

Indian Opinion

VOL. VI.

PHOENIX, NATAL, SATURDAY, OCTOBER 17TH, 1908

No. 42

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, OCTOBER 17TH, 1908.

Closer Union.

AT a time when all South Africa is uniting to inaugurate the series of events that are expected to culminate in some form of closer union, blending the various States of South Africa into a great nation, it is extremely distressful for us to sound a dissentient note. For British Indians, at least, of the subordinate peoples of South Africa, closer union is a consummation devoutly to be deplored, for, whereas they now have a number of comparatively weak forces arrayed against them, closer union will create a potent organisation whose whole energies will concentrate upon the Indian community. There is no disguising the fact that British Indians dread the coming of closer union, very much for the same reasons as the frogs of the fable had reason to prefer King Log to King Stork. It has become the practice, and the tendency continually forces itself upon public notice, to legislate, in South Africa, in regard to British Indians entirely regardless of their susceptibilities. Being, except at the Cape, disfranchised, it is deemed unnecessary to consult them in the framing of any legislation affecting them. The existing condition of affairs in the Transvaal demonstrates very forcibly the unwillingness of British

Indians to continue to fulfil the role of whipping-boy or scapegoat. They are prepared to assume the responsibilities co-existent with the privileges that they claim. They make no demand that will conflict with the white man's assumption of superiority of political training and capacity. They are bound to admit, by all the canons of common-sense, that the white man must rule in South Africa for many a generation to come. But there can be no legislation in regard to British Indians without consultation. That is the lesson of the passive resistance struggle in the Transvaal, and it is because we fear that white South Africa has not learnt the lesson that we regard as a menace to the liberties of British Indian subjects of the Crown the accomplishment of closer union in the near future. Its fulfilment, on lines other than those we have indicated can never be successful or permanent. Its strength will be that of the idol of brass with the feet of clay.

Granted With Costs.

IT must have been a severe blow to the Natal Government when the Supreme Court granted Mr. Romer Robinson's application, with costs, to personally communicate with the Indians who have returned from India en route to the Transvaal, and who are now detained on the hulk at Durban. The fact that the Natal Government allowed itself to be dictated to by the Transvaal Authorities is monstrous. It is amazing to find that the Principal Immigration Officer of this Colony is to be told by his superiors that he has to act as policeman at Durban for the Transvaal. We learn, to our intense astonishment, that Mr. Harry Smith has been called upon by the Colonial Secretary to refuse to issue visiting passes to Indians returning from India to the Transvaal, and who are possessed of documents entitling them to enter the Transvaal, because "these men have expressed their unwillingness to comply with the requirements of the neighbouring Colony to which they are destined." It must be very convenient for General Smuts to be able to pull the strings at Maritzburg, and the people of this Colony must, we feel, be delighted and flattered at the thought that their policy has to be dictated from a neighbouring Colony. We now know that although Indians may have committed absolutely no offence in regard to the laws of this Colony, because their views are in conflict with those of the Transvaal Government in regard to political matters, the Natal Government will

actually intervene and prevent these people from landing and traversing the Colony in order to take upon themselves the responsibility of arguing the case in their own way with the Transvaal. It is an amazing revelation.

We trust that the Imperial Government will be glad to realise one of the first symptoms of the relations of the South African Colonists to British Indian subjects of the Crown under any scheme of Closer Union. This affectionate bond of union between the Transvaal and Natal must be a source of unending delight to Lord Crewe and the British people generally, but we very much doubt whether the European Colonists of these two territories have very much to congratulate themselves upon, in view especially of the Chief Justice's strictures on the inspired action of the Principal Immigration Restriction Officer.

Sir Henry Bale caustically remarked that Judges of the Supreme Court had nothing to do with political considerations, but existed for one purpose only—to administer the Law. One would have thought that such an elementary fact as this would not need to be driven home upon the imagination of Natal officials with a sledge-hammer, but apparently the official mind is so remote from the fundamentals of modern democratic institutions that it is perhaps necessary for the Chief Justice to indicate a plain duty and a common right. We know that "it is an elementary principle of our law that a person shall have access to his legal advisor subject to proper regulations and precautions," and the Chief Justice not unnaturally expressed a surprise that "any difficulty whatever should have been put in the way of these persons conferring with Mr. Romer Robinson." We take it that probably the bulk of the white inhabitants of South Africa will be equally surprised at what has happened. We feel for Mr. Harry Smith in the invidious position in which he has been placed by the Transvaal Government, and Natal voters, we trust, will not fail to note that in future they must look to Pretoria and to Mr. Smuts for the administration of the Colony's highest interests, and not to their elected representatives at Maritzburg. It is something of a revelation, we admit, but it is never too late to learn. In future Natal Ministers may place the following amongst their pocket memoranda:—"Even British Indians have the right as British subjects and as men, or they may be advised as to whether they have any rights or not." A little reminder of this nature will no doubt be a useful addition to their general stock of information.

THE ASIATIC STRUGGLE IN THE Transvaal is growing apace. It is well for the Asiatics to appreciate the forces arrayed against them. They have to contend against deep-seated prejudice, against the confirmed combination between the Het Volk and the Progressive parties, a carefully engineered agreement among the South African Colonies, as evidenced by the inhuman attitude deliberately taken up by the Natal Government in obedience to the dictates of the Transvaal Government. Nor is this all. The Asiatics have to struggle against the Imperial Government; for it has approved of the Immigrants' Restriction Act with a full knowledge of the interpretation put upon it, as to educated Asiatics, by General Smuts. The effort to be put forth by the Asiatics will have to be proportionate to the forces we have described above. Given an equivalent amount of suffering on the part of the Asiatics, the strongest forces are bound to break down before the force that Asiatics can bring to bear by their suffering. Signs are not wanting that they will rise to the occasion. Those brave men, Sorabji and Ajam, twice deported, have twice returned, this time undergoing imprisonment for six months with hard labour. Fifty-four out of fifty-eight Indians who were deported from Barberton have returned with their children. Thus, suffering for their principle has become a passion with Indians. Who can withstand such determination? We shall see.

WE PUBLISH IN THIS ISSUE SEVERAL letters that appeared in the London *"The Times"* during the last mail week. They show remarkably different points of view on the Transvaal question. Lord Ampthill returns to the attack on behalf of the Indian community, and again charges the Johannesburg correspondent of *The Times* with a misstatement of the position. Sir West Ridgeway has rejoined by what almost amounts to a personal attack upon the President of the South Africa British Indian Committee, and, in doing so, he most wilfully fogs the issue by making it appear that the Transvaal Indian community is a lawless one, the falsity of which may be judged when we realise that, to-day, Indians in the Transvaal are kept on a prison diet suited to the needs of native criminals, because hitherto the number of lawless Indians in the Colony has been so small as not to warrant a special Indian diet. It would almost seem as if Sir West Ridgeway has other sources of inspiration than the springs of his own imagination. It is difficult indeed to dissociate him from the Transvaal Agency General in London, and its dictators of policy in Pretoria. Then, again, there is the view expressed by another correspondent,

who points out, what is an admitted fact, that the Boer population of the Transvaal is not inimical to the Indian trader. He is, in fact, in very many towns of the Transvaal, entirely dependent upon the Boer trade. We know cases where the wives of local members of the Legislative Assembly make a practice of dealing with the local Indian stores, and this kind of thing goes on all over the country. There may be a certain amount of colour-prejudice amongst this section of the community, but there is no anti-Indian feelings, and there is certainly no mandate given to General Smuts to persecute the Transvaal Indians in the manner that has become familiar to our readers through long usage. The Transvaal Indians have much to be thankful for to the *Times* in the publication of its varied correspondence on this subject, for it is possible for the British public to realise the true position in the Transvaal from the pen of such entirely disinterested men as Lord Ampthill and the correspondent to whom we have last referred, whilst the publication of letters similar to that of Sir West Ridgeway must come as a warning to the more serious sections of the reading public against accepting open-mouthed any statements in regard to Indians in the Transvaal that may emanate from such sources.

WE HAVE CAREFULLY PERUSED THE minutes of evidence Asiatic Traders of the Select Committee at the Cape on Asiatic grievances at the Cape, and a more hopeless, helpless publication has, we are sure, never before been issued by the Government Printers. The huge mass of contradictory statements, the second-hand evidence, the views of the "man in the street," the opinions and notions that pass for well-founded beliefs, all go to vitiate the Report deduced therefrom. It has been remarked that the very points that ought to have been brought out in the Committee's Report have been ignored, whilst some that have been made most prominent might well have been left undealt with. The one member of the Committee who seems to have known his business well, and how to weigh and analyse evidence, Advocate Alexander, was, unfortunately, absent from the Committee at several of its most important sittings. The result is that a great deal of wishy-washy nonsense was allowed to pass unchallenged by members, some of whom, as will be observed from the names of the signatories of the Minority Report, appear to have been appointed almost entirely to watch the interests of the small white storekeeper, and whose bias was manifest by the very nature of the questions put by them. A further weak point about the Select Committee's work, and one which cannot fairly be attributed to the

Committee itself, is the seeming apathy of the Indian community, in leading evidence. It was unfortunate that, at the time of the sittings, some of those members of the community, who were best able to give valuable information to the Committee, especially on the working of the General Dealers' Licences Act, were absent from Capetown, and some of the other Indian witnesses apparently sought the opportunity to wash dirty linen in public, with a view to settling private disputes. It is an unpleasant outcome of what might have been a very valuable occasion, rightly regarded. In the end, as has been justly remarked, the Committee was called upon to deal, not with Asiatic, but with European, grievances. Here, for instance, are one or two of the latter. A Mr. G. S. Ferguson gives evidence to the effect that when a certain Indian competitor commenced operations on the other side of the road, he had three Indian assistants in the store. But this witness gives as one of the principal causes for his inability to compete with the Indian the fact that the latter keeps no assistant! Another witness states that a fertile source of successful competition on the part of the Indian trader is that of insanitation due to overcrowding. And yet, although he lives next door to a store where this takes place, he tells the Committee that he knows of it through the gossip of the neighbourhood. And this is the sort of piffle that the Committee has swallowed open mouthed! Men have come forward to allege shortweight, fraudulent insolvency, selling below wholesable cost, and half-a-dozen other more or less good and valid reasons why the European trader is being undersold and driven out of business. But scarcely anything that would pass in a Court of Law is adduced in evidence. In our opinion, the Report is not worth the printing. It teems with errors of omission and commission. It is utterly inconclusive, and we shall be astonished if every pretty bubble it contains cannot be easily pricked. We hope to return to this matter at a later date.

THE ESTCOURT PEOPLE SEEM TO BE dissatisfied with the repeated snubs that they receive at the hands of the Supreme Court. Just recently, according to a report from the *Natal Witness*, which we reproduce in another column, the Local Board have had to pay the costs in an application from certain Indians to have their names placed upon the Voters Roll of the township after refusal by the Board. The Supreme Court directed that the case should be referred back to the Magistrate for further evidence and decision thereon. It must be a costly as well as an undignified thing for the Local Board to have its attempts to disfranchise

qualified Indian voters countered by the Supreme Court of this Colony. The Board, too, seems to be making the periodical attack upon Indian licences, three out of five appeals having been dismissed, without redress. To our mind, there is only one alternative in this Colony to total extinction of the Indian trader by his European trade-competitor acting through the municipalities and local boards, and that is to follow the example of the Transvaal Indians, and trade without licences, no matter what the penalty may be, until such time as complete right of appeal to the Supreme Court of the Colony is granted.

THE FOLLOWING IS AN EXTRACT FROM an interesting volume recently published under the auspices of the Jewish Historical Society—"The History of the Jews in England"—by a prominent Anglo-Jewish gentleman, Mr. A. M. Hyamson:—

"The Jews, of necessity, kept themselves distinct and apart from the general community. . . . On the whole, they lived an entirely different life. . . . Their appearance and gait at once marked the Jews out as aliens. Instead of mixing freely with the people, they kept together in Jewries, not by compulsion, but of their free choice. None of them engaged in occupations in which they might find Christian colleagues. They took no part in the defence of the country, or in the preservation of the peace. Their seclusion from the Guilds and the Frank-Pledge deprived them of the opportunities afforded by those institutions for social intercourse with their neighbours. They took no part in the Local Government of the time through the Court Leet, the Court Baron, the Town Meot, or the Shire Moot. Not only did they not worship together with their neighbours, their day of worship was even different from that of the Christians, and when death had otherwise made all men equal, Jews were buried apart from Christians. Jews were not permitted by their laws to eat food similar to that of Christians, nor to partake of food prepared by non-Jews. . . . All these differences combined to render the Jews strange and therefore suspect in the popular eyes. The populace is always hostilely disposed to whatever it cannot understand."

