

Indian Opinion

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EDITORIAL NOTICES.

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CORRESPONDENCE.—Letters and other communications should be written on one side of the paper only. When articles or "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, NOVEMBER 21ST, 1908.

The Law Breakers.

It is narrated that Bismarck once said of the late Lord Salisbury that he was a lath painted to look like iron. That has been the story of General Smuts throughout this long controversy. He has been represented as the strong man, the one infallible member of General Botha's Cabinet. With a big fanfare of trumpets, he brought before the House of Assembly last August his now famous Validation Bill, and owing to his misuse of a private letter from Mr. Gandhi, the feeling arose in the House that the Indians had issued an ultimatum, and the Bill was promptly passed. But one little thing was wanting to complete success. It was the oil that made the machinery work easily—the consent and co-operation of the Indians themselves. They refused to accept the new Act, generally benevolent though it was, because the old Asiatic Act still remained a blot upon the Statute Book and the status of educated Asiatics was unsettled.

They told General Smuts that they were going to paralyse the administration of the new Act just as they had done with the old Act, until he conceded their demands, and accordingly a number of Indians returning from India claimed the option of registering, if they so wished, under the old Act. Their claim was rejected by the Courts, both at Barberton and at Volksrust, and they were consigned to gaol with hard labour. Some of them appealed, and the Supreme Court has issued a judgment that must have amazed General Smuts almost as much as it has satisfied the successful appellants. For the Chief Justice has made it perfectly clear that it was not the Indians that were the law-breakers, but the Government themselves, and that the Govern-

ment had been acting arbitrarily and unlawfully ever since the new Act came into operation on the 21st September. The detention at Durban, even though the boat had remained, was utterly illegal, as was the refusal to issue transit permits, at Loureneo Marques, to Transvaal returning Indians from India.

But worse than that, the Transvaal Government knew they were breaking the law, for the Attorney-General, in his report on the new Act, published in the recent Blue-Book, made it plain that it was optional for the returning Indians to avail themselves of the provisions of either the old or the new Act, whereas the Government have all along pretended that it was compulsory for returning Indians to apply for registration under the new Act. The Magistrate's Court's proceedings at Volksrust and at Barberton have been a mockery all through, and the Government, by holding them up to public ridicule, have gone perilously near committing contempt of Court.

And what about all those unfortunate men and children who remain incarcerated for having committed an offence which the Government are now forced by the Supreme Court to acknowledge is no offence at all. Are they to remain in gaol? That would be a remarkable display of passive resistance to the elementary demands of justice! Meanwhile the Transvaal Indians have made good their promise. They have paralysed the administration of the new Act, just as General Smuts admitted, last February, they had paralysed that of the old Act. What is the Colonial Secretary going to do now? Raise another brazen image with clay feet for the worship of the Transvaal Indians? Or do the right thing honestly and promptly? If he decide upon the latter, he will have gone as near to performing an act of statesmanship as he has ever yet done. Will he have the courage to do a great deed? We wonder!

Indian Education in Natal

We have already devoted some space to this question of Indian education in Natal, but it is perhaps as well to summarise the position as it is to-day, taking a bird's-eye view of its past history. Prior to 1899, the public schools of the Colony were open to all, without any distinction whatever. In that year, however, Sir Henry Bule, who was then Attorney-General and Minister of Education, with a view to carrying out the colour policy of the Government of that time, stopped Indian children attending the public schools attended by European children, and created a higher-grade Indian school in Durban for those Indian children, belonging to the better class,

whose parents were able and willing to pay the required school-fees, and conform to European habits and customs. Whilst the Indian community did not willingly consent to this, in order not to embarrass the Government by insisting upon Indian children attending schools where European children were taught, they acquiesced in the position and patronised the Higher-Grade Indian School, which was in every way equal to the ordinary schools as regards fees, staff, curriculum, and discipline, and the school progressed rapidly with the support given by the Indian community. The girls of the community were not affected by the new scheme, but continued to go to the ordinary schools as usual. In August of 1905, however, the new Superintendent of Education, Mr. Mudie, who seems to have been somewhat more consistent in his colour prejudice, ordered the dismissal of all Indian infants and children from the schools attended by European children, and established a school for them in the Higher-Grade Indian School, teaching them separately from the senior boys. About this time, too, an attempt was made by Mr. Mudie to take the building intended for the Higher-Grade Indian School and use it exclusively for Indian and coloured children under the name of Coloured School. The Indian community, however, naturally opposed this, and the scheme fell through. Towards the end of 1905, the girls and infants who had been dismissed from the other schools and sent to the Higher-Grade Indian School were also dismissed from this school. The community made a further protest and these pupils were re-admitted on the 2nd February, 1906, and were taught, as before, separately from the senior boys, by a competent lady teacher. All went well until August of that year, and the total strength of the school, in these favourable conditions, rose to about 250 pupils, some 30 of whom were girls. At this time, unfortunately, a new Assistant Inspector of Schools was appointed, namely, Mr. C. T. Loram. This gentleman is, we believe, Colonial-born, and appears to have been affected by a violent anti-Indian prejudice. He gave notice of dismissal to all the infants, and insisted upon the senior boys and girls being taught together, but the Indian community, with its traditions of sex separateness, violently protested, and the order for dismissal of the infants was withdrawn, though the co-education of boys and girls continued, notwithstanding repeated protests on the part of the community. The result of this indiscriminate policy on the part of the Government has been that the number of girls now attending the School has been re-

duced from 30 to 6 small children. In August, 1907, a new order commenced. The Infants' Class and Standard 1 were abolished, and the School, instead of commencing from the Infants' Class, started from Standard 2. The community again protested against this in terms of a Petition dated the 24th July last, but the Government refused to entertain the Petition. Shortly after this, the Colonial Secretary moved in Parliament that the vote for the Higher-Grade Indian School be reduced by £675 and the item of £150 hitherto allowed for the training of Indian teachers be deleted. This was carried by a unanimous vote, that is to say, nobody dissented, for, presumably, nobody understood the position. But, whilst the vote for Indian education was cut down by £825, the Colonial Secretary succeeded in obtaining an increase in the vote for Native Education of £1,000, with an addition of £270 for Native Training Institutions. We have nothing whatever to say against this, but it indicates the attitude of the Government towards the Indian population of the Colony. In view of this reduction in the Indian Education Vote, the Minister of Education issued instructions to the Headmaster of the Higher Grade Indian School to dismiss all children above the age of 14, as from the 31st October, an order which, if carried out, would mean that from 40 to 50 Indian children at this School alone would be deprived of educational facilities, seeing that there was no other institution where they might prosecute their studies. The history of what followed is well known. Meetings were called by public representative bodies of the community, and resolutions were passed and forwarded to the Government for consideration. As usual, however, the Government ignored them. On the 21st October, the Government were asked to receive an Indian deputation, but this request was not assented to. On the 24th October, a request was made that the notice of dismissal should be suspended until further inquiry could be made. This was also refused, and it then became necessary, in view of the approaching dismissal of the children, for the community to move in the Supreme Court for an interdict upon the Government restraining it from dismissing these children. As, however, the Court objected to *ex parte* applications, an order was refused, and the community then made arrangements for moving in the ordinary way for an interdict, giving previous notice to the Government. There may or may not have been a doubt as to the success of these legal proceedings, but the Government for reasons best known to itself instructed the Headmaster, on the 30th ultimo, to withdraw the notice, and to request the boys to attend the School on Monday, the 2nd instant, and bring with them the school fees as usual.

