Indians, no appeal has been made from the magistrates' sentences. The Indians, Sir Richard contends, are really claiming the right of unrestricted immigration.

Sir West Ridgeway deplors the approval of the lawless proceedings of the Indians by well-meaning, but injudicious, friends in England, and declares that Lord Amphill has been misinformed as to the facts of the situation in the Transvaal.

The *Evening Standard* in a leading article, strongly supports the Transvaal Government regarding the Indian immigration question. It says that the circumstances have been undoubtedly hard for the Indians, but they have made things much worse by elusive tactics and lack of discernment.

"A Humiliating Picture"

London, Sept. 24.—Lord R. Cavendish-Bentinck, in his letter, accepts Mr. Solomon's temperate statement on the position of the Indians in the Transvaal without question, but asserts that no more humiliating picture was ever painted.—*Mercury*.

The Registration Act

Government Notice No. 951 of 1908, notifies that all adult unregistered Asiatics resident in the Transvaal on the 21st day of September, 1908, shall make application for registration under the Act on and after the 1st day of October, 1908, up to and including the 30th day of November, 1908. Such applications shall be made at the Government Offices, Old Church Buildings, Von Brandis Square, Johannesburg, on any weekday during the month of October, 1908, between the hours of 9 a.m. and 4.30 p.m. (1 p.m. on Saturdays), to E. J. Burgess or E. R. Harris, and at the Office of the Registrar of Asiatics, National Bank Buildings, Pretoria, on any weekday during the month of November, 1908, between the hours of 9 a.m. and 4.30 p.m. (1 p.m. on Saturdays), to J. Cody, E. J. Burgess, or C. S. Cameron.

In our next issue, we hope to give the Regulations under the Act.

These provide for the investigation of the claims of Asiatics, resident in the Transvaal on September 21, 1908, to registration or renewal of certificates of registration lost or destroyed.

The form of registration provides for the right-thumb impression and for other particulars as prescribed by the Act. Asiatics required to do so by

European police officer or other qualified official must supply their names and addresses and signatures, and either produce a certificate of registration and give thumb impressions, or, on failing to produce a registration certificate, give the impressions of their thumbs and fingers. Asiatics applying for renewal of certificates lost or destroyed shall furnish the same means of identification as when the original certificate was granted.

Notes on the Transvaal Struggle

(BY OUR OWN CORRESPONDENT)

The Rev. Chas. Phillips, writing to the *Leader* recently, in the course of his letter asks:—

And what is it all about? Points of difference have been reduced to a minimum. It has been sufficiently proved that there never has been the promiscuous influx of Asiatics supposed, which was used as justification for the hasty legislation of last year. The combined efforts of the police and detective forces can hardly procure a conviction against an Asiatic for being illegitimately here. And, taking the whole of the Asiatic population at present here, including those that may legitimately return, these do not approach the 15,000 that in Lord Milner's time were supposed to comprise the Asiatic population of the Transvaal. There can be no doubt that General Smuts did promise, on certain conditions, the repeal of the Asiatic Amendment Act of 1907.

On the admission of educated Indians, Mr. Phillips writes:—

Now, should the one point at issue be decided in favour of the Asiatics, it can only lead to the occasional admission of a professional man, say a priest, lawyer, doctor, etc., while if the Government has its way it can only lead to the exclusion of such. Mr. Gandhi affirms that it would probably admit not more than one a year, and that one of the non-competing trading class, and, if so, where would be the harm of admitting that one; or at any rate, to the Government consenting to submit its case to the Supreme Court as to whether under the Immigration Act such an one has the right of admission? Surely it is not worth while keeping the country in a state of continual hubbub for a point like that? There is no question of unrestricted immigration. All parties are agreed on that point. Does it not therefore reflect discredit on statesmen of our country that, having reached this supposed "irreducible minimum," they cannot combine their wit and wisdom to reduce the "irreducible" into a vanishing point.