If for "Jew" is substituted "British Indian," and the necessary alterations are made for change of time and place, the circumstances almost exactly indicate the position of British Indians to-day in South Africa. We have always felt that the position of British Indians in the sub-continent relatively to the remaining section of the community approximates closely to that of the Jews in Eastern Europe. In both places is there political and municipal disfranchisement, in both places is there intense racial prejudice, in both places is a tax put upon the self-respect and the material well-being of the victims, and in both places is it necessary to rise above the appalling circumstances that threaten to overwhelm them. We would wish that this aspect of the question were more generally recognised amongst a large section of the South African

European population. It would help towards the solution of a problem which bristles with menaces against the liberty of every man, black, white, or brown, in South Africa.

The Komatiepoort Scandal

Mr. Chamney's Denial

Further Correspondence

The Official Version

An Enquiry Needed

Last week we were compelled to hold over Mr. Polak's letter to the *Star*, and we gave only a brief *résumé* of Mr. Chamney's denial to the charges brought by Messrs. Essop Mia and H. S. L. Polak in regard to the treatment of Indian passive resisters at Komatiepoort. We now give these together with correspondence and other matter relating to the incident.

Mr. Polak's Reply to the "Star"

The following is Mr. Polak's reply to the *Star's* leading article which we published last week:—

Sir,—After your recent methods of dealing with the Asiatic question, and your persistent misinterpretation of the facts and issue connected therewith, the tone of your comments upon my letter, in last night's issue of the *Star*, was not altogether unexpected by me and those on whose behalf I write. But if you will permit me to make so blunt a statement, your article is unworthy of a great newspaper, and of the great mass of the European community, whose views, I am sure, are in no way represented by you. By assuming the role of apologist for the Transvaal Government in its administration of the laws relating to Asiatics, you are assuming a heavy responsibility indeed, and I very much fear me you will have no easy task in acquitting yourself well.

You preface your remarks by attributing to me an allegation which I have not made. I did not say that the Portuguese Authorities sent the 80 Indian passengers from Lourenco Marques to Komatiepoort in a cattle-truck. My definite statement was that the Portuguese officials put these people into a cattle-truck on the wharf direct from the steamer, and that they were kept therein until the mail was due to depart, when they were transferred to the train.

It is a matter of regret that you "cannot believe that the Portuguese Authorities could have been so heartless as to deny these people facilities to obtain food for the railway journey." Nevertheless, I am assured that this is a fact. Their compatriots at Delagoa Bay were absolutely refused access to them. They were guarded in the cattle-truck, and the bread was slung to them apparently in the

belief that they were the normal occupants of such a place of detention—cattle. No Indian could have obtained access to them, whether an official of the British Indian Association or not. There is no such official stationed at Lourenco Marques, and the local Indians are mostly Portuguese subjects, having no claim upon the British Consul. No assistance may be expected by British Indians from the British Consul at Delagoa Bay. I know no instance where he has in the least degree concerned himself with the treatment of British Indian subjects of the Crown in the province of Mozambique. His attitude may be gathered from the fact that the British Consulate is the only public building in Delagoa Bay where Indians are obliged to enter by a back-door—even though they may be British subjects.

You assume, too, that the victims of this treatment should have been possessed of proper permits to enter the Transvaal. As shown in the subsequent Court proceedings at Barberton, every adult male, except two, was in lawful possession of a Peace Preservation Ordinance Permit, purporting to entitle him and his family to enter and reside in the Transvaal. So far from the Lourenco Marques representative of the Transvaal Immigration Officer warning the people "that it would be useless for them to proceed to the Transvaal until they had obtained the requisite permits," that Official, after examining all the permits referred to above, stamped them officially and endorsed them "to apply for registration within eight days." This endorsement could have had no other reference than to the old Asiatic Act, which admits the right of lawful holders of permits to enter the Colony on the strength thereof, and to apply for registration within eight days of entry. The new Act sets no statutory limit to the making of applications for registration under it. This interpretation is borne out by the principal witness for the Crown, at Barberton, Sergeant Mallett, who admitted having seen similar endorsements before the new Act came into force. The Indians entered the Colony on the strength of these permits thus endorsed by a Transvaal Official. In any case, had they been allowed to remain at Lourenco Marques, and been allowed to apply from that place for registration under the new Act, they would have been kept in quarantine—women, children, and all—in a foreign land, under police supervision, pending inquiry into their applications by the Registrar of Asiatics, whose dilatory methods of dealing with such applications are notorious. The remedy that you have suggested is worse than the disease.

But you are not content with making suggestions and offering explanations without knowledge. You are actually so jaundiced as to insult the Transvaal Indian community by

insinuating that it has deliberately engineered this whole business in order to make political capital out of it! You are guilty, Sir, of a monstrous injustice. But it is in tune with your whole recent attitude on this burning question. Your argument has all along proceeded on the assumption that British Indians have not the same human feelings as are presumed to be common and natural with us Europeans. But to practically charge the Indian community with bringing into the Colony an aged, paralytic woman, two younger women, some babies, and a number of children of tender years, knowing or suspecting that "just such a *contretemps* as has happened" would happen and "would be of considerable assistance to those who are engineering the present agitation against the Transvaal Government and seeking to bring the administration of the law into disrepute," is a suggestion as barbarous and inhuman as anything that has happened in the whole course of this struggle, and perhaps only to be matched by your daring assertion that "it is not the duty of the Government to provide food and good accommodation for those who are entering the Colony in defiance of the Asiatic Registration Act." Not in defiance of it, Sir, but in compliance with its provisions. You profess to forget that the old Act is still—largely thanks to yourself—unrepealed on the Statute Book. And, may I ask, what, then, is the duty of the Government to its prisoners? To starve them for 48 hours? To put them in a pig-sty? To refuse them bedding? You do not treat a native condemned to lashes for an infamous crime to such punishment as this! Your case must be bad indeed if you are compelled to advance such an argument as this in support of it.

Whilst I myself am satisfied that I have been correctly informed, I can, naturally, not hope to force my beliefs upon the public, and no one will be more content than I to have a public and searching inquiry into these allegations, of which I have been the channel. But do not let us have the old story of the accused acting as judge!

I trust that you will not resent the frankness with which I have expressed my views on your comments. I should have been failing in my duty, had I been less bold in answering your charges, expressed and implied.

Johannesburg, 7/10/08.

The following letter also appeared in the *Star* :—

Sir,—May I beg leave to briefly comment on the criticism of Mr. H. S. L. Polak's letter, contained in your leaderette of the 6th instant?

In the first place, your leaderette asks that Mr. Polak's statements should not be accepted as accurate until confirmation has been received. That being so, may I inquire why

your correspondent has himself condemned the Portuguese Authorities, while refraining to impugn those of the Transvaal? Surely, Sir, either we should wait until the facts are before us, or accept the probability of the charges being equally true or false against either of the States concerned? Mr. Polak's letter makes it quite clear that the heartlessness complained of lies as much at the Transvaal as at the Portuguese door.

But, perhaps, the most astounding and, to me, unworthy attitude is adopted when we are asked to believe "that it is not the duty of the Government to provide food and good accommodation for those who are entering the Colony in defiance of the Asiatic Registration Act." Have we lost all our humanity? Has that popular prejudice, which consigns British Indians to suffer imprisonment, degradation and pecuniary loss for a period of more than two years before some of the reasonable demands of British Indians were conceded, so far affected us as to make us deny men, women, and children a consideration that criminals are entitled to.

May I also add that, in my humble opinion, had the Government paid the amount of attention to the susceptibilities of the Indians that it has done to admitting the letter of its responsibilities and withholding the spirit of its common or garden duty, this miserable Asiatic question would have been settled long ago.

I am, etc.,

GABRIEL ISAAC.

Johannesburg, 7/10/08.

Mr. Chamney Interviewed

The *Star's* Pretoria correspondent writes on the 7th instant :—

In reference to a letter which appeared in last evening's edition of *The Star* over the signature of Mr. H. S. L. Polak, dealing with the treatment of certain Asiatics at Lourenco Marques, Komatiapoort, and Barberton, after their disembarkation at the former place on September 29, I this morning interviewed Mr. Chamney, the Registrar of Asiatics, upon the subject.

I was informed that on the publication of the letter written by Mr. Bssop Ismail Mia dealing with the same matter Mr. Chamney at once took steps to verify or otherwise the charges contained in the letter. He was therefore in a position to deal fully with the allegations. I handed Mr. Chamney a copy of Mr. Polak's letter, and after careful perusal the Registrar of Asiatics said: "I had better deal with the matter from the very outset, because I consider the true facts should be laid before the public."

Continuing, he said: "On September 30 I was advised by telegram from Komatiapoort that 53 adult Asiatics, accompanied by 18 minors, had arrived at that place from Lour-

enco Marques and were not in possession of certificates of registration. These Asiatics had not complied with the provisions of the new Registration Act, under which all adult Asiatics resident outside the Transvaal on September 21, 1908, were required to make their applications for registration from some place in South Africa outside the Transvaal. Their entry was in consequence illegal, but as it was thought that they might have come in in ignorance of the law, the police were authorised to allow them to return to Ressano Garcia, which is the first station in Portuguese territory from the Transvaal border and make their applications there instead of prosecuting them in the ordinary course as prohibited immigrants. The Indians, however, refused to adopt such a procedure, so there was no course open but to allow the law to take its course. The adults in due time were taken to Barberton and tried there. They were convicted and sentenced to pay a fine of £25 each, or, failing payment to undergo simple imprisonment for a period of two months."

In regard to allegations of severe treatment by the Portuguese authorities. Mr. Chamney went on to say that he had been informed by his agent at Lourenco Marques that no complaints were made to that official or to any officer connected with his staff and that "there is not a particle of truth in the statements made regarding the railway accommodation afforded them."

With reference to the alleged ill-treatment of the Indians at Komatiapoort, Mr. Chamney says: "When the adults were arrested at Komatiapoort the women and children accompanied them to the place in which they were confined pending their removal to Barberton for trial. This place of confinement was not, as alleged, a shanty in a filthy condition; it was the Government gaol at Komatiapoort, and consisted of three rooms and a large enclosure, which were placed at the disposal of the prisoners. It is a properly supervised gaol. Food was offered to the prisoners, who refused it. They were allowed to retain their belongings, including certain food which they had with them. Further, they were given every facility to purchase any other food they wanted. Then, too, the women folk could have had shelter instead of remaining exposed to the weather. If they had taken it they could easily have arranged for one of three rooms to have been given over to the women. So it will be seen that there was no reason for them to remain without shelter."

Continuing Mr. Chamney said: "The family and relatives of Moosa Ismail were at his request allowed to proceed to Johannesburg, and Ismail was permitted to accompany them as far as the railway station. Owing, however, to the lateness of the hour he was not permitted to remain at

the station to see the train depart. Sergt. Mantell, of the Transvaal Police, was present at the station, and states that every respect was shown to Ismail, and that the allegations regarding his being insulted by a native constable are false."

I asked Mr. Chamney if he could say anything in reference to the treatment of the Indians at Barberton. He replied that that was a matter with which the prison authorities were concerned. He had, however, asked for a report, but at the time of my interview with him the report had not come to hand.