This, briefly is the history of Indian

higher education in Natal since 1899. It is a story of petty persecution and contemptible desire to go behind the distinct and definite promises and agreements with the Indian community, on the part of the Government. Everything possible that could be done to ruin the success of the Indian Higher-Grade School was done. Apparently, it was the intention of the Government to degrade the school to the level of its own Government Indian schools, the miserable quality of the instruction wherein is a matter of shame to the whole Colony. When Indians passed resolutions protesting against the most recent action of the Government and asked for an interview, the Minister of Education declined to grant this, owing, as he said, to extreme pressure of public business. When the community requested him to withdraw the notice of dismissal of the pupils, he said that the restriction as to the age of the pupils was due to a direct vote from Parliament and, therefore, he had no power to intervene in this matter. But, when Canon Smith and a deputation appointed by the Diocesan Conference waited upon the Minister of Education to protest against the withdrawal of the grant of £150 for the training of Indian teachers, the Minister expressed his sympathy with the deputation and pledged himself to see that the item would be replaced on next year's estimates. Why this difference of treatment? Canon Smith and the members of his deputation cannot be nearly so vitally interested in the success of Indian education as the members of the Indian community themselves, but we infer that it is because these gentlemen are Europeans that they have been so graciously received and so successful in their plea. Had they been Indians, probably the deputation never would have been received, or, had it been received, no satisfaction would have been granted. We fear that there is only one thing for the community to reconcile itself to. It should learn from the past history of this question, and decide to take matters into its own hands. So far as possible, it should make itself independent of the Government schools and organise its own academical institutions. This means, undoubtedly, a considerable amount of self-sacrifice on the part of the community, but, if this is not done, we can see no other outcome of the present situation than the gradual wheedling away of all educational facilities so far as Indian children are concerned. A word to the wise is enough. We hope that the Natal Indians are wise enough to listen to the warning that the Government itself has given to them.

Since writing the above, we learn that the Headmaster of the Higher-Grade Indian School has received fresh instructions and has given notice to the boys that the age restriction is to come into force again on the 23rd December, and that the boys who

have attained the age of 14 cannot be readmitted when the School re-opens, after the holidays, on the 1st February next. This confirms what we have already said.

WHEN GENERAL BOTHA INSINUATED that there was a split in the community, in that **Eendragt Maakt Magt** many Mahomedans had declined to take part in the passive resistance movement, he little knew what a hornet's nest he was disturbing. If any section of the community has been bitterly aroused by the struggle, it is the Mahomedan, for the Mahomedan faith was deliberately attacked by the very definition of 'Asiatic' contained in the Asiatic Act. Last Sunday's Mussulman Meeting in Johannesburg passed a stirring resolution emphatically denying General Botha's allegation. That resolution could hardly have been more convincing than it was, and it will be difficult for the Government in future to attempt to sow dissensions in the community. It is largely through the efforts of the Hamidia Islamic Society and the cognate religious bodies throughout the Transvaal that the passive resistance movement has proved so successful. A feature of Sunday's meeting was the receipt of two telegrams, one from the Volksrust Mahomedans, pointing out their near proximity to some of the most eminent Mahomedans in South Africa, now incarcerated in the local gaol; and the other from the Pretoria Anjuman Islam, which body includes amongst its members many who were misguided enough to accept the Asiatic Act, a weakness that they have lamented ever since. It was surely a case of extremes meeting, and General Botha has had his reply.

THE ACCOUNT OF THE LONDON INDIAN Meeting held on the 16th **Indian Opinion** ulto, reproduced in another column, goes far to disprove the officially inspired reports that Indian feeling, in regard to what is transpiring in the Transvaal, is not nearly so greatly agitated as the public is led to suppose. To find Sir Mancherji Bhownaggee presiding over a gathering of 300 Indians gathered from Oxford, Cambridge, Reading, Manchester, Cirencester, Leeds, and other places, and including some of the most distinguished men in India on a visit to the metropolis, speaks volumes. And when we find men of the calibre of Messrs. Lala Lajpat Rai, Bepin Chandra Pal, G. S. Kharparde and Kandarikar, and the learned and accomplished Dr. A. K. Coomaraswamy, speaking to the various resolutions, not one of which was in the nature of a prayer for relief, but, on the contrary, an expression of strong feelings of indignation, it is difficult to come to any other conclusion than that Indian feeling is very deeply aroused by the present situation, as

was testified to not long since by Mr. T. J. Bennett, the proprietor of the *Times of India*. And if anything further were needed to add to that certainty, we need only turn to the strongly-worded telegrams sent to Lord Ampthill by Sir Pheroze Shah Mehta and Sir Currimbhoy Ebrahim, on behalf, respectively, of the Bombay Presidency Association and the Anjuman-i-Islam. Neither Sir Mancherji, Sir Pheroze Shah, nor Sir Currimbhoy, all representing different schools of thought, can be regarded in any other light than as most moderate and respected men. We cannot doubt but that the Imperial Government will not turn a deaf ear to representations of this nature coming from such responsible quarters.

IT HAS BEEN SAID THAT SPEECH was invented to disguise thought. There can be no doubt but that Blue-books were designed to conceal the truth, and the latest Blue-book on the Transvaal Asiatic trouble does nothing to alter that view. It is chiefly remarkable for what it does not contain—an accurate statement of facts. That is significant, for, though the publication was issued by the Imperial Government, the Imperial Government has only been informed of such facts, or such statements or misstatements of facts, as the Transvaal authorities chose to forward. General Botha's Minutes are, perhaps, the most disingenuous public documents that it has been our lot to peruse for a long time. They teem with errors of omission and commission, and in many respects, they appear willfully to distort and misrepresent the facts, as when General Botha charges "Mr. Gandhi and his emissaries" with having "actually collected a considerable number of these certificates, often under threats and by violence." If General Botha did not know that charge was false, it was his business to know, and it was even more his business, if it were true, to prosecute "Mr. Gandhi and his emissaries." No less wanton is the statement that, at the time of writing, many Mahomedans had "declined to join in this (the passive resistance) movement." A subtle attempt was made to suggest that there was a religious split in the community. The "many" Mahomedans included only the 500 odd, out of about 6,000, who had registered under the old Act, and who were ostracised by the vast majority of their religious brethren. It sometimes happens, however, that a Blue-book can reveal, as well as conceal, the truth, as, for instance, when Mr. de Villiers, the Attorney-General, in reporting upon the new Act, shows that, against those who do not accept it, the old Act remains in operation, and that it was never the intention of the Government, despite fulsome assurances to the contrary, to allow the old Act to remain a dead-letter on

the Statute-Book. An unscrupulous Ministry can never be trusted to let sleeping dogs lie, and the passive resisters are absolutely justified in insisting upon the repeal of the old Act, as a condition of the cessation of the struggle.