Meanwhile, if the Asiatics have to suffer, the country will have to pay. Every prisoner is said to cost the country 2s. 6d. a day. It will be a

simple sum of arithmetic what the indefinite multiplication of this small sum will mean for the country. But when that is done it will be the smallest item of the bill.

More Gaol-Birds

Messrs. Chokalingam, Gurunathan, and Chetty, all Tamils, and Magan Jivan, have gone to gaol for seven days with hard labour for hawking without licences. Mr. George Godfrey appeared in their defence. Daya Raga was similarly charged and sent to Roodepoort; and another Tamil Indian has gone to gaol for the same period at Krugersdorp. Mr. Essopji Daijee has received seven days' notice to quit the Colony. He may, therefore, before this is published, find himself in gaol, as he has declared his intention not to leave the Colony.

Pretoria Indians

The Pretoria Indian traders, who were sentenced to be imprisoned for three days, were received with full honours by the Indian community. A congratulatory telegram was sent by the British Indian Association. Hundreds of Indians awaited their discharge at the gaol. Mr. Vally Mahomed Bagas, who was sentenced to be imprisoned for three days in respect of two different shops, contrary to expectation and probably illegally, was detained and not discharged together with his fellow-prisoners. He received, therefore, special honours on Saturday, when he got his discharge. I understand that there will be an appeal against the conviction on the ground raised by Mr. Gandhi, and, if the Supreme Court decides in favour of the appellants, a humorous situation will have been created, for Indians will have suffered for what the Supreme Court will have held to be no offence at all.

The Diet Question

Correspondence is still going on between Mr. Cachalia and the Director of Prisons on this vexed question. Not only has the Government refused to re-place mealie-pap by a more suitable food, but it has now been discovered that the ghee that was allowed during last January, and that is still being allowed in Johannesburg, is not in accordance with the authorised scale. This point cropped up in connection with the refusal to supply the Volksrust prisoners with ghee with their rice. The Association has been told that ghee has been allowed all along the reef, but the Director of Prisons contends that it was a concession. That contention can, however, hardly hold water, because the prisoners at Johannesburg state that they saw the printed scale, which provided for one ounce of ghee for all Indian prisoners, so that there is evidently a serious mistake somewhere. The British Indian Association

has brought all these facts to the notice of the Director of Prisons, and applied for a copy of the authorised scale, which the Director has declined to furnish unless he is authorised to do so by the Government. The matter is, therefore, now in the hands of the Colonial Secretary.

Natal to the Rescue

The British Indian Association has received a telegram from the Natal Indian Congress saying that the latter have cabled £100 to the South Africa British Indian Committee.

More Picketing!

Next month, it is expected, the Licensing Offices, as also the Registration Offices, will be infested by pickets to warn the unwary off these Offices, unless a settlement is arrived at before the beginning of the month. The Royal sanction to the Act makes no difference in the struggle. It has only heartened Indians for undergoing greater suffering. This time it will not be an objection to submit to a degrading Act, but it will be an objection to receive the benefits of a tolerable Act because of the few outstanding points between the Government and the community. The struggle, therefore, assumes a much purer form, because it will be now entirely selfless for the resident Indians. They are fighting, firstly, for the honour of Indians as a nation; secondly, for the honour of the Empire; and, thirdly, for the honour of the Colony which is their domicile—honour, because it is the word of General Smuts which is at stake, and which Indians are attempting to make him fulfil.

Charlestown Generosity

Mr. Ajam Hoosen of Charlestown has sent a message to the British Indian Association to the effect that he will be prepared to receive any Indians who may be deported and who may have to sojourn at Charlestown. Mr. Ajam Hoosen provides not only board and lodging for such Indians, but looks after them in every respect. This is very magnanimous. Mr. Essop Suliman is doing likewise at Volksrust.

May the Transvaal Indians Import Leaders?