The "Star's" Comment

We are fortunately able to-day to give the official version of the treatment of the party of eighty Asiatics at Komatiapoort referred to in Mr. Polak's letter of yesterday. Our readers will observe that Mr. Chamney, in the interview with our Pretoria correspondent, contradicts in the most emphatic manner the serious allegations made by Mr. Polak on second hand information. The Registrar specially investigated the facts, and ascertained (1) that the Indians were not housed in a disgracefully insanitary shed, but were given the run of the three-roomed Government gaol and its enclosure. Most of them, however, elected to sleep in the open. (2) They were offered food and facilities to purchase supplies, but appear to have declined both. (3) The male adults were only taken to Barberton after they declined to return to the Portuguese township of Ressano Garcia, on the other side of the border, pending the result of their application for certificates under the Registration Act. This last mentioned fact serves to strengthen our original suspicion that the leaders of this particular party entered the Transvaal with the deliberate intention of defying the Government and the law. We have now two conflicting versions of this incident, but we trust the authorities will not allow the matter to rest there. The least they can do is to call Mr. Polak to substantiate his allegations, which are disgraceful if true and hardly less disgraceful if they are proved to be untrue. We publish a further letter from Mr. Polak in to-day's *Star*. With regard to the attack on ourselves, we prefer to say nothing. We have published the unofficial and the official versions of the "facts," and leave these to speak for themselves. On one point an explanation seems desirable. Mr. Polak accuses us of distorting his letter by attributing to him the allegation that the Portuguese sent the Indians to the Transvaal in a cattle truck. The fault lies not with us but with Mr. Polak. The wording of his letter certainly bore that interpretation, and it will be observed that this particular paragraph has been so read by Mr. Chamney. Nothing was said in the letter to indicate that the party

were transferred to ordinary carriages. As a matter of fact they travelled in first and second class compartments to the border! There is one point that still deserves investigation. If, as Mr. Polak alleges, the Registrar's agent at Lourenco Marques stamped the old permits in the manner stated he is certainly deserving of censure, but again we desire to await confirmation. It is barely conceivable that the agent of the Registrar should be ignorant of the provisions of the new law and should seem officially to endorse the action of the Indians in entering the Colony in the manner they did.

A Public Inquiry Needed.

Mr. Polak again writes to the *Star* as follows:—

Sir,—I regret that, owing to absence from town yesterday, I was unable to reply to your comments, in the previous evening's *Star*, dealing more especially with Mr. Chamney's denial of the allegations of ill-treatment of Indian men, women, and children returning from Delagoa Bay.

It is impossible to carry on with any profit a newspaper controversy in regard to such matters, regarding which I have been the channel of communication.

Whilst you seem to be satisfied that Mr. Chamney's repudiation disposes of the allegations, I am glad to observe that you yourself would like to see the matter carried further and that you have so far modified your original position by suggesting that the allegations "are disgraceful if true, and hardly less disgraceful if they are proved to be untrue." Mr. Chamney's denial was only to be expected. He stands behind the Accused, if he does not actually occupy that position.

What I venture to think should be done in a serious matter of this kind is that a public inquiry should be made either by a Judge or a Magistrate of standing, especially appointed to investigate. The matter is of such public importance to warrant such an inquiry, and, until this is done, I must continue and, I think, the majority of the public, to believe the allegations made, after so much circumstantial evidence produced in support thereof. It should not be forgotten that those who have made the statement in question were not interested in the bringing of a false charge, whereas those on whose behalf it is now denied naturally wish to defend themselves. I need not go into the evidence that Mr. Chamney's denial itself contains in corroboration of many of the statements conveyed through my letter. I admit that my letter in itself does not constitute proof positive as to the truth of the allegations, but I claim that it has supplied *prima facie* evidence to justify an impartial and exhaustive inquiry.

With reference to one statement at least, I can speak as an eye-witness.

I defended the 58 men now sentenced at Barberton, and had the opportunity of inspecting the documents handed into Court by the principal witness for the prosecution, namely the Peace Preservation Ordinance Permits, which were admitted by the Crown to be the lawful property of the Accused. I saw the endorsement made by the Lourenco Marques representative of the Transvaal Immigration Office, and it was as I have described. There can be no doubt that the Indians who entered the Colony did so on the strength of the documents so endorsed, and moreover, their defence was that they claimed the right of entry under the old Act by virtue of these documents, and the right to make application under the old Act for registration, if they so chose.

I am somewhat at a loss to understand Mr. Chamney's reference to the Barberton Gaol authorities. I do not recollect conveying any allegation in regard to the treatment of the people in the gaol. So far as I am aware, every consideration is being paid to them within the limits of the gaol regulations. One modification that it is but just to make of a statement contained in my original letter is that, upon further investigation, I am satisfied that the Lourenco Marques Railway Administration is correct in saying that the Indian passengers were not detained in cattletrucks, but in the ordinary rolling-stock of the administration.

Johannesburg, 9/10/08.

Mr. Polak also embodied the last paragraph in letters to the *Mail* and *Leader*.

The Association Moves.

In connection with the above matter, Mr. A. M. Cachalia, Chairman of the British Indian Association, wrote as follows to the Honourable, the Colonial Secretary, Pretoria on the 9th instant:—

Sir,—In view of the statements contained in the letters of Messrs. Essop Ismail Mia and H. S. L. Polak, copies of which I enclose herewith, and what purports to be an official denial thereof by Mr. Chamney, I have the honour to request, in the interests of justice, a public inquiry into these allegations.

At Barberton.

The *Leader's* Barberton correspondent writes:—

The party of 80 Indians were brought here under the escort of a European sergeant and constable, who showed them every consideration. The police post at Komatiapoort does not possess a supply of beds and sitting accommodation for 80 people. The inconvenience could have been obviated if Mr. Polak or Mr. Gandhi had notified the immigrants of the drawbacks of Komatiapoort. A number of the Indians had their bundles with them, and could have improvised beds for the women and children. The

accommodation for the immigrants at Komatiapoort was not extensive, but, besides the police compound with the shed, four open cells were available for shelter if any of the party chose to use them. The cells were at one time used for police quarters. The picture of starvation imposed by the police is not borne out by facts. The sergeant at Komatiapoort bought a sack of rice and a quantity of bread for the consumption of the Indians, and they refused the food. The filth of the sheds cannot have been so "undescribable," when the gaol-yard is cleaned out every morning, and the cells washed out as soon as a prisoner leaves them. If they were as described, the police suffer from the serious charge of not fulfilling the duties of daily routine. The treatment received in Barberton was as good as anyone could expect. The local Indians engaged the services of a solicitor as soon as the prisoners arrived, but it was not necessary for them to do this to obtain permission to provide them with food. To say that it was a gratuitous insult to the authorities in Barberton. The prisoners had hardly appeared in Court—in fact, had not relieved themselves of their bundles—before the request of the local Indians to provide them with the evening meal was granted. The gaoler was present, and arrangements for supplying the meal at once made, on condition that if it were sent to the gaol it should not be later than 7 p.m., though if provided before going to gaol they could take it with them. This arrangement was conveyed to the prisoners through the Court interpreter; and they were informed that, pending trial, meals would be allowed to be sent in to the gaol at 7 a.m., 12 midday and 6 p.m. Mr. Polak says nothing about the treatment accorded the prisoners after conviction. When they had been sentenced they were not immediately removed to the gaol, but taken to the Charge Office, outside which they sat, while their compatriots supplied them with food and cigarettes—a privilege not usually accorded to convicted prisoners. Mr. Polak says the children are dependent on the charity of the local Indian community. He omits to say that when a deputation of the local Indian Association asked to be allowed to take the minors to the location they were informed by the police that they could draw daily rations for them if they wished. They did not accept this offer, preferring to provide the food themselves, so that the charity extended to the children is not necessitated by the harshness and cruelty of the authorities.

The following is Mr. Polak's reply to the above:—

Sir,—I am not concerned with your Barberton correspondent's denial of the allegations of what happened at Komatiapoort. He knows as much as I do—what he has been told,

So far as Barberton is concerned, I am informed by the leaders of the local Indian community that they had to engage the services of a solicitor in Barberton before they were allowed to provide their compatriots with food. On the face of it, they would hardly go to that expense needlessly.

I have absolutely no complaint to make as to the treatment of the prisoners in gaol at Barberton, either before or after conviction. I am personally satisfied that everything has been done within the gaol regulations for the prisoners' comfort. After conviction, they were in the charge of the gaol authorities, who afforded them the facilities described by your correspondent, and for which they are duly grateful.

In regard to the children, my contention was that they had the alternatives of being dependent upon the charity of the local Indians or of going to gaol. The gaol rations, unsuitable as they are to Indian adults, who are unaccustomed to mealie-meal, must be doubly distasteful to children. That their temporary guardians preferred to feed the children themselves rather than draw the gaol rations goes to emphasise my view. I have no doubt whatever that the gaol authorities were actuated by the kindest motives only in making their offer, but that does not alter the fact that the children were, in practice, dependent for bed and board upon the charity of the local Indians, or faced with the alternative of the gaol surroundings. I learn to-day that these boys have been deported with their fathers, and, consequently, though the latter have produced permits authorising the residence of themselves and their children in the Transvaal, these children are to be sent backwards and forwards across the border regardless of legal and natural rights.

Johannesburg, 12th Oct., 1908.

Official Denial

The Rand Press publish the following statement as the result of inquiries made by the Asiatic Office at Pretoria regarding the treatment of Asiatics at Komatiapoort:—

"On the night of September 29, 1903, 59 adult Asiatics accompanied by 17 minors entered the Colony at Komatiapoort without the necessary certificates of registration. Their immigration was in consequence a contravention of the provisions of the Immigrants' Restriction Act, 1907, and the Indians were removed from the train by Sergt. Mantell and escorted to the local lock-up where accommodation to the following extent was provided them:

"Three rooms and one bath shed, and the use of a large yard. They were allowed to retain all their belongings and everything possible was done for their comfort. A guard was placed at the outer yard so that the doors of the rooms in which the Indians were placed might remain open to allow of

the inmates moving about the yard at will or from one room to another. As this batch of Indians were expected special attention had been paid beforehand to have the accommodation clean.

"The Indians were in possession of their own blankets and before locking up the outer gate Sergt. Mantell satisfied himself that everyone was as comfortable as circumstances would permit.

"When the main body of the detained Indians were removed to the lock-up Moosa Ismail, who was accompanied by his mother, two wives and two children, asked for permission to remain with his family at the station instead of having them removed to the lock-up on the grounds that his mother had fallen ill on the steamer journey from India, and was practically helpless. His request was granted after he had declined the assistance of the police to carry his mother to the shelter of the lock-up. He was in possession of his own bedding and decided to remain at the station after Sergt. Mantell had informed him that shelter was not provided there. The following morning Moosa Ismail asked that some of the other Indians might be allowed to carry his mother to one of the three rooms provided in the lock-up.

"Early on the morning of September 30 Sergt. Mantell paid a visit to the lock-up and no complaints were made, everyone being satisfied. In reply to a question whether they preferred rice or mealie meal as food, one of the party who could speak English replied on behalf of the others that they had ample food of their own.

"At noon on the same day Sergt. Mantell again visited the lock-up and found that ample rice had been provided for the mid day meal, but the Indians refused to eat it, and requested the supply of vegetables, bread and meat. On being informed that these could not be supplied to them they asked permission to proceed to town to make their own purchases and eight adults were allowed to do so. Later in the afternoon further facility was given the Indians to purchase their own foodstuffs from a store near the gaol.

"Every opportunity was given to enable them to communicate with friends in Johannesburg and numerous letters and telegrams were forwarded for them by the police. The privilege of smoking was also permitted and every request in reason received due consideration. On the same day Moosa Ismail asked for permission to send his family to Johannesburg, and in the evening his female relatives and two children were taken to the railway station for entrainment to Johannesburg. Moosa Ismail was allowed to accompany them and remained with them until 6 p.m., when he was taken back to gaol. Constable Allen was then specially instructed to see the party safely on the train. Sergt. Mantell was present when

Moosa Ismail parted from his relatives and all due respect was shown him. He made no complaint but on the other hand appeared perfectly satisfied.

"During the afternoon of September 30 the Indians were formally arrested as prohibited immigrants and even then they enjoyed the same privileges (smoking, etc.) as prior to arrest, and did so until they entered Barberton Prison as remanded prisoners. At 8 a.m. on October 1 the Indians were entrained for Barberton for trial. A supply of bread was given to them, but this they refused and left behind.

"The party arrived at Barberton at 3.50 p.m. on October 1, and within half an hour thereafter were brought before the Court. An application had been made for permission to allow friends of the accused to supply their evening meal, and this request was granted provided that the food was delivered at the gaol by 7 p.m. Subsequently while still in Court the Indians were informed through a competent interpreter that the evening meal could be sent to them at the gaol. They were also informed that whilst awaiting trial their meals could be sent in daily, provided they reached the gaol by 7 a.m., 12 noon, and 6 p.m.