MR. W. J. WYBERGH, M.L.A., BEFORE the war, was a member of the South African League, and then subscribed to the following principle:

"This league holds it to be an essential principle of good government that all inhabitants of any State or Colony unconvicted of crime shall be regarded as having an inherent right to equal political and civil privileges, without regard to race, birthplace, or religious belief, subject only to such conditions of education or ownership or occupation of property as may be imposed by the laws of the State or Colony in which they may reside."

Mr. Wybergh has recently explained that he did not understand the expression "without regard to race" to include non-whites, an explanation that Mr. Hosken has openly scoffed at, as a fellow-member of the League, with whom was associated Cecil Rhodes, the author of the policy of "equal rights for all civilised men South of the Zambezi." Now British Indians have never, at any time, fought for equal political rights, but they have fought for equal justice, and yet they do not find Mr. Wybergh agitating for this elementary principle, nor have they heard of any protest from him even in regard to the prison-diet. That is the worst of the policy of segregation. It so often leads us to segregate our best feelings and truest instincts and keep them shut up in a reserve, lest by their escape, they may induce us to commit acts which would not accord with our professions of faith.

Mass Meeting Speeches

We give below the speech delivered at the Mass Meeting in Johannesburg on the 4th inst., by the Rev. Chas. Phillips. Unfortunately it was left out of our last issue:—

Rev. C. Phillips:

Mr. Chairman, Fellow-Members of our great Empire, it is to me a very great pleasure to be with you on the present occasion. It is no new thing for me to attend your gathering, it is no new thing for me to fight at your side. I have been here in Johannesburg from the very beginning of this struggle, and I am happy to say to-day I have never wavered in the great purpose for which you have been so strenuously and so earnestly fighting. I am not able to give such a speech as that to which you have listened from our friend, Mr. Doke. But, with all my heart, I say to-day "God bless our gathering. God bless our great fight, and grant us speedy victory." Splendid as is the gathering that is assembled here to-day, everyone of us

feels that there is something, or there is someone, that we miss—that splendid leader that you have, one of the grandest leaders of any movement in any part of the world, who is immured within those walls up yonder, whom we should all like to have here, but we feel that, though he may not be present in body, he is present with us in spirit, and that, at the present time, he is longing and praying for the success of this great meeting. Now, your great fight has continued for something, I think, over two years, a brave and splendid fight, as splendid a fight as has ever been fought over any great question in any part of the world, but I think this afternoon of the terrible amount of suffering and loss it has involved. It was mentioned, in the Chairman's speech, that some 800 persons had gone to prison. Why have they gone to prison?—for conscience' sake, in the name of that liberty which we all profess in word and so many of us despise in action. The maxim of every true government is a maxim of liberty with the least amount of restriction to its Asiatic subjects. Now the question arises whether all the suffering and loss and stress and toil of the last two years, all the suffering involved in the imprisonment of those 800 men has been necessary. Most emphatically we all unite to-day in saying that it was not necessary. All fair-minded men in the Transvaal must really agree with the position which has always been taken up by the Asiatics. You have never objected to restricted immigration. You have only asked for the preservation of the liberty of those that are here, and you have asked for the very small things embodied in the two requests of which so much has been said to-day. A spirit such as has animated you in the past, and which animates you to-day, cannot otherwise than issue in victory. The resolution which I am called upon to support is that this passive resistance should be continued until victory is obtained. Now, on the present occasion, it is not possible to say very much upon so vast a subject. I only want to remind you that passive resistance is not a new thing. It has not been invented in the Transvaal; it has been carried out quite recently, and for a prolonged period, in England; but it has been carried out all through the centuries, from the time of our Great Master down through the middle ages by millions, myriads of men. When a country makes its laws that conflict with our conscience, with our religion, with our highest hopes with the carrying out of the noblest purposes of life, with the development of that true manhood which every man has a right to, then is the time to passively resist, and, all the centuries, there has been this great struggle, a struggle carried on as vigorously by General Smuts' ancestors as by you to-day, and General Smuts and the members of the Government, who so strenuously deprecate your attitude, owe very largely the liberties which

they enjoy to the passive resistance movement carried on by the Huguenots and others in the centuries that are past. Now there are so many speakers to-day that it is not possible for anyone to say all he would like to say, but I just want to say this before I close. We are moving on, we are getting stronger and stronger. The splendid platform that you have here to-day representing so very much different opinion, religious and political, is united just upon this one question, that you shall obtain the liberty which is the right of every citizen of the British Empire, and we are going to fight on. Mr. Doke has spoken of those that have been added recently to our numbers; they are going publicly to continue, because it is only necessary that the general public, it is only necessary that our fellow-subjects in India and in all parts of the British Empire, should really understand the fairness of the requests which you make, the simplicity of your demands as a settlement of this question, and they are bound to unite with us on our side. Before ever this struggle commenced, I suggested to some of the leaders of our Government that there should be a round-table conference, that there should be a few of your leaders and a few of them, and that I felt so confident that your object was so fair that it would be easily possible to come to an agreement that would accomplish what they want and what you want without any of the imprisonment or passive resistance or anything of the untold suffering that has been inflicted upon you in the past. This resolution pledges you to continue this great crusade till we obtain the victory. I have to remind you to-day that when Lord Beaconsfield and Lord Salisbury thirty years ago came back from Berlin after the conference of the Powers they said that they had come back bringing "peace with honour." That is what we all want, and we are not going to stop our agitation until we obtain it. There are those, General Smuts among them, who say "Have peace, be quiet, wait and see what the Government will send you and give you, only stop your passive resistance." We say to-day that we are not going to stop it, and we are not going to have a hollow peace, we are not going to have a peace that can be broken again, we are not going to have a peace that means nothing, this sums up all our demands and without it we will not have peace. We do not want peace, but peace with honour.

LONDON SYMPATHY. At the meeting on the 6th ulto. of the City of London College Debating Society, Mr. J. H. Polak, J. P., moved a resolution to the effect "that the treatment of British Indians by the self-governing Colony of the Transvaal is humiliating and unwarranted, and calls for the immediate effective intervention of his Majesty's Government." The resolution was adopted.

Rev. F. B. Meyer's Testimony

In a letter to the *Daily News*, dated October 17, the Rev. F. B. Meyer writes:—

I can hardly believe the evidence of my senses when I read the announcement that my friend, Mr. Gandhi, has been sentenced to two months' hard labour and to breaking stones and doing scavenger work. But I wish I were in Johannesburg that I might help him! I would count it an honour to suffer with this pure and holy soul, whom I hope to introduce to my choicest friends when he comes to this country. He is not a Christian in one sense of the word, but the face of Christ hangs over his desk, and we have talked together for hours of the deepest themes that can engage the human heart. He contends only for what he holds to be the rights of the Indians who have been settled in Johannesburg, many of them from before the war. His contention is retrospective for those who have entered the Transvaal and been its subjects and citizens for years.

Even if he contravened the law there was no need to expose him to degrading labour. Yet what can degrade a pure soul? Christ made the Cross the honoured symbol of Christendom. Truth is still on the scaffold, while prejudice, fear, and selfish interests are on the throne, but there is One that keepeth watch.