Under the above heading, *The Friend* (Bloemfontein), of the 22nd instant, has the following leading article:—

Sir J. West-Ridgeway is, if our own information is correct, under a misapprehension as to the attitude of the Indian leaders in the Transvaal. These, we believe, are so far from demanding unrestricted immigration that they admit the right of the Government to prohibit all future immigration, as the word is usually understood. All they ask is that, besides according liberty to legally domiciled Indians to import wives, if they so choose, permits shall be

granted, not exceeding six in any one year for the entrance of educated Asiatics. The first of these requests, we believe, is and always has been freely granted. The sole objection of the Transvaal Government appears to be to the second, but the wisdom of such objection is far from clear. There is the danger that the Asiatic community, cut off from European sympathy and leadership, will sink by degrees in moral and intellectual status. Their degeneration might conceivably go so far as to render them a sanitary and social and, perhaps, political danger to the Transvaal. Since their residence and that of their future descendants has been legitimized under the law which will shortly come into force, what objection can there be to giving them a leadership which will make them better neighbours and fellow-subjects? They will be the easier to govern owing to the presence in their midst of a few educated men of their own race. Mr. Gandhi's true influence on the Transvaal Indians has not yet been generally recognised. It has been a restraining, not a provocative influence. Proof of this statement was afforded in the assault upon him of the Pathans when he agreed to the compromise of last February, and tried to bind all his fellow-Asiatics thereto. Since that date there has taken place a fresh struggle with the Government—if the passive suffering of the Asiatics can be called struggle. Their view that General Smuts promised to repeal the Registration Ordinance has been the occasion of it, and as Mr Gandhi has identified himself with this fresh struggle, he has to a certain extent regained influence. But we understand that even now his fellow-countrymen decline to accept him as their representative should there be any further negotiations with Government. He has lost credit through his refusal to be an extremist. His attitude is unquestionably what the attitude of most educated Asiatics would be in like case. This class, provided they come in restricted numbers, should be welcomed by the Transvaal Government. There is definite work for them among their own race as doctors and lawyers. Mr. Gandhi, as we remarked some days ago, cannot put himself in the position of seeming content to monopolise the legal patronage of his fellow-countrymen. From the European point of view the political argument is, however, the important one. A sprinkling of educative Asiatics in the Transvaal is desirable much for the same reason that it is well to have native tribes under the influence of their chiefs—namely, to render government easier.

Political Prisoners

The following is addressed to the *Leader* :—

Sir,—As you have commented upon the diet given to the Asiatic prisoners in your leaderette of the 11th inst., will you, having regard to

the information that the Indian prisoners in Volksrust are breaking stones on the public streets and refusing to eat the raw meat supplied to them, give publicity to the following observations from the pen of an Englishman, which will no doubt be read with interest? :—

“A political prisoner is one whose offence was committed, not for private profit, but for public duty; who glories in the act, which is supported by the devoted administration of a political party as a meritorious public service in itself; whom his own side regards as a martyr, and whom the other side regards as mischievous, but certainly not as dishonoured. An ordinary criminal does not venture to say that the act of which he is accused is honourable; he simply asserts that he did not commit it. Such friends as he ever had cease to be his friends, much less his admirers. No man whatever admits that a decent man could be guilty of such a crime; no man glories in it or admires it. To have committed it is to be by universal consent out of the pale of self-respecting men. No man will associate with an ordinary criminal. Neither he nor anyone else denies that the act, if committed at all, is a permanent mark of degradation. A political prisoner is usually a man of culture, of social refinement. He is often in nature, in taste, in delicacy of mind the equal, it may be the superior, of his gaoler. He has acted up to his conscience; he abhors the brutality of crime; he is quite as sensitive as any Minister of the Crown. To treat such a man as a gaolbird is an act of wanton outrage and malignant stupidity. It in no way follows that a political crime is not to be punished. Political crimes are, in effect, often as bad as any crimes; they may deserve any punishment up to death itself. The political criminal may be a great offender against God and man; but he is not, or is not often, a personally degraded wretch. He has not lost his personal honour; he is not brutalised. He may be violently wrong-headed, but he carries himself, in his eyes and that of his party, as a man of stainless honour and unspotted character. No degradation that is inflicted on him alters that sense in his mind or that of his friends. Neither he nor they feel at all degraded by outrage, any more than we feel it in the case of martyrs and apostles. And to inflict outrage on such men is either petty spite or blundering stupidity. No man pretends that laws can be strictly adjusted to political crimes, or that some very brutal wretches might not possibly be brought under any definition of political crimes. Offences of political character is, however, a term known to English law. No political offender has ever been asked for out of English hands, and none will ever be surrendered.”—I am, etc.,

BIKHUBAI.