"Fifty-eight adults were in due course convicted and sentenced to pay a fine of £25 each or in default of payment to undergo simple imprisonment for a period of two months.

"In respect to the allegations made regarding harsh treatment of the Indians at Lourenco Marques no complaint whatever was made to the Transvaal Immigration Officer at that port.

"The party of Indian passengers were accompanied by four Portuguese Asiatics, who were removed for quarantine to the lazaretto while the Indians desiring to proceed to the Transvaal were not sent to lazaretto, but were conveyed from the wharf to the railway station by special train in ordinary second-class passenger coaches. From the time of landing until they detained at Komatiepoort they were not placed in trucks but only in first and second-class coaches. The four quarantined Asiatics were not, under the regulations, allowed contact with the unquarantined Indians."

TRADER'S APPEAL. At the Maritzburg Town Council meeting on the 6th instant, Mr. Smythe renewed the appeal made on behalf of Ismail Moosa against the decision of the Licensing Officer in refusing to grant transfer of a license from one building to another. The transfer was applied for on the ground that the premises at present used were totally unsuitable, but the Licensing Officer refused the transfer because opposition had been raised thereto by the mortgagees, the Natal Police Superannuation Fund. The appeal was granted, and the transfer of the licence allowed.

Letters to the Home Press

On the Transvaal Question

LORD AMPHILL writes to *The Times* under date Sept. 12 as follows:—

I see that your Correspondent at Johannesburg has reiterated the assertions to which I took exception in the letter which you were good enough to publish on the 9th inst., and I therefore venture to offer you a further explanation.

At the beginning of this year two Acts were passed almost simultaneously by the Transvaal Legislature—the Registration Law, which required the re-registration of Asiatics already domiciled in the Transvaal; and the Immigrants' Restriction Law, which superseded the old Peace Preservation Ordinance (No. 5 of 1903), and restricts fresh immigration to such persons only as can conform to certain requirements in regard to moral character, property, and education, irrespective of their race or colour. The Indians took exception to the spirit which prompted and permeated the Registration Law, and in the "compromise" which resulted from their manly and dignified resistance they were particularly careful to safeguard the rights of their fellow-countrymen who were domiciled in the colony, but temporarily absent, and to maintain their honour as a people by stipulating that these absent comrades should share the advantages of the compromise. If General Smuts had performed his part of the bargain in accordance with what the Indians believed to be his promise, the present position would be as follows:—

(a) All domiciled Asiatics in the colony would actually have registered voluntarily, and the domiciled Asiatics who were absent at the time of the compromise would be able to register voluntarily if they returned from India within a definite time and were able to establish their claim.

(b) Fresh immigration would be restricted to Asiatics of good character, high educational attainments, and substantial property which are required by the Immigrants' Registration Law.

Supposing, however, that the Indians domiciled in the Transvaal had assented to the Registration Law, the Immigrants' Restriction Act would still—according to the construction placed upon it by high legal authority—have admitted this qualified class of Asiatics. That this is the case is evident from General Smuts's anxiety to get the resident Indian community to assent to an alteration of the Immigration Law which would indiscriminately exclude all Indians. The present deplorable situation is entirely due to the attempt to impose this new and harsh condition on the fulfilment of the Government part of the

bargain which was struck in the "compromise."

The Indians are content to stand by the compromise, which would place them in the position which I have described above. They are also content to stand or fall by the interpretation by the Courts of the Immigration Law. But they will not be parties to the specific exclusion of their fellow-countrymen, and it is cruel and unreasonable to expect that of them. The Indians have therefore not departed from their original position, which was, and is still, a recognition of the right of the colony to restrict Asiatic immigration in a reasonable manner.

Your Correspondent is wrong in many respects, and his statements are not only a *suppressio veri*, but also a *suggestio falsi*. The Government have not "conceded practically all the points asked for," nor is there in practice, as your Correspondent must know, any restriction of European immigration upon educational grounds. Indians understand that the law can always be administered against them. The Peace Preservation Ordinance was so administered. They are, nevertheless, satisfied that they shall be liable to the educational test. Their resistance to the law is no more active now than at any other time. The Indian gentlemen who entered the Transvaal, and are suffering for their attempt to assert what they believe to be their rights, to the tune of three months' "hard labour," claim domiciliary rights of entry. Your Correspondent omits to mention that their sentence includes "hard labour." The outcry raised against this sentence is not unmatural. The offence is a political one, and "hard labour" is suggestive of vindictiveness.

If you should think that the views which I have expressed, and to which I venture to hope that you will be good enough to give publicity, are insular and unsupported by any opinion in the colony, I could refer you to editorial articles which have appeared from time to time in the colonial newspapers, and notably in the *Star* of Johannesburg, a journal of which you will recognize the importance.

The Boer View

Mr. STUART HELPS, in a letter to *The Times* dated Sept. 14, says:—

I would like to draw your attention to one aspect of the British Indian question in the Transvaal which has not hitherto been touched upon.

It appears to me that the generally accepted view over here on this question is that the whole of the white population in the Transvaal is antagonistic to the Indians of that colony. I would like to point out that such is not the case. A very large section of the Boers are strongly opposed to the action taken by General Smuts, Colonial Secretary, in this matter, and they look with disfavour upon the steps taken by their Government to enforce a law which they see only too

plainly will be the means of driving out the Indian trader, who has always been looked upon by them as a benefactor to the poor whites. The agitation against the Indian trader, which was started by the white store-keeper, and afterwards taken up by the Government, has never had the support of this section of the Boers or farming population, and the mass meetings called to support the Government in enforcing their new Asiatic law were organized and attended, almost exclusively, by white store-keepers. These meetings were always called at very short notice, and held in the towns, no opportunity being given for the Boers to attend, as it was well known that they would not support the Government's Indian policy. The stores run by Indian traders have always been most popular among the Boers in the country districts, particularly the poorer classes, and they would be loath to see them driven out and their places taken by the white store-keeper, whose sole object, they say in getting rid of the Indian is that they will then be able to form a "ring" and control the produce market in all the different centres, whereas the presence of the Indian trader has always been a check on that kind of thing. I was quite surprised to find the zeal with which a large number of influential Boers of my acquaintance entered into this matter in showing their practical sympathy with the Indian cause, by taking away their patronage from old firms of white store-keepers and giving it to the Indian. I can state quite positively that the immoral Transvaal Indian policy, which requires the Indian to register, in such a way as to place him on the same basis as a criminal, before he can get a licence, is by no means popular among the general white population of the Transvaal. It is, of course, staunchly supported by the white store-keepers, who are the only real agitators the Indian need fear.

Trusting that this may have the effect of removing the very wrong impression that "all the whites in the Transvaal" are in favour of the expulsion of the British Indian, and apologizing for having encroached so much on your space, etc.

An Amazing Letter.

SIR WEST-RIDGEWAY writes as under to *The Times* under date Sept. 16:—
Lord Amphill in his first letter exhorted you to listen to both sides before you formed an opinion as to the merits of the British Indian question, which is now again agitating the Transvaal. This is most excellent advice, and therefore it is the more regrettable that Lord Amphill has not, in this instance, practised what he preached, for he himself has obviously listened to only one side, and when your Correspondent places the other side before your readers he is sternly rebuked and informed that "his statements are not only *suppressio*

veri, but also *suggestio falsi*." My opinion, if I may venture to express it, is that Lord Amphill is mistaken and that your Correspondent is right. Lord Amphill, for instance, states that "General Smuts is anxious to get the resident Indian community to consent to an alteration in the immigration law which would indiscriminately exclude all Indians. The present deplorable situation is entirely due to the attempt to impose this new and harsh condition on the fulfilment of the Government part of the bargain, which was struck in the compromise." What is Lord Amphill's authority for this statement—from what source does he derive his information?

I have reason to believe that he has been misled by his informants. Why should the Transvaal Government seek the assent of the British Indians to any legislation which it proposes to introduce? If it desires to legislate it will legislate, and its legislation will be liable to veto by the Imperial Government, especially if the assurances which the Transvaal Government has given are not respected.

Further, let me remark that Lord Amphill in his zeal as an advocate, has not dealt fairly with the Transvaal Government. For instance he states, "The Indian gentlemen who entered the Transvaal are suffering for their attempt for what they believe to be their rights to the tune of three months' hard labour." Lord Amphill should have explained that these Indian gentlemen had ostentatiously violated the law, and having been consequently expelled by the Government, had again re-entered the Transvaal in open defiance of the authorities. Lord Amphill further states "your Correspondent omits to mention that that sentence includes hard labour." But Lord Amphill himself has omitted to state that some, if not all the offenders in question, had the option of a fine, which they refused to pay. May I also suggest to Lord Amphill that when he remarks, regarding the defiant violation of the law by the British Indians, that "the offence is a political one and hard labour is suggestive of vindictiveness," he, as a Unionist, is treading on somewhat dangerous ground?

The fact is, Sir, that, as your Correspondent has stated, the grievances of the British Indian residents in the Transvaal have been redressed, and these people, presuming on their success, are not unnaturally striving to extract other concessions and to force the Transvaal Government to agree to the unrestricted immigration of our Indian fellow-subjects. In this matter the Transvaal Government represents not only the entire white population of South Africa, but of all our self-governing colonies, who would strenuously resent any attempt by his Majesty's Government to insist on this policy.

Personally, I should deeply regret the refusal of the Transvaal Government to exclude all British Indians,

however high their qualifications might be. But this, I fear, will be the inevitable consequence of the lawless proceedings in which the British Indians of the Transvaal, encouraged by injudicious friends at home, are now indulging. Self-governing colonies will be tempted to shut their doors in the face of so dangerous an element. As regards the general question I would ask Lord Amphill and his friends as to the exact nature of the claim which they advance on behalf of our British Indian subjects. If they merely claim that British Indians should be admitted into our self-governing colonies when this can be safely and conveniently done, and that British Indians of a comparatively high standard of living and education should not be placed on the same level as half-civilized Kaffirs, then I am entirely in accord with them; but even in this case I would suggest that their laudable object can be better attained by kindly and sympathetic persuasion than by dictation and angry remonstrance. But if they claim that all subjects of the Empire, whatever their stage of civilisation, in any lands which the Imperial Government chooses to annex, have an indefeasible right as British subjects to enter and settle in any part of the Empire, then I have no hesitation in saying that they advance an impossible, indeed preposterous, claim, and that any attempt to enforce it would lead to the disruption of the Empire. Granted that our Colonies have a right to restrict, or even prohibit, immigration—a right which we ourselves would certainly enforce if there were immigration of British Indians into the United Kingdom on any large scale, threatening to compete with our labour—then who is to be the judge as to the extent and nature of the restrictions to be imposed? I do not hesitate to say that each colony must settle this matter for itself. There can be no rigid and universal rule. Conditions differ in each colony; in one immigration might be desirable, and in another undesirable. The question must be decided by each colony upon the merits of the case, and no self-governing colony would tolerate dictation, although it might accept kindly advice in the matter. It would be a great advantage if the Imperial Government were to arrive at an understanding with our Colonies; but I think that this end could be better reached by means of confidential communications between the Imperial Government and individual colonies than by means of a conference.

Yours faithfully,

WEST RIDGEWAY.

What Sir Charles Bruce Thinks.

Writing to the *Scotsman*, on the 16th ult., SIR CHAS. BRUCE said:—
A Reuter's telegram published in *The Scotsman* this morning informs us that the Indian ex-soldiers in the Transvaal in a petition addressed to

the Imperial Government protesting against the Asiatic Law Amendment Act pray that they may be shot on one of the South African battlefields where they served.

Lord Curzon some months ago lamented that the Imperial Government in dealing with this question of the Indians in the Transvaal showed a lack of imagination. It may perhaps serve as a stimulus to the imagination of our countrymen generally if you will allow me to remind them of the following fact. On one of the highest eminences surrounding Johannesburg there is a monument erected by public subscription to Indians who died in South Africa. One side of the monument bears in English, Urdu, and Hindi this inscription:—

Sacred to the Memory of
British Officers, Warrant Officers, Native
N.C.O.'s and Men,
Veterinary Assistants, Nalbands, and Follow-
ers of the
Indian Army who died in South Africa,
1899-1902.