Supreme Court Upholds Indian Claim

Important Appeal

Chief Justice's Comments

At Pretoria, on the 13th instant before the Chief Justice (Sir James Rose-Innes), the First Puisne Judge (Sir William Solomon), and Mr. Justice Wessels judgment was given in the case of Moosa Ismail and 53 others—an appeal against a decision of the Acting Assistant Resident Magistrate of Barberton, who convicted the accused and fined them each £50, with the alternative of three months' imprisonment with hard labour, for contravention of the Immigration Restriction Act of 1907.

The Magistrate, in giving his reasons for his judgment, said the facts proved by the evidence were as follows:—(1) All the accused had been deported from the Transvaal Colony on the 12th October, 1908, as prohibited immigrants; (2) the procedure to be adopted if they wished to register under the Act 36 of 1908 had been explained to them; (3) they had re-entered the Transvaal from Portuguese territory; (4) they had not made application for registration from

outside the Colony, as required by the Act.

I found (proceeded the Magistrate) that all the accused were not registered either under Act 2 of 1907 or under Act 36 of 1908; that they had been deported from the Colony; that they had failed to apply for registration from a place outside the Colony; that having re-entered the Colony without being registered, or having applied for registration, they were prohibited immigrants within the meaning of the Act, and that they all entered the Colony in direct defiance of the law.

The Supreme Court allowed the appeal, sentence in the Court below being set aside.

Mr. Jeppe (instructed by Mr. M. Lichtenstein) for the appellants; Mr. De Waal (instructed by the Law Department) for the respondents.

The Judgment

The Chief Justice, having referred to the circumstances in which the accused were charged, said they now appealed against the decision in the Court below on the ground that it was bad in law and against the weight of evidence. Act 15 of 1907 made it an offence punishable by fine or imprisonment, and by deportation, for any prohibited immigrant to enter the Transvaal. The expression, "prohibited immigrant," was defined by the same Act—a man might be a prohibited immigrant on various grounds, and the contention of the Crown in this particular instance was that the accused were prohibited immigrants because they fell under the provisions of Sub-section 4 of Section 2 of Act 15 of 1907. He might as well read that sub-section at once: "Any person who at the date of his entering or attempting to enter this Colony is subject, or would be if he entered this Colony, subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter, if found therein, to be removed from or to be ordered to leave this Colony, whether on conviction of an offence against such law or for failure to comply with its provisions, or otherwise in accordance with its provisions; provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon." These sections of the Act were generally intended to explain what was meant by the words "prohibited immigrants" to facilitate the interpretation of the Statute. In regard to this sub-section the Legislature had failed, undoubtedly failed, to attain this result, for it was a definition which it was difficult to apply to the Statute to which it related. One of the chief difficulties in explaining this provision was to know what persons were subject to the provisions of the law at such a date, who might be liable to be removed from the Colony. If the provision was read in its most liberal sense, it might lead to the most

extraordinary results. If they used the word "may" in its most literal sense any European who had not resided in the Transvaal before would be a prohibited immigrant. To apply the word in that sense would be to reduce the law to an absurdity. He did not think that the Legislature intended that. Nobody could be positive as to what meaning was intended, but he thought that what was probable was that the Legislature intended to bring any accused person under the provisions of the law as it existed at the time of his entry. It was contended that all the accused in this case were prohibited immigrants, because they were liable to be removed from the Colony, but his Lordship thought that here the Court should follow the case of *Dadagia v. Rex*, reported in the Supreme Court reports, 1906, page 23, and hold that in regard to the charge the accused should have been informed upon what ground the Crown relied in this case.

Dealing with the indictment, the Chief Justice said it was very difficult to understand on what section it was based. It was almost as difficult to understand the charge as set out as it was to understand the sections on which it was based. But he did not think that any blame attached to anyone in that, for he had read through very carefully both of the Acts on the statute-book, and he saw that it was difficult to say under which sections this charge should have been based. It was clear, however, that the section of the Act referred to only applied to Asiatics outside the Transvaal at the date of taking effect of the Act, the 21st of September, 1908, and that this section of the Act could have no application to the appellants unless they were so resident at that date, and the onus of proving that they were so resident lay with the Crown. The only one of the accused who gave evidence said he had lived for 18 years in the Transvaal, and was at present resident in Johannesburg, where he had a business, and where he still resided; that last year he left on a visit to India, and returned on the 9th of September to his home. That evidence was not contradicted, and the Court must accept it—if it was true that he was resident in Johannesburg, he was only temporarily on a visit to India. As to the other 53 accused, they did not go into the box. It was stated that they were deported by warrants signed by the Colonial Secretary on the 6th of October, and therefore they must have been in the Transvaal then. One witness said that prior to that they were all *bona fide* residents of the Transvaal—but in any case it was practically certain that they must have been resident in the Transvaal earlier than the 21st of September. They were therefore resident in the Transvaal on the date when the Act was in operation, and that section of the Act, therefore, on which the Crown based its case, had no relation to the appel-

lants. Then it was contended that the accused were prohibited immigrants because they were liable under the Act of 1908, which provided for the removal from the Colony, on and after a date which had not yet been fixed by the Governor, of all Asiatics who refused to produce their certificates of registration, when called upon by any qualified person to do so. But although this was a section relied upon in the argument for the Crown, it was not the ground stated in the charge-sheet, but even if it were it was quite clear that it would not have applied, because the appellants were resident in the Transvaal at the time, and the time allowed for application by such persons had not then expired, and had not expired yet—such persons had got until the 30th of November in which to apply for such certificates. In the opinion of his Lordship the appeal must succeed, and the conviction and sentence must be set aside.

Their Lordships concurred.—*Transvaal Leader*.

The Press on the Judgment

The *Transvaal Leader* of the 14th inst. says:—

It might be unpatriotic at this particular conjuncture, it would certainly be uncongenial on our part, were we to exaggerate the significance of the judgment given by a unanimous bench yesterday, in the latest Asiatic case to be taken to the highest legal tribunal in the Colony. What we imagine thinking men will feel upon reading the Chief Justice's judgment against the Asiatic Department of the Government is that the administration of the Asiatic Acts is in an utter tangle, and that in attempting to unravel it the Government would be wise to do what British administrators do almost everywhere in regard to unrepresented races—namely, to consult them or their accredited representatives before adding to the Statute-book laws which affect them closely. From published summaries of a Blue-book on the question received by the last mail, it appears that the leader of the Government and Opposition took this sensible course in regard to the Validation Act of last session, by meeting Mr. Gandhi and Mr. Lueng Quinn at Pretoria on August 18 and hearing their views. A more striking tribute to the wisdom of such a course than the result of the meeting could hardly be imagined: for it appears that eight out of the nine points brought forward by the Asiatic leaders the European political leaders found no difficulty in conceding; and they were embodied in a Bill which passed through Parliament at once, and is admitted by the Asiatics to be perfectly workable and proper, as far as it goes. The ninth point is the point

whether educated Indians, to the number of not over six in one year, should be admitted into the Colony. The Blue-book shows that the Asiatic leaders made it perfectly clear at the meeting that this was a vital point; and it was further pressed by Mr. Hosken when the new Bill was brought into the House of Assembly.