Sept. 22.

Our Friends in India

The Secretary of the Hamidia Islamic Society, Johannesburg, has received the following letter :—

Dear Sir,—I am directed by the Central Committee of the All India Moslem League to forward to you a copy of the Resolution passed by the Central Committee of the All India Moslem League on the 9th instant. The Government of India is also provided with a copy of the Resolution, and the said Resolution with other Resolutions are already in all the leading papers of the country (India).

I have the honour to be,
Sir,

Your obedient servant,
(Sd.) H. M. MUSA KHAN.
Off'g. Hon. Secretary.

Aligarh, 14/8/08.

[Note: The Resolution referred to is on similar lines to that of the Bombay Anjuman-i-Islam, published in our last issue.—Ed. I.O.]

The Anjuman Islam, Durban, has received the following cable from the president of the Rander Mahfely Islam :—“Large public meeting. Sent telegrams to Morley, Minto, and Clark (Sir George Sydenham Clark, Governor of Bombay), praying intercession for release of prisoners.”

[Rander is a city in the Province of Gujarat, being a native place of many prominent merchants having large businesses in Rangoon, Calcutta, Moulmein, Mauritius, Bombay, and other places. Mr. M. C. Anglia, joint-secretary of the Natal Indian Congress, who is undergoing hard-labour imprisonment in the Transvaal, hails from Rander, where, two years ago, he was a vice-president of the Municipality.]

JAPAN DEMANDS EQUAL RIGHTS. According to a *Rand Daily Mail* cable, Japan has rejected the American proposals for a new immigration treaty, and has intimated that she expects her subjects to receive the same treatment as the subjects of the European Powers.

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ટરાંસવાલ વિષે વિલાયતમાં ચર્ચા

[૩૮૨ના તાર સમાચાર]

લંડન, શુકરવાર તા. ૧૮
ગમ્મ રાતે સાહિય આફ્રિકા બ્રિટીશ ઇન્ડિયન કમીટીની એક મીટિંગ લોર્ડ એમ્પ થીલના પ્રમુખપણા નીચે મળી હતી તેમાં લોર્ડ એમ્પ થીલને હોદીની કુખની વડી સરકાર પાસે ખાસ રજૂઆત કરવાની સત્તા આપવામાં આવી હતી

'ટાઇમ્સ'માં આજ સવારે સર વેસ્ટ રીજવેનો કાગળ છપાયો છે. તેમાં તેણે જણાવ્યું છે કે લોર્ડ એમ્પ થીલ ખોટી ખબરોથી દોરાઈ ગયેલા જણાય છે. સર જોસફ જણાવે છે કે લોર્ડ એમ્પ થીલથી ટરાંસવાલ સરકારને અન્યાય મળે છે. હોદીઓના કુખ દુર કરવામાં આવ્યાં છે. હવે તેઓ જે માગણી કરે છે તે નવા લાભો મેળવવાની મહેનત કરે છે. બ્રિટીશ રજૂઆતને માટે ખુલ્લાં ખાસ્કાં રાખવાની માગણી કેવળ મુખાંધિ ભરેલી છે, અને કોનક્રેટસ બોલાવવાની દરખાસ્ત નીરૂપ યોગી છે. સર જોસફ જાહેર કરે છે કે આ સવાલનો કોલોનીએ જાતે ફરિયાદો લાવવો જોઈએ.