On the other sides of the monument are three marble tablets bearing respectively the words:—

Musulman.
Christian—Zoroastrian.
Hindu—Sikh.

Colonel Seely was right when in the House of Commons on July 31 he declared that the question of the British Indians in South Africa touches the very existence of the Empire.

Letter from Sir Mancherji.

Sir Mancherji Bhowanagare, writing to the *Times* on the 16th ulto., says:—

Lord Amphill in his masterly way has dealt, and may perhaps propose to deal further, with the issues as you define them in your leading article of this morning, and I do not therefore propose to go over that ground. It is to the last part of your leading article, in which fear is expressed that the opposition offered by my countrymen in the Transvaal to General Smuts's legislation may inflame people in other parts of the Empire who rightly or wrongly are already labouring under a feeling of discontent, that I would ask your permission to say a word. I am sure that I am right in saying that Mr. Gandhi and his followers have no desire that is not first of all inspired by feelings of loyalty to the Empire and of a recognition of the benefits India and Indians have derived from the Imperial connexion.

The British Indians are but acting in self-defence to preserve that measure of dignity and liberty that still remains to them in spite of the enforcement of the disabilities originally imposed by the late Boer Republic. It is not they who are endeavouring to score fresh advantages. I would, however, that General Smuts and his colleagues did realize, more fully than they appear to do, the great danger they are creating by their anti-Indian policy, which would appear to take into but scant account the feelings of the people most concerned, and even the additional difficulties thereby imposed upon the Imperial Government.

Views from the Home Press

On the Transvaal Struggle.

We are deeply sensible of the moral contrast presented to the Indian subjects of the King by our past asseverations of a common British citizenship and the present tendency of Imperial policy upon questions of colour and race. We recognize that our inability to reconcile the two is involving us in loss of character and exposing us to imputations of injustice and dishonesty out of all proportion to the real grievances which give them rise. The matter, as we have said before, is one which should be discussed exhaustively, with as little delay as possible, by the Governments of the Empire in conference. While urging this necessity, however, with all the weight at our command, and pressing upon the Transvaal Government the duty of remembering that they are dealing in this matter with a subject of high Imperial as well as local concern, we are bound also to point out that such agitations as that which is now being revived in the Transvaal may be used to serve other interests than those of the Indians who take part in them, and who, no doubt, are totally unconscious of the use to which they can be put in discrediting the reputation of the British Government elsewhere.—*The Times*.

When one remembers the hysterical passion with which the cause of the Chinese in the Transvaal was espoused by the Liberal Party, its indifference to the woes of the Indians there is astounding. The Indians are British subjects. The telegrams of protest from the Transvaal, which we publish this morning, make it clear that it is high time the Government turned its attention from the sufferings of the natives in the Congo Free State, and such like fascinating subjects, to the indignity and oppression that are being meted out to British Indians in the Transvaal. The situation there is becoming intolerable; and the sooner the people of this country cause Lord Crewe, as Colonial Secretary, to recognise the fact, and put an end to it, the better.

The Indians kept their part of the bargain; but the Transvaal Government has failed to fulfil its promise. That Government is determined, not merely to restrict Asiatic immigration, but to prevent it; and the Indian population has taken a very practical way of showing its resentment at this breach of faith. The result is that several Indians of education are now under sentence of fine or imprisonment, whose only crime is their refusal to submit to the embargo which the Transvaal Government seeks to put upon themselves and their fellow-countrymen.

The consequences are likely to prove serious to the Empire at large. For once, all India is united. Hindus, Mohammedans, and Parsees in the Transvaal are suffering alike; and their co-religionists in India are at one with them in their demand that the British Government shall take action in their defence. The British Government, however, is pursuing its customary policy of masterly inactivity where the rights of British subjects are concerned; and unless public opinion here compels it to move, it will allow matters to drift until they may reach the extreme of open rebellion. India, as it is, is in a ferment. Common-sense, one would think, would teach our Government that, in such circumstances, it is the height of folly to add fuel to the fire by giving the natives of India just cause to regard our rulers with dislike and contempt. If the Government fails to protect British Indians in their rights as citizens of the Empire and subjects of the King, who can blame them if they declare that they are absolved from their allegiance? The Government has the power to interfere. In giving autonomy to the Transvaal, it expressly reserved to itself the right to revise legislation affecting the coloured population. No one wants to compel the Transvaal Government to admit Asiatics in unlimited numbers; but to say that men of substance and education—men, moreover, who were settled in the Transvaal before the war—are not to be allowed to enter it, is to overstep the bounds of reason and policy alike, and it is Lord Morley's plain duty either to insist that the natives of the great dependency whose destinies he guides shall have fair play, or to resign by way of protest, and call upon public opinion here to insist upon justice being done to them.—*Sheffield Daily Telegraph*.

Stripped of all non-essential details, the matter in dispute is whether Indians who possess a legal domicile in the Transvaal shall be treated as free men or shall be subjected to harassing restrictions imposed upon them with the object of getting rid of their competition as shopkeepers. That was the issue before the war, and it remains the issue still. The Indians themselves, for obvious reasons of self-interest, are willing to acquiesce in measures to prevent the wholesale immigration of other Indians, but they demand that those Indians who are entitled to reside in the Transvaal shall have full liberty to carry on their business and to make the Colony their home. The justice of this demand was fully recognised by Mr. Lyttelton when he was Secretary of State for the Colonies, and the honour of England is involved in its recognition. Unfortunately Lord Elgin and his successor, Lord Crewe, have been so anxious to conciliate the Boer Government of the Transvaal that they have, in effect, abandoned the British Indians to the tender mercies of their

trade competitors. Jews from Russia and Greeks from Turkey are free to enter the Transvaal and to carry on trade under the protection of the British flag, but our own fellow-subjects, many of whom have fought beside us on the battle-field, are treated as pariahs.—*Daily Graphic*.

While some restrictive measures are doubtless necessary to prevent the State becoming flooded with Indian labour, that is no reason why a Restriction Act should be drawn so harshly as to be insulting to educated British Indians who monopolise no market to the detriment of the white man, and who probably assist materially in the development of the country in the long run.—*Globe*.

Notes on the Transvaal Struggle

Licensing Cases

At Boksburg on Thursday, Mahomed Moosa went to gaol for fourteen days without hard labour for trading without a licence. Mr. Godfrey appeared on his behalf. It is understood that Mr. Mahomed Moosa was somewhat aggrieved at the lightness of the penalty. At Roodepoort, Messrs. Essop Mahomed and Ismail Ahmed were sent to gaol for seven days with hard labour for a similar offence.

Mr. Javerbhai's Case

Mr. Polak, it will be remembered, raised the point before Mr. Jordan that Mr. Javerbhai Randeree could not be treated as a prohibited immigrant to day, in view of the enforcement of the new Asiatic Act, entitling him to apply for registration thereunder at Johannesburg or at Pretoria during the period of the opening of the Registration Office. Mr. Jordan postponed giving his decision on the exception raised by Mr. Polak until Friday morning. On Friday morning, he discharged Mr. Javerbhai, saying that he had carefully gone into the Law. The point that Mr. Polak had raised was a very nice one, and, taking all things into consideration, he did not think that Mr. Javerbhai could be regarded as a prohibited immigrant. Thus what might have been a gross scandal has been averted by a little commonsense.

A Miscarriage of Justice

On the 20th ult., at Volksrust, Bhikha Kalian, Jinabhai Vallabhai, and Mahomed Hoosen were sentenced under the new Act for failing to produce a registration certificate issued thereunder on demand, and were detained in Volksrust gaol pending the issuing of a deportation warrant in terms of the new Act. On the 9th instant, they were deported, and the unfortunate part of the whole

business is that the Notice contemplated by the Act authorising demand to be made for such certificates has not yet been gazetted and the decisions of the Magistrate are wholly illegal. Of course, it was possible to appeal against the decisions, but that is not part of the spirit of passive resistance. Passive resisters are prepared to accept all the penalties of the Registration Law and none of the benefits, and consequently are precluded from availing themselves of the right of appeal.

Komatipoort Deportations

On Monday, Mr. Moosa Ismail Mia and his company of 57 adults and 17 minors were deported from the Transvaal, from Barberton Gaol, to Portuguese Territory. It was anticipated that action of this sort would be taken by the authorities, for it must be a heavy charge upon the finances of the Transvaal Government to provide for 58 Asiatic prisoners for a period of two months. It is a shocking thing that these innocent boys should be dragged to and fro across the border of the Colony. They are not prohibited immigrants, because their parents have produced permits authorising them to enter and reside in the Colony. They all returned, except four, immediately to the Transvaal, were arrested, and taken to Barberton, whither Mr. G. V. Godfrey went to defend them.

More Volksrust Deportations

The game of battledore and shuttlecock seems pleasing to the mind of the Immigration officials. On Friday last, Messrs. Mahomed Hoosen Konkni, Bhikhabhai and Jinabhai were deported as expected. The last two returned immediately, and were re-arrested. They will probably be dealt with during the week. On Saturday afternoon, Messrs. Sorabji and Ajam Sidoo Patel were also deported, together with the Chinaman who was sentenced recently for entering the Colony on a false permit. The Chinaman was arrested by the Natal Authorities as a prohibited immigrant, although he had entered the Colony unwillingly. Messrs. Sorabji and Ajam returned immediately, and were re-arrested. On Monday, they were brought before the Court at Volksrust, and were sentenced to six months' imprisonment with hard labour each, the sentence to be subject to review. Both of these brave men deserve well of the community. One almost loses count of the number of times that Mr. Sorabji has been imprisoned for the sake of his countrymen, and the same may now be said of Mr. Ajam, who comes, I understand, from the same village as Mr. Sorabji. If the whole of the Indian community follows the example of these courageous men, there can be little doubt of an early and satisfactory settlement of the present two outstanding questions.

It will be noted that Messrs. Sorabji and Ajam returned immediately. They were sentenced without delay. Their courage was manifested by their declining to plead and going to gaol without being defended by any solicitor.

Mr. Gandhi's Comrades

Mr. Gandhi himself, of course, received a voluntary registration certificate, which however, he had burned and could not produce. Mr. Damodar Dulabh, one of his companions, was the lawful owner of a Peace Preservation Ordinance permit, but had lost his document. Nine others were in possession of Peace Preservation Ordinance permits, and had the right to enter and reside in the Colony. One was a minor who entered with his father, holding one of these permits; one was a Colonial-born Indian, having been educated at the Higher-grade Indian School, and the son of an Indian resident of South Africa of 30 years' standing. Three others were pre-war residents, two of them possessing educational qualifications in addition, and one, Mr. Mawji Kursanji Khotare, was the holder of a medal issued to him after the Boer war, in which he had taken part as a stretcher-bearer. The Volksrust Immigration officials had a good haul when they snatched up this little company, everyone of whom had a good claim to be in the Colony, but not one of whom would make application outside the Colony under the new Act.

A Cable from Burma

The following cablegram has been received by the British Indian Association from the President of the Indian Community at Rangoon, Burma:—"Citizens of Rangoon sympathise most heartily with the cruel sufferings of Indians and Chinese in the Transvaal, and appreciate great self-sacrifice and heroic courage displayed throughout this inhuman campaign. Devout prayers offered for your welfare. Justice and Righteousness ultimately triumph."

A Message from Bombay

Lord Amptill has, Reuter's Agency is informed, received the following telegram from Sir Phirozshah Mehta, President of the Presidency Association of Bombay:—"Public feeling again keenly hurt, excited, indignant at unjust maltreatment of Indians of education, position, and respectability entitled to protection of British Crown as British subjects in the Transvaal. The British Government would have strongly interfered against such maltreatment of British subjects in any foreign country. It is deplored here that they should not be protected in countries under the British Crown. The public vehemently invoke the British Government to save suffering Indians from such outrage and tyranny. The Transvaal authorities' action has a most pernicious effect on people's minds here."

Public Health

Health Officer's Report

The report of the Health Officer for Natal for the year ended December 31st, 1907, is published. It has the following remarks relating to Indians:—

Indian Immigrants.—Total deaths registered in the year 1907, 2391, of which 13, having actually occurred before the commencement of the year 1907, are not included in the tables, leaving 2,378 for consideration. There has been a saving of 223 lives as compared with the total for 1906.