We cannot quite gather from the summaries of the Blue-Book whether Mr. Gandhi is represented as not having urged at the meeting the question of the repeal of the old Act, the 1907 Asiatic Act. That Mr. Gandhi did urge this is beyond question. He has, of course, never ceased to urge it. As we read the despatches, the Ministers would have conceded this could they have reached agreement on all other points, especially on that of the admission of the six educated men. (It should be stated in justice to the Asiatics that, while they at first asked that the education test should be applied in a general way, when one of their European consultees suggested for the sake of definiteness a number not over six, they readily accepted this number.) The educated men difficulty arose in this way. The Asiatics contended that under the Immigration Act their men, if they passed the education test, could come in equally with Europeans. The Government differed. The Asiatics suggested a test case in the Supreme Court. The Government did not accept. Hence the Asiatics' bringing it forward when they were told to table their final demands. Hence also the impression in some quarters that it is a new point brought forward by them. As the above statement of the facts shows, it is no new point. As far as the repeal of the old Act is concerned, although the Colonial Secretary has described it as unworkable, it has always seemed to us that if for some reason of his own he had wished to retain it on the Statute-book, he could have done so without much real difficulty had it been allowed to remain, as he indicated it would remain, a dead letter. But unhappily, in their zeal, subordinates of his whom he has loyally upheld, and who, as yesterday's judgment proves afresh, have acted throughout this business with a consistent absence of ability, applied the old Act right and left, with the result that a naturally suspicious people grew to feel that, as long as it was in existence, it made ordinary life impossible to them.

As far as we of the European race are concerned, the practical point for us to gasp is that we have now got the Asiatics' claims in a final, easily-understandable form. They are, that the Government will propose for repeal the Act which the Colonial Secretary has described as unworkable and the administration of which yesterday's judgment, as we understand it, renders impossible: and that not over six educated Indians may be admitted in any one year. To these

things the Asiatic leaders are publicly committed, over and over again; and it would be impossible for them to advance upon them and retain the support of Europeans here and in Britain who, curiously enough, as far as most other questions are concerned have borne and gladly bear testimony to the conspicuous excellence of the work of the Botha Administration. It is hardly necessary to say that from a practical point of view the second claim is immeasurably the more pressing and important, and far less easily capable of adjustment than the other. Our evening contemporary gravely questions whether the Indian and Imperial Governments would accept this expedient of limiting the number to six. It appears to have overlooked the point that if these Governments have accepted the more, in the shape of the existing law, they are scarcely likely to reject the less, in the shape of a relaxation of that law. We notice that the Earl of Crewe, the British Colonial Secretary, speaking in the House of Lords on October 21, remarked that "so far as the admission of a few people of a special kind was concerned, he thought some satisfactory arrangement could be reached whereby a sufficient number of those belonging to the professional classes might be admitted to supply the wastage. These would be specially admitted by the Governor in Council." These words, coming from so good a friend of our Government's, will, it is hoped, lead the Government to try afresh to bring the present agitation to an end, and leave the police time to do something besides arresting Indians. And Lord Crewe's words also lead the Indians to consider most carefully any suggestion whose adoption would lead to their six men being admitted practically, if not nominally, with the same rights as other members of their community.

The *Rand Daily Mail* made what seemed to us the hopeful suggestion that the difficulty might be bridged by the Government's granting permits whose renewal again and again would be guaranteed by the Government. Unfortunately, our contemporary dropped its suggestion as soon as it had made it. In telegraphing to General Smuts a day or two later it apparently said nothing in support of its own suggestion. At all events the published correspondence contains no hint of it. And the Immigration Act specially forbids any prohibited immigrant from obtaining "a licence to carry on any trade or calling." If, therefore, the six men were specially-guaranteed but were still technically-prohibited immigrants, they could do nothing to raise their people in the scale. The *Rand Daily Mail* says that the Indians have demanded an education test. This is untrue. What they did was to agree to accept an education test, which is a very different thing. "For all practical purposes," our contem-

porary says, "there would be no difference between the two systems." If this is so, it is a little difficult to understand why we should add to the complexities of the situation by making these six men a special class. Our contemporary thinks that to limit the number to six would be to consent to a sham. But our contemporary is not so innocent as to be unaware that almost the whole immigration procedure is a sham. What could be a greater sham, for instance, than to treat the first-class immigrant passenger in one way, third class passenger in another? Yet this is done every day. Again, how is it more objectionable for us to adopt this method than it is for Canada to adopt it towards Japan?

The most deplorable feature of the present situation is that there is really no deep issue between the two sides. The Indians wish the old Act to be repealed. The Government describes it as unworkable, and in practice it is found impossible to administer it. The Indians ask for six men to be allowed in yearly. The Colonial Secretary actually invites these, and more, to apply, and promises sympathetic consideration, but apparently he wishes them to come in as of grace and not of right and to be prepared to yield up their permits and leave at any moment. That is to say, Prince Ranjitsinhji, the pathetic ring in whose reference to the Transvaal situation in his speech at Cambridge must have impressed every Briton who read it, might be allowed to come in here, but, being an Indian, would have to be prepared to leave under administrative order at any moment. We could understand the attitude of the Government if the Asiatics had shown any inclination to make themselves objectionable when concessions were made to them. But the public will recall that when, last February, they were under the impression that they had secured the repeal of the old Act, and when the prison doors were opened to all the passive resisters, the Asiatics did not hold one public meeting or in any way whatever indulge in public self-congratulation. They simply went about their ordinary affairs. In these circumstances we confess we cannot see why the Colony still insists upon a form of words which means nothing real to it, while adding to the difficulties of the Imperial Government in India and arousing in Britain feeling which may easily be developed into hostility towards our attitude and policy upon Closer Union.

"Sunday Times"

On the 15th instant, the *Sunday Times* (Johannesburg) remarked as follows:—

No doubt the Supreme Court judgment, published yesterday, giving a legal victory to the Asiatic agitators over certain clauses in the recent Acts, will greatly rejoice the hearts of the handful of Europeans in this Colony who seem to gain intense satisfaction

from the spectacle of the law of the land being successfully defied. The first moral of the judgment seems to this paper to be that the Government should cable to England and engage a first-class Parliamentary draftsman. It is plain that Transvaal officialdom does not include a Henry Jenkyns. Indeed the old joke in Civil Service circles at Pretoria that there is an Act in existence called the Lionel Curtis Errors and Amendments Act seems to be founded upon a certain substratum of truth. The first Asiatic Act, which the present Government took over unaltered, is popularly associated with Mr. Lionel Curtis's name. Probably he had little to do with the later Ordinances, but evidently the Government draftsman is quite as hopeless when it comes to getting a plain straightforward law inscribed on the Statute Book. The Asiatics have often declared that the legislation of the last few years is as full of holes as a sieve, and that if they could bring themselves to accept it they could prove that it was about as useful for securing convictions as a sieve is for holding milk. No doubt there is some exaggeration in the boast. The Ordinances are not as bad as that. But it is plain from the remarks of the Chief Justice that they are extremely difficult to construe, and are open to all kinds of interpretations never intended to be placed upon them. Therefore we say that the sooner the Transvaal imports someone who can draft laws which will not get the bottom knocked out of them by a Court of Appeal, the better it will be for the peace of mind of the public. For all the people know other laws may, on being tested, show equal evidence of incompetence in the Law Department.