લંડન, શનિવાર તા. ૧૯

લોર્ડ એમ્પ થીલે 'લંડન ટાઇમ્સ'માં કાગળ લખ્યો છે કે વડી અદાલતના ઠરાવ મુજબ રજીસ્ટ્રેશન તથા એમીટસરીસ્ટ રીકશન કાયદાથી હોદીઓને ચોખ્ખી રીતે બહાર રાખવાનું નથી નીકળી શકતું એટલે મી. સ્મટસે હવે હોદીઓ પાસે એવી માગણી કરી છે કે જે રીસ્ટરીકશન કાયદા થી બધા એશિયાટીકો બહાર રહે તેવો ફેરફાર કરવાની હોદીઓ કચ્છલત આપે તોજ તે રજીસ્ટ્રેશન કાયદો રદ કરે નવા કાયદાથી સુલેહની શરતોનો ભંગ થાય છે અને હોદીઓને રજીસ્ટ્રેશન કાયદાની નામોથી ચાલુ રહે છે. સર વેસ્ટ રીજવે એ કરેલી ટીકા ઉપર બોલનાં લોર્ડ એમ્પ થીલ જણાવે છે કે સર રીજવે પુરી હકીકતથી પણ વાકેફ લાગતા નથી એટલે તેણે જે કાગળ લખ્યો છે તે નાપાયાદાર છે.

૩૮૨ના એક પ્રતિનીધને મી. ડી. ચેમ્બર્લેને જણાવ્યું છે કે ટરાંસવાલના હોદી સવાલ ઉપર પ્રોપ્રિસીવલ્સ તથા સરકાર એકમત છે.

લંડન, સોમવાર તા. ૨૧

લોર્ડ એમ્પ થીલને આજ સવારના 'ટાઇમ્સ'માં એક કાગળ છપાયો છે તેમાં

તેણે ટરાંસવાલ હોદીની ફરીને બધી હકીકત જાહેર કરી છે.

આ કાગળ ઉપર ટીકા કરતાં 'ટાઇમ્સ' જણાવે છે કે લોર્ડ એમ્પ થીલના કહેવા માંથી ખરી હકીકત શું છે તે શોધવું મુશ્કેલ છે.

લોર્ડ એમ્પ થીલના છેલ્લા કાગળ ઉપર 'ટાઇમ્સ' લખે છે કે ટરાંસવાલના હોદીઓએ ખુની માયદો રદ કરવાની જે માગણી કરી છે તે તેમણે જનરલમાં ખતાવેલી વરતણક સાથે સરખાવતાં અયોગ્ય જણાય છે. તે માગણી કચ્છલ રાખવી અસંભવીત છે. કાગળ કે તે ઉપર ટરાંસવાલ સરકારની બહાર કાઢવાની સત્તાનો આધાર રહે છે. હાલની સ્થિતિ કચ્છલ કરવાની હોદીઓને આ છાપું ભલામણ કરે છે અને ખાત્રી ખતાવે છે કે હોદીઓ તથા વડી સરકારને માટેનો રસ્તો સરળ રહે તેવી રીતે ટરાંસવાલ સરકાર કાયદાનો અમલ કરશે.

લંડન, મંગળવાર, તા. ૨૨.

ટરાંસવાલના મામલા ખાખત ૩૮૨ને જાહેર કરવાની સત્તા મળી છે કે વડી સરકારના વિચારો બીલકુલ ક્યાં નથી. ભવીષ્યમાં કેવા એશીયાટીક આવી શકે તે ખાખત આખા ટરાંસવાલે કરેલ ઠરાવની આડે વડી સરકાર આવી શકતી નથી.

વડી સરકારે ૩૮૨ને જણાવ્યું છે કે ટરાંસવાલનો નવો કાયદો અમલમાં આવશે એટલે મી. સ્મટસ અને હોદીઓ વચ્ચેની સલાહ પળી રહેશે. મી. હરીલાલ ગાંધી ઉપરનું તકોમત પાછું ખેંચી લેવાથી સાખીત થઈ શકે છે કે ટરાંસવાલ સરકાર હોદીઓને બની શકે તેટલી રાહત આપવાની ઇચ્છા રાખે છે. ટરાંસવાલ બહાર કોને રાખતા તે ખાખત જે ધીરજ મુકરર કરવામાં આવ્યું છે તેમાં કાંઈ ફેરફાર કરવાની વડી સરકાર સુચના કરતી નથી. વડી સરકાર તેમજ ટરાંસવાલની સરકાર કાયદો જેટલી મીઠાશથી અમલમાં મુકી શકાય તેટલી મીઠાશ વાપરવાને સમજો પ્રયત્ન કરે છે.