Sixty per cent. of the saving over 1906 is due to the diminution in mortality from malarial fever, and the remainder to the reduction of deaths from diarrhoeal and wasting diseases, which are very closely connected with it. Burns and scalds account for a counter increase of 37. As regards the absolute figures from year to year, it is to be remembered that the population has increased by 17,000 persons from 1904. The incidence of such disease year by year, as on 1,000 of the population, will be found in table VI.

The death rate from all causes is 50 per 1,000 above that of Europeans, while that from diarrhoeal disease is 10 per 1,000 lower than the colonial European rate, and a fraction lower than that of white races outside the two larger towns. The death rate of Indian immigrants from diarrhoeal disease at ages over one year is more than seven times as great as that of Europeans, and the low infantile diarrhoea rate may reasonably be put to the credit of breast, as against hand feeding, an advantage to the infant in respect to diarrhoea, in accordance with general experience. On the other hand the number of deaths of Indian infants from genital weakness and wasting disease is much higher than that of whites.

The mortality per cent. of cases of enteric fever in the colony was:—1902, 9.91; 1903, 9.12; 1904, 11.24; 1905, 14.88; 1906, 15.10; 1907, 10.0.

The degree of prevalence of syphilis in Indians may be deduced from the number of deaths, 34, 0.33 per 1,000 living, which is between five and six times the average rate in England and Wales.

Malarial Fever.—The European death rate fell from 0.79 per 1,000 to 0.29, and that of Indian immigrants from 5.62 to 4.11, reductions of 64 and 24 per cent respectively. The difference is in part accounted for by the fact that in the coast belt, the bulk of the white population lives in the town of Durban, the reverse being the circumstances of the Indian immigrants; while the improvement in the malarial incident was much greater in Durban than elsewhere. It may be confidently stated that this improvement was very largely the result of the anti-mosquito measures adopted

in the town, but that it was not entirely brought about by the intervention of man, is shown by the marked fall in the death rate from this cause in other parts of the colony.

The death rate from phthisis in Indian immigrants is the same as last year, in round figures 2.0 per 1,000 living, or about three times the European rate, and the incidence on indentured is about double that on free Indians. Considering the differences in material circumstances of the three groups, this occasions no surprise. The rate in Indians engaged in coal-mining continues high, and on certain mines excessive. It may be that a deficiency of ventilation in habitations, as compared with those of agricultural labourers, contributes to maintain a high death rate, though a comparison of different mining properties and the death rate on each does not quite bear this out. The provision of adequate ventilation is a matter of considerable difficulty in the barracks on these properties, because of the keenness of the winter weather; an amount of air inlet which would be by no means disagreeable in the coast districts, is utterly intolerable in the bitter weather commonly experienced in the high districts in the dry weather and during the early rains. The circumstances also are quite different from those of Indians in any part other than the large towns, in that large numbers of persons are aggregated on one or two areas on a mining property, instead of scattered in small groups of dwellings, as on sugar and tea plantations.

Definite arrangements, however, have now been made for removal from the general barracks of all recognised consumptives, on the mines where the disease is most prevalent, and with some increase in the ventilation of dwellings it is hoped that improvement will ensue.

Ankylostomiasis was certified to be the cause of death of 18 Indians, as compared with 20 in 1906. The further this is investigated the more general is the condition proved to be in the coast districts.

Seventy-two specimens of faeces were examined in the laboratory of this department at the Point, ova of ankylostomum being demonstrated in 42, all from Victoria County; while it has been found by the Medical Officers of the Indian Immigration Trust Board in numbers of persons in Durban and Alexandra Counties.

There can be no doubt that a very large proportion of Indians and some few natives are infected with the worm, and that it is established very widely. It is also certain that a number of Indians are harbouring the parasite at time of entry to the country; but seeing how widespread is the prevalence of ankylostomiasis it cannot be contended with any confidence that its presence is solely due to them.

Select Committee Report

In the House of Assembly last week Mr. Clayton presented the report of

the Select Committee on Public Health.

The report stated:—

With regard to the Health Department, two methods by which large economies might be possible were brought before your committee as of great importance, namely:—

(1) The transfer of the control of health affairs at the port to the municipality of Durban, subject always to the ultimate responsibility and control of Government as hereinafter dealt with.

(2) The transfer of the control of health affairs relating to Indian immigrants to the Indian Immigration Trust Board.

Regarding transfer of the control of health affairs relating to Indian immigrants to the Indian Immigration Trust Board, considerable divergence of opinion prevailed amongst the witnesses upon this subject. Under the circumstances, the committee does not deem it advisable to place the health affairs in respect of Indians under the control of the Indian Immigration Trust Board, nor would it endorse the recommendations of the Protector that the Indian medical officers should be placed under the sole control of the present Health Officer for the Colony, believing that either course would be productive of intense friction and consequent loss of efficiency. The committee agrees with some of the witnesses that the Indian medical officers are more likely, owing to their constant visits to the various estates, to be in a position to know where insanitary conditions prevail, and what preventive or remedial measures are needed, and regrets that their services are not being utilised to the extent to which they should be.

The Chairman of the Indian Immigration Trust Board, speaking for himself tentatively, and not on behalf of his Board, whom he would wish to consult upon the subject, recommended the establishment of such a Board, and expressed the view that if so created and untrammelled by the one-man control of a Health Officer for the colony, it might very well have control on behalf of the Government over the Indian medical officers, thus relieving the Board of all responsibilities in respect of the health of the Indians. This, he explained, would involve the taking over by the Government of the medical staff, hospitals, etc., as a whole, and the collection and retention by the Government of all medical and hospital fees. As the revenue covers the expenditure, there would be no expense to Government, and the independence of the Indian medical officers, which the Protector desires, would be attained, while the latter would doubtless find himself able to rely more completely upon their co-operation.

The suggestion appears to your committee to have much to recommend it to the favourable consideration of the Government.

Were the proposal carried into effect and the Indian medical officers brought under the Government Board, their duty should then be expanded to cover such health work as would be necessary from time to time without further emolument, and the sum of £1,506, stated by the Health Officer for the Colony as net salaries of District Health Officers, might in a large measure be saved. Vaccination amongst indentured Indians might also be undertaken by Indian medical officers, but without an increased remuneration.

A minority report, signed by Dr. Niemeyer and Messrs. Churchill and Nelson Palmer, expressed the opinion that sufficient time had not been given to the inquiry, and suggested that the Government should use the evidence taken as a basis for continuing the inquiry during the recess.

The Swami's Reception

An Enthusiastic Gathering

On the 8th instant in the Congress Hall, Durban, a public welcome was given to Swami Shankeranand, who has lately arrived from England for the purpose of teaching the principles of religion. The Hall was nicely decorated with flags and greenery. On the right side of the platform, accommodation was made for the European ladies and gentlemen, who were specially invited, and on the left side a place was reserved for Hindu ladies. Amongst those present were Messrs. G. Williams and H. J. S. Bell (representing the Durban Lodge of the Theosophical Society), Prof. and Mrs. Brearton, Mr. W. Knox (of the Spiritualists' Soc.) and others. About 1000 people, of all classes and creeds, were present. Upon entering the room the Swami was greeted with cheers. A number of Tamil girls recited a hymn in their language and two other girls sprinkled the Swami with perfumed liquid. After the Swami had taken his seat, he was garlanded and presented with a bouquet. Mr. G. Williams also garlanded Lala Mohkamchand who had been the chief mover in securing Swami Shankeranand's presence amongst them. After a short appropriate speech in English and Tamil, the Chairman, Mr. R. R. Moodley (Chairman of the Reception Committee), presented the Swami with an illuminated address, which reads as follows:—

"SHRI SANYASI SWAMI SHANKERANAND. Sir,—We the undersigned, on behalf of the Reception Committee, beg to take this opportunity of tendering to you a hearty welcome to these shores.

Your advent among us is an event of which we should be proud and which, we trust, will prove beneficial to a great many of our Hindu brethren whose spiritual and educational requirements are neglected through the

need of a shepherd.

We are very happy to greet you and congratulate ourselves in having the honour of welcoming the first Sanyasi to this sub-continent.

In conclusion, we confidently hope that your presence amongst us will be the cause of mutual regard and friendship, and we pray God you will enjoy long life and sound health in order to enable you to successfully fulfil the mission to which you have devoted your life."

Representatives of the various Hindu Societies and the Durban Theosophical Society welcomed the Swami.

The Swami replied, first in Hindi and then in English. He said the welcome given was not to him but to the ancient Rishis whose sacred lore he had inherited to some extent. Christians, Mahomedans, Parsees and Hindus were all alike to him. The Scriptures say, God is one, all-pervading and omnipotent; that there are not two Gods; that every human being is the creation of that one God, and that we are all sons of His, and, therefore, brothers. The learned Swami stated that he based his religion on the Vedas, which stand for Truth and nothing but Truth; and that this was the basis of all religions, and not the exclusive property of the Hindus alone. Here the Swami recited several selections from the sacred Koran, and maintained that Mahomedans also had the same meaning for God. The Swami said that his mission was to endeavour to remove ignorance and encourage unity among all religions.

No Better than Sheep

Brutal Treatment

Clipping an Indian's Ear

Magistrate's Strong Comment

In the City Court on the 6th instant, before Mr. Hime, J. L. Armitage was charged with assaulting an Indian who was in his employ on September 11th. Accused was charged on summons, and pleaded not guilty. Complainant, who had been previously convicted for assaulting Mr. Armitage's wife, stated that he was brought up from Durban by a messenger to the accused's house. The accused asked him who told him to assault his wife, and knocked him down, jumped on his shoulders, and cut the lobe of his right ear off with a pen-knife. When he had done this he put some medicine on and bandaged it up. Witness admitted that the accused said that he did it as a means of having the man arrested anywhere.

Dr. Ward said that about an inch and a quarter had been cut off the lobe of his ear. It did not endanger his life at all, but had disfigured him for life. It would not affect his hearing.

The defence was practically that the Government allowed the cutting of sheep's ears, and the complainant was no better than a sheep. He would also be able to have him arrested. Accused complained that he had received no assistance from the authorities with his Indians.

His worship, in giving judgment, made some very strong remarks, and found the accused guilty. He said that if he had his own way he would have sent the accused to the highest Court of the land before a Judge and jury, and there the Judge could say what penalty would be most fitting to such a case. The accused seemed to have had the idea in his head that, as the Government allowed the cutting of sheep's ears he could do the same to a human being who was placed under his care and protection. The accused seemed to have been fully prepared to commit the act, for he had taken with him a sharp pen-knife, ointment, and dressing. His Worship was horrified to think that a person having charge of human beings could do such a thing. He did not think that Mr. Armitage was a fit man to have Indians in his charge. He was bound to find that there was no justification for the action that had been taken by the accused. The poor man had been disfigured for life, and Mr. Armitage had come before the Court and classified the Indian with a sheep. His Worship had some hesitation in coming to a decision as to the penalty he would inflict. If he was satisfied that the accused's mind had been clear and right on that day he would have had no hesitation in sending him to gaol without the option of paying a fine. He was satisfied that the accused's mind must have been un-hinged through an assault the complainant had committed on the accused's wife some months ago. If that sort of thing was allowed to go on Indians in the employ of white people would not be safe with their lives. His Worship hoped that the penalty he was about to inflict would be a warning to other employers.

The accused was fined £20, with the alternative of one month's imprisonment, and an order made that complainant and his wife be sent to the Protector of Immigrants for him to decide as to what was to be done with them.

The accused was given until the next morning to pay the fine.

Mr. Armitage mentioned that he would like to appeal.

His Worship told him that he could give notice of appeal within a week.

The Prosecutor (Sergt. Blundell) put in two previous convictions for assault against the accused.—*Times of Natal.*

INDIAN MAIL. S. S. *President* sails for Mauritius, Madagascar and India on the 27th instant. Mails close at Durban post office at 3-30 p.m.

Limiting Education

A meeting of the Anjuman-Islam was held in the Congress Hall, Durban, on Sunday last, to consider the action of the educational authorities in giving notice of dismissal of all the Indian boys over the age of 14 years studying in Durban Higher Grade Indian School. Mr. Abdool Caadir, Chairman of the Anjuman, presided, and was supported by the leading Indian merchants, several of whom have their sons receiving education at the school.