The practical effect of the Supreme Court judgment on the appeal in the Barberton cases, is not very easy to see. As we read it, however, it means that the plan of compelling Asiatics to apply for registration certificates from some place in South Africa outside the Transvaal, has been knocked on the head. That is, if an Asiatic, who claims to be a resident of the Transvaal, but has not registered under the new Acts, arrives at the border, he cannot be sent back to make out a registration application or be told that he cannot come in unless he has a certificate. It is open to him to come into the Colony and fight the matter out from inside. He may, to suit his own convenience, send in an application from Durban, in order to avoid a fruitless journey in case of refusal. But under the Supreme Court judgment he is not compelled to do so. If his papers are in order—as they seem to have been in the case of the Indians who entered at Komatiport and were convicted at Barberton—he cannot be arrested at the border. He has the right to come in, and then, after he is in, the authorities must give him the eight days fixed by the law in which to make st

application for registration, and if he refuses must proceed against him in the old way. In fact the judgment appears to take us back again to the conditions of last January. The Asiatics will simply passively resist the first law. As far as residents who are at present out of the Transvaal are concerned, the new Act is unworkable. We get back to the original passive resistance movement. It is a curious and complicated situation, and it is up to Mr. Smuts to try and find a way out of it. But as we have already said, it proves one thing very plainly, and that is that the Law Department cannot draft Bills for toffee.

The *Pretoria News* of the 14th inst contains the following:—

How now? We have four lawyers upon the Cabinet, and twenty-four in our Parliament, but it seems that when it comes to abstract questions of law, as law, Mr. Gandhi and his friends can beat the whole posse with amazing ease. Yesterday one Moosa Ismail and fifty-three others appealed against a judgment of the Assistant Resident Magistrate at Barberton, under which they were fined £50 with the alternative of three months' imprisonment with hard labour. We need not go into the technicalities of the matter, but it is interesting to learn from the Chief Justice that in an endeavour to interpret its own laws our Legislature "failed and failed undoubtedly." Further on the Chief Justice asserted in regard to a certain portion of our Asiatic legislation that "nobody could be positive as to what meaning was intended." Under the circumstances, and taking into consideration the obscurity of the law, the full Bench set aside the Magistrate's judgment. Surely after this reverse it is time for General Smuts to reconsider his position; we have not altered our opinion that in bringing into the issue the status of educated Indians, Mr. Gandhi raised a fresh point, and we still think that before raising that point, he should have carried out the terms of the compromise agreed upon. At the same time, there is no doubt whatever that General Smuts, as part of that compromise, agreed to repeal the original Asiatic Registration Act. So long as that Act was allowed to lie dormant, we were not prepared to advise the Asiatics to insist upon its actual repeal in terms of the Colonial Secretary's promise, but General Smuts, after promising to allow it to remain dormant, has permitted it to be revived and thereby brings the whole of the terms of the compromise into review. Shuffling of this sort is not very creditable to a Minister of the Crown, and when it comes to "slimness," the British Indian, as we have seen, is more than a match for General Smuts, and as for poor Mr. De Villiers, he is as little capable of dealing with the crisis which has arisen out of the Supreme Court judgment as he was of dealing with the practical mutiny

among the police which he provoked by his stupidity. The sooner, therefore, General Smuts returns to Pretoria, and descends from empyrean dreams of Closer Union to the practical and very much more important State questions of the moment, the sooner we are likely to bring an ugly and an unprofitable business to an end. The outstanding matters in dispute are of so trivial a nature that it is difficult to understand any one with a pretence to statesmanship permitting them to prevent an amicable settlement. We do not want the Indian trouble in South Africa to take the ugly turn which it has taken in India, nor do we want to give the cowardly assassins amongst the Indian rebels reason or excuse for their behaviour by persecuting British Indians in this Colony. General Smuts, up to the present, has gained so little in reputation and had so little profit out of his encounters with the Asiatics that we should have thought he would have been only too glad to purchase peace even at the cost of another small concession, which is all the Asiatics are asking.

The Hamidia Islamic Society

Prompt Protest Against General Botha's Allegations

In General Botha's minute to the Governor of the Transvaal, dated the 5th September, the statement is made that "many Mahomedans have, so far, declined to join in this (the passive resistance) movement." In consequence of this statement, a meeting of Transvaal Mahomedans was convened, under the auspices of the Hamidia Islamic Society, at its Hall at Vrededorp, on Sunday last, Mr. Omerji Sale, the Acting Chairman of the Society presiding over the meeting. Telegrams of sympathy and support were received from the Mahomedans residing in Heidelberg, Volksrust, Pietersburg, Krugersdorp, Pretoria (including one from the Anjuman Islam), Rustenburg, Middelburg, Barberton, Klerksdorp and Standerton. Delegates were present from Boksburg, Krugersdorp (30), Germiston, Benoni, Newlands, Roodepoort and Vereeniging. The telegram received from Volksrust reads as follows: "All Mahomedans join you protest against allegation General Botha about Mahomedans not joining struggle national honour. We consider Mahomedans specially concerned because old Act insults Turkish Mahomedans, and Mahomedan interests larger in South Africa. We remind General Botha that Volksrust Gaol holds some of best Mahomedans South Africa." That from the Pretoria Anjuman Islam was "heartily sympathise with object of meeting, and indignantly repudiate

allegations." The following resolution was moved by Mr. Ebrahim Saloojee Coovadia, of Johannesburg:—

Resolution

This meeting, representing Mahomedans throughout the Transvaal, protests emphatically against the allegation contained in General Botha's minute of the 5th September, published in the recently-issued Blue Book, to the effect that many Mahomedans had declined to join in the passive resistance movement, pointing out that the Chairman of the British Indian Association of the Transvaal is a Mahomedan, as are most of the members of the Committee of the Association and all the local sub-Committee; that, amongst those imprisoned to-day, are the most eminent Mahomedans in South Africa, including the President and Joint Secretary of the Natal Indian Congress and the Chairman of the Hamidia Islamic Society; that all the Mass Meetings held under the auspices of the British Indian Association have taken place within the precincts of the Hamidia Mosque; and that the only Mahomedans not joining in the movement are those few who registered under the Asiatic Act contrary to the wishes of their brethren; whilst some even of these have handed over their Asiatic Act certificates to the British Indian Association, and many have lately contributed to the Association's funds. This Meeting further re-affirms the decision of all Mahomedans to prosecute the struggle until the religiously offensive Asiatic Act is repealed, and the status of educated Indians is satisfactorily settled.

It was seconded by Mr. Ebrahim Aswat (Vereeniging), and supported by Messrs. Bhaijee (Johannesburg) and Moosa Ismail Daya (Boksburg). The resolution was carried unanimously, and has been sent to the Colonial Secretary and to the Governor for transmission to the Imperial and Indian Authorities. The allegation has excited the most intense indignation, and the Transvaal Mahomedans repudiate it most emphatically. After the resolution had been carried, Messrs. Polak, Cachalia, Dildarkhan, Moulvi Hajee Ahmed Mukhtar, and Hajee Habib addressed the meeting. A medal was presented to the Moulvi Saheb on the occasion of his approaching departure from the Transvaal.