હોદીસ્તાનથી આવેલા તારો ઉપરથી લોર્ડ મોરલીએ કોલોનીઅલ એશીસમાં પુછાવ્યું છે.

લંડન, બુધવાર, તા. ૨૩.

ટરાંસવાલના હોદી સવાલ વિષે 'ટાઇમ્સ' છાપામાં વધુ કાગળો છપાયા છે. સલાહ નહીં થઈ જવા માટે લોર્ડ એમ્પ થીલે ટરાંસવાલ સરકારને દોષીત ઠરાવવા જે પ્રયત્ન કર્યો છે તેને માટે ટરાંસવાલના વિલાયત ખાતેના એન્ટ-જનરલ સર

રીચર્ડ સોલોમને એક કાગળમાં લોર્ડ એમ્પ થીલને સખત વગોવેલ છે. સલાહ ઉપરથી થએલ કાયદાની પુરી વીગન જણાવી છે અને ખાખત છે કે સુપરીમ કોર્ટમાં કોઈ એશીયાટીક ચડેલા નથી.

સર જોસફ વેસ્ટ રીજવેએ એક બીજો કાગળ લખી જાહેર કર્યું છે કે લોર્ડ એમ્પ થીલે સલાહ મુજબ થયેલા કાયદાનો ભંગ કરવાની વાતને ટેકા આપવા જેવું ક્યું છે.

'ઇવનીંગ સ્ટાન્ડર્ડ' છાપામાં અધિ પતિએ લખાણ કર્યું છે તેમાં ઇન્ડિયન ઇમીગ્રેશન સમલ ખાખત ટરાંસવાલ સરકારના વિચારને મજબુત ટેકા આપ્યો છે. આ છાપું લખે છે કે હોદીઓ ઘણી મુશ્કેલ સ્થિતિમાં છે; પરંતુ તે સ્થિતિ દીર્ઘ દ્રષ્ટી નહીં વપરવાથી તેઓએ આજેલી છે.

લંડન, શુક્રવાર, તા. ૨૪.

લોર્ડ આર. સી. બેન્ટીક ટરાંસવાલ હોદી ખાખત મી સોલોમને ખતાવેલા વિચારો કચ્છલ રાખે છે પરંતુ ખાત્રી પુરવક જણાવે છે કે આના જેવી બીજી કાંઈ ખાખતમાં પુરી ફરજી થઈ નથી.

વેપારીઓને અમુલ્ય તક.

અમારા કેટલાક માનવતા મહકોના આગ્રહથી અમોએ હાલમાં અમારા ચંચુ બનાવવાના કરખાનો સાથે ટીનની પેટીઓ (Tin Trunks) બનાવવાનું ખાતું ખોલ્યું છે જેની અંદર ચાલાક હોદી કારીગરોથી કામ લઈ અંગ્રેજ માલને ટકા માટે તેવી મજબુત અને તરેહવાર શોખીત રગની પેટીઓ બનાવીએ છીએ.

દરેક ખતના ચંચુ વિગેરે ટીનનું કામ સસ્તામાં સસ્તા ભાવે કરી શકીએ છીએ. એક વખત અમારા માલની અજમાયેશ કરવા ભલામણ કરીએ છીએ. પ્રાઇસ લીસ્ટ માટે લખો.

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નીચે લખેલા ચોપડીએને જેમ અને તેમ વધુ માણસોને લાલ મળે એટલા માટે ખાસ કિંમત ઘટાડી છે. મારો જેલનો અનુભવ. ●-●-● સત્યામહ ધનામી નિબંધ. ●-●-●