Speeches were made criticising the Government's action. The meeting concluded, by unanimously adopting the following resolution, which was proposed by Mr. Dada Osman, seconded by Mr. Mahomed Cassim (of Messrs. Hoosen, Cassim & Co.), and supported by Mr. Hassim Joona:—"That this general meeting of the Anjuman-Islam of Durban, in view of the order given to summarily dismiss the pupils over the age of 14 attending the Higher Grade Indian School, look upon it with great alarm and dismay, and respectfully pray that, in consequence of great issues involving the principle of age limitation, the Government be pleased to withdraw the aforesaid order, and restore the pre-existing status of the said school, in accordance with the definite promises made by their predecessors in office."

On Wednesday evening the Natal Indian Congress held a meeting to protest against the above restriction. Mr. Abdul Caadir, who occupied the chair, said that the time had come for the community to submit a protest against the action of the authorities and request them to fulfil their solemn obligation and promises.

Mr. Dada Osman said the Government had acted in a very arbitrary manner and the result would be that a very large number of present and future pupils would be debarred from getting proper education. The Indian community were taxpayers, and, in fact, paid in a greater proportion than the Europeans, and he held that the Indians were entitled to proper education.

After several others had addressed the meeting, Mr. P. S. Aiyer proposed the following resolution:—

"That this meeting of the Natal Indian Congress emphatically protests against the action of the Government in respect of their policy towards the administration of the Higher Grade Indian School, contrary to the original intention and promises, in that the age limitation has been introduced restricting the age to 14 years; and this meeting respectfully submits that the action of the Government is detrimental to the progress of education among the Indian community, and that this meeting, therefore, ventures to suggest that the Government may be pleased to withdraw the aforesaid restrictions and retrenchment, and

reinstate the status of the said institution to what was originally intended."

Mr. Ismail Gora seconded the resolution, which was carried unanimously.

The Detained Indians

More Arrivals

Mr. Harry Smith, Principal Immigration Restriction Officer, Durban, has written as follows to Mr. Romer Robinson, regarding the wife of Mr. Ismail Amod Mamee who was detained with others on the detention hulk:—

I take the opportunity of informing you with regard to the woman on the *Lutto* that if it should be her desire to have the companionship of a female from the shore, I shall be ready to grant consent to anyone she may name to live with her as long as necessary or she may land on a visiting pass.

Since receiving the above, we have been informed that the woman landed on Tuesday on a visiting pass.

We understand that an application will shortly be brought before the Supreme Court claiming the right of all the Indians to land and proceed to the Transvaal border.

Five other Transvaal Indians named Ranchod, Daya Fakir, Ismail Akojee, Kassin, and Laxmidas Ranchod, arrived on Tuesday by the *Kronprins*. They were examined and asked to give their finger-prints which they refused to do. The Immigration Officer informed them that they would be deported on Wednesday at 10 a.m.

Mr. Romer Robinson applied for an interdict against their deportation and the same was granted by the Chief Magistrate, subject to security being deposited for the maintenance of the applicants and for the cost of return of each of the Indians to India should the decision of the Supreme Court be against them.

Messrs. Cowley & Cowley, solicitors Durban, have written to the *Mercury* a long letter giving details in the matter of the landing of a Mahomedan Priest named Amoojee Eakir. In spite of an affidavit given by a member of the West Street Mosque that the Priest was urgently required for religious services and an assurance that he had no intention of going to the Transvaal, the Priest was not allowed to land, and he was taken back to India by the boat in which he arrived—the *Gouverneur*.

MARITZBURG HINDU YOUNG MEN'S ASSOCIATION. The third anniversary of the Hindu Young Men's Association, Maritzburg, was held on Sunday, the 11th inst., when there were present about 400 to 500 Hindus, including delegates from numerous religious and other associations from all parts of the Colony. Swami Shankeransand was present.

Natal Asiatic Legislation

The *Times of Natal* of the 28th ulto., in a review of the Parliamentary session just closed, says:

The anti-Asiatic measures, or rather the Bill abolishing all Asiatic licences, and debarring even Natal-born Indians from engaging in trade after a certain period of time, is another instance of legislation which we can only describe as unprincipled, or based upon principles which are thoroughly bad. The Government withdrew the Indian Immigration Restriction Bill in deference to the wishes of the farmers and planters, but those of the latter who cheerfully voted for the Abolition of Licences Bill, appear to have overlooked the fact that the first act of the Indian Government, in the event of the Licences Bill becoming law, will be to put an instant stop to all recruiting of indentured Indians for Natal. By getting the Licences Bills through Parliament the Government have indirectly achieved the object they had in view in introducing their Immigration Restriction Bills. But public opinion outside of Natal is not likely to be favourably impressed by the action of Parliament in refusing to stop indentured Indian immigration and, at the same time, agreeing to the imposition of extraordinary disabilities upon Indians already settled in the colony.

Estcourt Indians

The Estcourt correspondent of the *Natal Witness* writes to his paper:—

Six Indians, residents of the township applied to the magistrate in terms of the Law, to have their names placed upon the town Voters' Roll. One of the applicants having the necessary qualifications was eventually successful. The other applicants appealed against the magistrate's decision, to the Supreme Court of this Colony, the outcome of which resulted in the case being referred back to the magistrate to take further evidence, and to decide the application in accordance with such evidence, and the Supreme Court's judgment, the Board, however, having to pay the costs of the appeal. The matter has since been allowed to drop, which is much to my regret as I feel convinced that the Supreme Court was entirely wrong in its decision.

The licensing officer having refused to renew a number of trading licences to Indians, five of these Indians appealed against the decision of the officer to the Board, and at the hearing of these appeals which were lengthy, I regret to state that the Board had to uphold the appeals in two cases, the other appeals were dismissed, but sufficient time was given to appellants to dispose of their businesses.

Volksr. t Again

Mr. Gandhi Sentenced

[SPECIAL TO INDIAN OPINION]

On Wednesday last, before Mr. De Villiers, A.R.M., Mr. Mentz prosecuting, Dawjee Amod was charged as a prohibited immigrant for entering the Colony without having previously made application under the new Registration Act (No. 36 of 1908) from outside the Colony. Mr. Gandhi defended, and pleaded not guilty. Accused had previously entered the Colony, producing a permit and registration certificate and had been arrested. He had afterwards promised to leave the Colony and apply for registration under the new Act from Natal, but when Corporal Cameron had shown him the form of application, he had refused to leave the Colony, and was re-arrested.

In cross-examination, Corporal Cameron admitted that the accused did not fall within sub-sections 3, 5, 6, 7, and 8 of section 2 of the Immigration Act, nor was there any removal order against him. He had no reason to suppose the documents produced were not the lawful property of the accused.

Mr. Gandhi said that the accused could choose to enter under the unrepealed Asiatic Act, No. 2 of 1907, and that he could not be a prohibited immigrant when he produced his permit. He did not come under sub-section 4 of section 2 of the Immigration Act.

The Magistrate found the accused guilty, but said he appeared to have been influenced not to leave the Colony. Accused was sentenced to pay a fine of £15 or go to gaol with hard labour for one month.

Karson Jogi and eight others, including two minors, were similarly charged. They were similarly sentenced, except Hirji Mulji, a boy of about 12 years, who was sentenced to pay a fine of £5 or go to gaol without hard labour for 14 days.

Ratanji Sodha, Mawji Karsonji, Ravikrishna Talwantsing, and Ratanji Rugnath were also charged as prohibited immigrants, pleading not guilty. The first three claimed to enter the Colony under the Education test, whilst the first two, and Ratanji Rugnath claimed pre-war residence. Mawji Karsonji claimed also to enter as an ex-member of His Majesty's Volunteer Forces, holding a medal issued to him for services rendered during the Boer War. Ravikrishna was born in South Africa.

Giving evidence on behalf of the accused, Mr. Gandhi said he took the sole responsibility for having advised them to enter the Colony. They had largely been influenced by his advice, though no doubt they had used their own judgment. He thought that, in giving that advice, he had consulted the best interests of the State.

Cross-examined: He asked accused to enter at a public meeting and individually. They probably, at that time, had no idea of entering the Colony, except, perhaps, one of them. He would certainly admit that he had assisted the accused to enter. He admitted aiding and abetting them to enter the Transvaal. He was quite prepared to suffer the consequences of his action, as he always had been.

The accused were found guilty, and sentenced to pay a fine of £20 or to go to gaol with hard labour for six weeks.

Daya Narsi was then charged for refusing to give his thumb-print under the new registration Act, though he had produced his permit. He had given his impressions at the gaol (under the gaol regulations), where he had already been awaiting trial for a week. He was sentenced to a fine of £10 or imprisonment with hard labour for one month, as was Moonsamy Ellary, who was similarly charged.

Bhikhabhai and Jhinabhai, who had been deported on Friday and had returned at once, were charged as prohibited immigrants. They were sentenced to a fine of £20 or 6 weeks' hard labour.

Mr. Gandhi himself was then charged with failing to give his thumb and finger impressions upon demand, under the new Act. He pleaded guilty. He produced no documents, and when asked to furnish means of identification as required by Regulation 9, he refused.

Giving evidence, Mr. Gandhi said: In connection with my refusal to produce my registration certificate and to give thumb impressions or finger impressions, I think that, as an officer of this Court, I owe an explanation. There have been differences between the Government and British Indians, whom I represent as Secretary of the British Indian Association, over the Asiatic Act, No. 2 of 1907, and after due deliberation, I took upon myself the responsibility of advising my countrymen not to submit to the primary obligation imposed by the Act but still, as law-abiding subjects of the State, to accept its sanctions. Rightly or wrongly, in common with other Asiatics, I consider that the Act in question, among other things, offends our conscience, and the only way, I thought, as I still think, the Asiatics could show their feeling with regard to it was to incur its penalties. And in pursuance of that policy, I admit that I have advised the accused who have preceded me to refuse submission to the Act, as also the Act 36 of 1908, seeing that, in the opinion of British Indians, full relief, that was promised by the Government, has not been granted. I am now before the Court to suffer the penalties that may be awarded to me. I wish to thank the prosecution and the public for having extended to me the ordinary courtesies.

Mr. Mentz thought that a difference should be made in this case, as Mr. Gandhi had admitted his sin to be greater than that of the others, he asked that the heaviest penalty. (£100 or three months with hard labour) should be awarded.

The Magistrate found Mr. Gandhi guilty. In giving judgment, he remarked that it was not for him to consider the question of religious objections. He had only to administer the law. There had been a general defiance of the law. He felt very sorry to see Mr. Gandhi in that position to-day, but he must make a difference between him and the others. He sentenced Mr. Gandhi to pay a fine of £25 or go to gaol with hard labour for two months.

Of course, no fines have been paid, and all have smilingly, gone to gaol, Mr. Gandhi being especially happy.

At Barberton

On Wednesday, the returned Indians were brought before the Magistrate, and defended by Mr. G. V. Godfrey. They had been deported, with the 17 children, to Ressano Garcia, but, with the exception of four, had returned immediately. At the time of writing the result of the prosecutions is not to hand.

Should Indians be Starved into Submission?

Further Correspondence

We have received the following for publication:—

8th October, 1908.

The Honourable,

the Attorney-General, Pretoria.

Sir,—My Association has addressed several letters to the Director of Prisons on the subject of prison-diet for Indian prisoners, and has been informed by him that it is not possible for him to make any alteration in the diet, without instructions to that effect. I have, therefore, the honour to place the following facts before your notice.

My Association is informed by the Director of Prisons that the diet scale varies in the different prisons of the Colony. The result is that, whereas, in some gaols, ghee and rice are provided for Indian prisoners, in others, it is compulsory to eat crushed mealies with fat. I have the honour to bring to your notice the fact that crushed mealies and, for that matter, mealie-pap are foods which, nutritious in themselves, are not suited to the habits and customs of Indians. Many Indians, who are now in gaol, and who have been in gaol during the present struggle, have been unable to eat these foods, with the result that they have left in a condition of semi-starvation. The difficulty is added to when fat is mixed with the food. It then becomes impossible for any orthodox Indian to eat the entire meal with which the fat is mixed.

A Hindu may not eat animal fat at all, and a Mahomedan may only eat fat from an animal that has been ritually slaughtered.

My Association begs to request that, instead of mealie-pap and crushed mealies, bread be substituted, or rice and other vegetables, and that, instead of fat, ghee may be supplied to all Indian prisoners.