A DANGEROUS PRACTICE. "Poor Loaf" writes to the *Natal Mercury* pointing out that in some districts documents to be signed by Indians before a justice of the peace are not interpreted. He alleges that the Indian is, in broken English or kitchen kaffir, asked if the contents are true, and points out that such a mode of attestation is likely to lead to endless trouble and litigation.

The Caxton Hall Meeting

Indignation Against the Transvaal

Strong Resolutions

The following special report appears in *India* of the 23rd ulto.—

An enthusiastic indignation meeting in connexion with the present Indian situation in South Africa was held on Friday afternoon last (October 16), at Caxton Hall, there being a large attendance of Indian gentlemen and a few ladies. The greatest unanimity and enthusiasm prevailed, and the speeches were frequently interrupted by loud cheers.

The chair was taken by Sir MANCHERJEE BHOWNAGREE, K.C.I.E., who said that if there was ever a gathering to which the appellation "an all-India gathering" could be applied that meeting was one, for it represented an all-India movement. There was no question which had agitated all India for the last ten years at least to such an extent as had this question of the treatment of their fellow-countrymen in the British Colonies. (Applause.) It was a matter which had aroused the keenest interest, not only in India, but throughout the British Empire and the civilised world. He would not recapitulate the dismal history of the question; suffice it to say that there was no chapter in the history of any civilised nation which would read to future generations as such an ignoble story as the treatment of the Indians in the Transvaal. After the war promises were made by responsible Ministers in England that as soon as the war was over the necessary relief would be granted to the Indians resident in the colony. But those promises had remained unfulfilled, and their case had even become worse, for whereas the Boers, by natural temperament, perhaps, had tried to ill-treat the Indians, they had not carried it out in any systematic way, but under the British administration, to their intense disgust and surprise, it was found that the old Boer regulations were to be stereotyped and systematised. ("Shame.") He did not believe it was due to any commercial reasons, but simply because it happened that the beneficent Indian sun had tanned their skins a little more than those who had gone to South Africa from the shores of Europe. When the identification ordinance was introduced, Mr. Gandhi—(applause)—came to England and obtained Lord Elgin's refusal to sanction the ordinance. But a few weeks afterwards the right of self-government was given to the Transvaal, whose first act of legislation was the Registration Act, which was almost identically the same as that refused by Lord Elgin. The whole attitude of the present Boer administration was to show that whatever the intentions of the Imperial

Government might be, they cared for nothing except to show their venom against British Indian subjects of the British Crown. This little snobbish Boer community was bent upon inflicting indignities upon 300 millions of the peoples of India; these step-children of the Empire were turning the hearts and minds of 300 millions of British subjects from that loyalty and obedience which they were ready to give to the British Crown if treated with fairness and justice. (Hear, hear.) Unnecessary humiliation and indignity had been inflicted by this little snobbish Boer community upon 300,000,000 of the people of India who had known more centuries of civilisation than they had years. Every kind of indignity had been heaped upon them, and Mr. Gandhi, a man who would be an ornament to any nation, had been flung into prison and made to break stones for the repair of roads. It was a record which future generations of Englishmen would read with shame. (Cheers.) The British Government had given to the Transvaal the rights of self-government without making even the least effort to safeguard the rights and fair treatment of the British Indian subjects. They were told that because the Transvaal was a self-governing colony the Imperial Government were helpless, but that was a mere travesty of logic, and it was a vagary which would do discredit even to the worst Chinese mandarin. (Applause.) The position was becoming worse and worse, and it seemed as if the Imperial Government had lost sight of the duty which they owed to the Empire, and confessed that it was helpless and unable to interfere. Why? Because the Transvaal was a self-governing colony. What a sickly excuse it was. (Cheers.) The question had passed the stage of argument and appeal and of petition. (Cheers.) He had never presided with a greater sense of responsibility and with a greater conviction that in speaking as he did there, on their behalf, and on behalf of the 300 millions of the people of India, he was doing an Imperial service of the first order if he could succeed in impressing on the Imperial Government that there was a duty placed upon them which if it remained unfulfilled would ripen into a great danger throughout India. (Loud cheers.)

LALA LAJPAT RAI, who was received with loud applause, moved the following resolution: "That this public meeting of the people of India now residing in Great Britain strongly protests against the principle and trend of legislation affecting the rights and liberties of their countrymen in the British colonies generally, and in South Africa specially, and condemns the treatment accorded to them as repugnant to the elementary rights of human beings." He said that this question was going to put to a test the sincerity of Western civilisation. Every year a number of people left the shores of Western countries for

the East and taught the heathen people the brotherhood and equality of man. (Laughter.) This question of the treatment of Indians in the outposts of the Empire was going to show to the world for all time to come that all this talk was pure and simple cant. (Applause.) The Indian people of South Africa were claiming no right and no favour, but simply a right they had won by shedding their blood in the late war. They were perhaps wrong to have shed their blood—(hear, hear)—but, right or wrong, they were given to understand that they were citizens of the Empire, and as such it was their duty to fight under the flag of that Empire, and they were now told, after that victory had been won, that all those promises were simply to be brushed aside. This question affected every hamlet in India. There were Indians in all ranks, in all professions and trades, in the British colonies, from the labourers upwards to the barristers, the doctors, and the civilians, and all those people had relatives in India in every hamlet and town and city. If those who said that this agitation was being kept up by a few Englishmen, meant to say that all those suffering found no echo in the hearts of the people of India, the whole thing seemed to him to be heartless and absurd and groundless, and it was time that the British statesmen realised the gravity of the situation. The time had passed when they could be soothed by promises. The treatment their countrymen were receiving in a colony of the British Empire was enough to make a man mad. (Cheers.) He did not wish to offend anyone present, but the Indians were a great people at a time when the West was still uncivilised, and wherever they went they carried with them their code of humanity, and made no distinction between man and man—in Afghanistan, in Beluchistan, in Burma. If Christianity meant the brotherhood of man, they were better Christians than those who professed themselves to be Christians. (Hear, hear.) Mr. Gandhi, in his gaol, had the satisfaction of knowing that he was making history. (Cheers.) He represented in his prison 300 millions of Indians. They could not, perhaps, do anything further than give him their sympathy at the present time, and that might not seem much, but when the sympathy was taken to heart by the people of India it would gather in volume and in intensity, and might in some way or another awaken those statesmen of the British Empire who were undermining the foundations of Empire by their present administration. (Cheers.) The Indians were said to be citizens of the Empire, but when they went out into the world they went like dogs, unprotected. ("Shame.") What was the remedy? Their destiny mainly lay in their own hands—(applause)—and that had to be worked out in India. They did not want to encroach upon the rights of anybody, but let nobody encroach upon their

rights. By the grace of God, their land was plentiful, and there was enough room, and enough food, and enough sunshine—(laughter)—there. They did not stand in any need of going to those colonies of the British Empire, unless they were called there in the interests of those people themselves, but when their own country was exploited by others, and when, in their humility, they went out as labourers and workers, that was when the pinch came. He had got tired of asking for justice. To him there seemed to be no justice in this world. (Hear, hear.) His humble message to his fellow-countrymen in South Africa would be this: "Go on with the struggle you have so nobly commenced, because you are in the right, and the forces which you are creating, the forces which you are generating, will, in course of time become irresistible." (Loud cheers.)