My Association earnestly trusts that you will recognise the difficulties arising out of the present situation, and duly authorise the Director of Prisons to make an alteration in the diet for Indian prisoners on the lines suggested by my Association.

I have the honour to be, Sir,

Your obedient servant,

A. M. CACHALIA,

Chairman, British Indian Association.

Poverty and Suicide in Natal

The *Daily Telegraph* (London) of 24th August devotes nearly a column to a letter from its Johannesburg correspondent from which we extract the following:—

The report of the Protector of Indians in Natal of 1907 supplies some interesting statistics, particularly in view of the campaign now being prosecuted against the immigrants by the Natal Government and their political supporters. The Protector's figures certainly lend little support to the allegation that the Indians, are swamping the Europeans, since the total increase of the immigrant population, both free and indentured, during the year was only 894, and as the result of the first introduction of Indian labour for the sugar and tea estates in 1860, the total stands today at but little over 100,000 souls.

Nor do the official figures support the contention of politicians that the Indian sends all his money to India, and spends next to nothing in the Colony which gives him employment. The remittances to India through the Post Office and the Protector's Office together, amounted in 1907 to no more than £72,000, and even that figure shows a considerable falling off as compared with the previous year. Similarly, the savings which adult Indians on the point of departing for India are required to disclose, indicate that the Colony is not such a land of plenty for the immigrant labourer as is popularly supposed. Thus the average savings declared for the years 1904 to 1907 were respectively £16 7s 6d, £11 16s 10d, £14 2s 10d, and £8 5s 2d per adult. And the Protector considers that the last will not be greatly exceeded in future years.

Numerous Suicides

While the general death-rate of the Indian population was low, 23.25,

there are startling figures relating to suicide. In 1906 the suicides numbered 27 and 13 for indentured and free Indians respectively, the corresponding figures for 1907 being 26 and 15. These figures have aroused a feeling of uneasiness in the minds of the leaders of the community, meaning as they do, in 1906, a suicide rate per million of 661 and 213, and in 1907 a rate of 628 and 244, among the two classes of indentured and free Indians respectively. In comparison with the total suicide rate per million in India, the Natal figures indicate at least a case for inquiry. Taking the total suicide rate in India for the years 1904 to 1906—viz., 33.5, 40, and 39—the corresponding figures for the indentured Indians are no less than 419, 582, and 661. In other words, the suicide rate among the indentured labourers in Natal for the three years ranges from some fourteen to seventeen times as high as the total suicide rate in India during the same period. In the circumstances, one must still hope that the request put forward by the leaders of the Indian community for a commission of inquiry into the conditions under which the indentured labourers work and live on the planters' estates in the Garden Colony may receive a sympathetic response from the Natal Government.

In a final note on the social status of the immigrant Indians, the Protector points out that, although the Indian population is increasing, there were fewer adult Indians at the close of the year than three years ago. The difficulty experienced in paying the annual licence of £3, and the poll-tax of £1, are assigned as the chief reasons for the decline; and when a man marries there is the additional licence of £3 for his wife. When wages ruled high, the Indians whose crops failed, could make up the difference, but 20s a month, the current wages for freemen, leaves little margin for licence and keep of wife and children. A married man, who leases, say, four acres of land for cultivation, has to pay for licences and rent at least £9 a year, mostly in advance. With a bad season, therefore, it is almost impossible to make even a scanty living. Hence, about 80 per cent. of those completing their indentures are re-indenturing, in order to secure the right of a free passage to India, with the intention of leaving the Colony for good.

The conclusion the Protector arrives at is that unless different conditions arise the free population will probably decrease year by year. It is certainly preferable that the difficulty in which Natal is involved should be settled by the gradual withdrawal of the Indian population under economic pressure, rather than in deference to the inhospitable prejudice of the Colonists against the patient labourers, whom they have largely to thank for whatever prosperity their country can boast of to-day.

Latest Telegrams from the Transvaal

Johannesburg, Friday.

The fifty-four Indians who were deported and re-entered at Komatiapoort have been sentenced to three months imprisonment with hard labour.

Seventeen others are still detained in gaol at Barberton uncharged.

Volksrust Indians report that about 20 Indians, including Mr. Gandhi, were yesterday taken in gangs with Native gangs, doing pickaxe work in the Market Square. One man fainted and was immediately removed by the authorities.

The Government have refused to hold a public inquiry into the Komatiapoort allegations.

A Mass Meeting will be held here on Sunday. The people are resolute and will fight to the bitter end.

I understand that the children detained at Barberton have been released this afternoon. The Government repudiating all responsibility as regards expenses of maintenance.

THANKS. Mrs. M. K. Gandhi wishes to thank the numerous senders of telegrams of sympathy and congratulation sent to her on the occasion of her husband's incarceration at Volksrust.

"THE HAPPIEST MAN IN THE TRANSVAAL." Reuter's Volksrust correspondent wires:— The Indians, who were sentenced yesterday, including Mr. Gandhi, were to-day working on the Market Square here at road-making. Mr. Gandhi expressed himself as being the happiest man in the Transvaal.

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છપાઈ વહાર પડા છે.

તુલસીદાસજીકૃત રામાયણ સાર.

આજકાલ હિંદી પ્રજાના પુત્રો પરદેશ ગમન વધુ કરે છે. પરદેશમાં પોતાના ધર્મનું માન રાખવું એ વધાને કઠીન છે. પરંતુ હિંદુને વિશેષ કઠીન છે. આ લક્ષનારનો એવો મત છે કે સાધારણ હિંદુ ધર્મનું રહસ્ય જાણવું એ વધા હિંદુનુંજ નહીં પણ વધા હિંદીનું કામ છે.

સાધારણ હિંદુ ધર્મ સર્વ કોઈને માન્ય થાય એવો છે. તેનું રહસ્ય નીતિમાં સમાયેલું છે. એ વિચારે વધા ધર્મ સરા અને સારા છે એમ કહી શકાય કેમકે નીતિથી અલગ એવો ધર્મ હોવાપણું નથી.

ગમે તેમ હોય પણ સાધારણ હિંદુ ધર્મનું રૂપ તાદ્રશ્ય રામાયણમાં જોઈ શકાય છે. મૂલ રામાયણ સંસ્કૃતમાં છે. તે યોદ્ધાજ વાંચે છે. તેનો તરજુમો દુનાયાની ઘણી ભાષામાં થયો છે. હિંદુસ્તાનની વધી પ્રાકૃત ભાષામાં છે. આ વધા તરજુમાને તપાસીએ તો તુલસીદાસજીકૃત હિંદી રામાયણને કોઈ અઢી શકે તેમ નથી. તુલસીદાસજીનું રામાયણ સરં જોતાં તરજુમો નહીં ગણાય. તુલસીદાસજીની ભક્તિ એવી અનન્ય હતી કે તેણે તરજુમો કરવાને વદલે પોતાનાજ હૃદયનો ગાય છે. મદ્રાસ જોઈને હિંદુસ્તાનનો એક પણ ભાગ નહીં હોય કે જ્યાં તુલસીદાસજીના રામાયણથી કોઈ હિંદુ હેક અજાણ્યો નીકલે. એવું રામાયણ તે પરદેશમાં (વહી દેશમાં પણ) વધા માણસો પૂરું વાંચતા નથી. વાંચવાની અવકાશ નથી મળતી. આવા પુસ્તકોને ટુંકા રૂપમાં વહાર પાડ્યા હોય તો હિંદી પ્રજાને કલ્યાણકારક થઈ પડે એવા હેતુથી તુલસીદાસજીનું રામાયણ તેવા રૂપમાં વહાર પાડવાનો ઇરાદો રાખ્યો છે. તેમાંનો પ્રથમ કાંઠ તુરતમાંજ પ્રજાની આગળ રજુ કરીએ છીએ. મૂલ રામાયણને વદલે આ વપરાય એવો હૃદય નથી. પણ સાર વાંચી જેને અવકાશ હોય અને જે ભક્તિમાં મોજાઈ ગયેલ હોય તે અસલ વાંચે એવી મંતલબ છે. ટુંક સારમાં કથાનો મૂલ્ય ભાગ જવા દીધો નથી. પણ ક્ષેપક, ડાંવા વર્ણનો, તથા પેટા ભાગમાંથી કોઈક મૂર્તી દેવામાં આવ્યું છે.

અમે જે સારાંશ પ્રજાની આગળ રજુ કરીએ છીએ તે દરેક હિંદી ભાવથી વાંચે, તેનું મનન કરે અને તેમાં જે નીતિનો ચિતાર અધિહુવ આપ્યો છે તે નીતિ પ્રહણ કરે એવું હુચ્છીએ છીએ. ઘર ઘર હિંદીઓ રાતના અને ધીજી અવકાશની ઘેલાએ રામાયણનો સાર વાંચતા થઈ જાય એ અમારા પ્રયત્નો વદલો સમજશું.

ધીજી કાંઠો જેમ જેમ છપાતા જશે તેમ તેમ વહાર પાડશું. હૃદય વધા સાથે વાંચી શકાશે. કીમત વિચાર પૂર્વક અને તેટલી ઓછી રાખી છે તે એમ સમજીને કે વધા હિંદી આ પુસ્તક હઈ શકે.

હિંદી લીપી તથા ભાષા જાણથી એ દરેક હિંદીની ફરજ છે. તે ભાષાનું રૂપ જાણવા રામાયણ જેવું ધીજું પુસ્તક ભાગ્યેજ હશે.

કીમત ૧ શીર્ડીંગ. પોસ્ટેજ ૧ પેની.
ઈન્ટરનેશનલ પ્રીન્ટીંગ પ્રેસ, ફીનિક્સ, નાતાલ.

છપાઈ અહાર ધી છે.

ટરાંસવાલના નવા એશિયાટીક કાયદા મુજબના ધારા અંગરેજ અને તેનો ગુજરાતી તરજુમો. કિંમત ૩ પેની, પોસ્ટેજ ૦૧૧ પેની.

ટરાંસવાલનો ટુકાનો * * * * * અંધ કરવાનો કાયદો

અંગરેજ અને તેનો ગુજરાતી તરજુમો. કિંમત ૩ પેની. પોસ્ટેજ ૦૧૧ પેની. દક્ષિણ આફ્રિકાના કોઇપણ સ્ટાંપ સ્વીકારવામાં આવશે.

નીતિ ધર્મ અથવા ધર્મ નીતિ

આજકાલ દુનિયામાં પાપનું વધી ગયે છે તેથી ઘણા માણસો નીતિના રસ્તા છોડી અનીતિને મારગે ચાલે છે. આમ નીતિના રસ્તા માણસ છોડી દેશે તો બધા ધરમનો નાશ થશે અને દુનિયાને મોટું તુકશાન થશે એવી ધારિતથી યુરોપ અને અમેરિકાના ઘણા વિદવાન પુરુષોએ નીતિ ધર્મ અથવા એથી કલ રીલીજઅન સરચાવનારી મંડળીઓ સ્થાપી છે. કોઈપણ ધરમનું ખંડન કીધ વિના નીતિના નિયમોનું માત્ર સંશોધન કરી તે પ્રમાણે ભતે વરતે છે અને બીજાને તેમ વરતવાને ઉપદેશ આપે છે. મીા સોલ્ટર નામના અમેરિકાના એક વિદવાને લખેલા એક ખુબીદાર પુસ્તકનું ગુજરાતી તારણ આ પુસ્તકમાં શમાવેલું છે આ નીતિ ધર્મ પુસ્તક દરેક ધરમના માણસને બહુજ ઉપયોગી છે. આનું ઉપયોગી પુસ્તક સૌ માણસો વાંચી શકે અને તેનો લાભ સૌને મળી શકે એટલા માટે તેની કિંમત માત્ર ૬ પેની રાખવામાં આવી છે ત્રાહક થનારે નીચે ને સરનામે લખવું.

I. P. PRESS, PHENIX, NATAL.

ખાસ કિંમત ઘટાડી છે.

નીચે લખેલી યોપડીએનો જેમ અને તેમ વધુ માણસોને લાભ મળે એટલા માટે ખાસ કિંમત ઘટાડી છે. મારો જેલનો અનુભવ. ૦-૦-૩ અત્યામક ધનામી નિબંધ. ૦-૦-૩