The resolution was seconded by Mr. J. M. PARIKH, who eloquently pleaded for equality with what he ironically described as the "so-called white men." He urged his fellow-countrymen in India to combine; the Government could not make a prison out of all India, for if so, where would the warders come from?

The resolution was supported by Mr. SAKLATWALA, and carried unanimously.

Mr. BEPIN CHANDRA PAI, whose reception was most cordial, rose to move: "That this meeting, while sympathising with Mr. Gandhi and his compatriots in the untold sufferings undergone by them by reason of the outrageous treatment meted out to them by the Government of the Transvaal, records its warm admiration of the bold stand they have taken, and trusts that the struggle for asserting their position, as members of an ancient and civilised race, so well begun, will be manfully maintained." He said they ought to be very thankful that Lord Curzon had ever been Viceroy of India, for he it was who broke up the hypnotism under which the people of India had lain for so many years. He did not want to do it—(laughter)—but the instruments of God always worked in that paradoxical way. It had been said that the people of India had not taken proper notice of the sufferings of their fellow-countrymen in South Africa. Their salvation must come from themselves. A right was no right unless it could be enforced, and simply because the people of India were too impotent to enforce their primary rights of human beings, the Government of any British colony was encouraged and permitted to do those things of which they read in the newspapers. The solution of the question must therefore come from India, and if ever India obtained autonomy, if ever India became a self-administered, self-governed, self-legislative country, then it would not be in the power of any colony, or of any Mother Empire, to set their rights at naught in the way in which they

were being set at naught at present by every colony in this British Empire. (Cheers.) Every stroke of Mr. Gandhi's hammer on the stones meant a stroke on the shackles which bound their country; every piece of stone severed from another piece by that hammer was a link removed from the chain which bound them to the Mother Country. (Cheers.) He could only say to their fellow-countrymen in South Africa:—"Well done, our friends; suffer in the cause of right and liberty. Go on, brother Gandhi." (Cheers.) The cause of right would win in the end.

Mr. SAVARKAR seconded the resolution, which was supported by Dr. A. K. COOMARASWAMY, and carried with acclamation.

Mr. G. S. KHAPARDE then moved the following resolution:—

"That this meeting, fully participating in the feelings of indignation aroused throughout India by the provisions of the Natal Trading Bills now awaiting Imperial sanction, which spell ruin to hundreds of old-established Indians, and the deprivation of their only means of subsistence to thousands more, trusts that the boycott movement already started in India will be further strengthened as a retaliatory measure." In the course of a humorous speech, Mr. Khaparde observed that the Indians were often blamed for their "caste" system, but whereas theirs was a system of religious caste, in South Africa the caste was political, and all the disabilities under which certain castes in India suffered, were suffered by the Indians in South Africa. If the Indian people wished to go and make a noise in the world, or even to retain their place in the world, India had got to rely solely upon herself. She would not do that merely by standing still, nor by talking about it, nor by passing resolutions. Lord Curzon himself had told them how to do it when he said: "Put more resolution into your resolutions." Well, they had taken that advice, and the boycott movement was one of the results. (Cheers.) They said to the Government of the Transvaal: "Very well, you are the lord of the country; here is your tuppence; go home; but we will not do any business with you. You can have your pound of flesh, but no blood with it." (Laughter and cheers.)

The resolution, eloquently seconded by Mr. J. ROYEPEN, was carried amid applause, and a vote of thanks to Sir M. Bhownaggee for presiding brought the meeting to a close.

The Hon. G. K. GOKHALE wrote as follows:—"I regret very much that another engagement, previously made, out of town, prevents me from attending to-morrow's meeting. I need hardly say that I am in entire sympathy with the objects of the meeting. The heroic stand which our countrymen in South Africa are making under the leadership of our dear friend, Mr. Gandhi—than whom a nobler person-

ality I have not come across in my life—will ever be a proud chapter in our history. In the end our countrymen may win or they may fail. But a country which can claim them as her own need not despair of her future. Trusting that you will have a most successful meeting."

A Message from General Smuts

About Permits

And a Reply

During the last few days of the Asiatic controversy in the Transvaal says the *Rand Daily Mail* of the 11th inst., a good deal has been said regarding the right of the British Indians to call in teachers, and doctors and lawyers to minister to their needs. The matter was given some prominence in the *Transvaal Leader* the other day, and the impression seems to prevail that the Asiatic community are likely to suffer hardships owing to the refusal of the Government to allow them to have professional men or religious instructions of their race. The *Rand Daily Mail* ventured the opinion a day or two ago that there would be no obstacle raised by the Government to the entrance of the necessary educated men.

However, it was evidently thought in some quarters that the Asiatics had just cause for complaint. Accordingly we telegraphed to General Smuts at Durban yesterday, asking him for authority to state that the Government would admit any doctors, teachers, or lawyers considered necessary to the needs of the community in the Transvaal.

Last night we received the following reply:

"Government have repeatedly declared they are prepared to consider applications for permits under present law from professional Indians. No such applications have, however, been made recently. If made they will be considered favourably and granted in proper cases."

The Indians demand the right to bring in six educated men a year under an education test—a test which obviously would have to be a sham, or the number could not be limited to six. The Government gave the assurance that any professional men whose services are necessary to the Asiatic community will be allowed to come in. Obviously the issue has been narrowed down to a point so fine that it does not justify the passive resistance movement.

To the above Mr. Polak replied as follows:—

British Indians know perfectly well that General Smuts will be only too glad to "consider favourably, and grant in proper cases," applications from professional Indians for tem-

porary permits. You do not, however, appear to appreciate the fact that a temporary permit confers no rights. Any man who enters on a temporary permit does so as an act of grace and not as a matter of right. Such a permit may be cancelled at any time, notwithstanding all promises to the contrary, and the holder is always at the mercy of the issuing authority. The holder of a temporary permit is in the position of a prohibited immigrant against whom the penalties of the law are temporarily suspended, and he is unable, in terms of the Act, to practise his profession. I do not marvel that no applications for these precious documents have been made recently. It is extremely unlikely that any cultured Indian, with, presumably, a sense of personal honour and national pride, will beg for favours. What Mr. Smuts proposes is a race test and not a culture test, and, until he alters his views on the question, the passive resistance movement will be continued.

The Press War in the Transvaal

On the Merits of Passive Resistance

On the 9th instant the *Rand Daily Mail* wrote as under:—

"Whether for good or evil, a great change is passing over Englishmen. They have become uncertain of themselves, afraid of their old opinions, doubtful of the true teaching of their own consciences. They doubt if they have any longer any moral right to rule any one, themselves almost included. An old mental disease, the love of approbation, has suddenly arisen among them to the height of a passion. Instead of being content to rule well, to do justice and to love mercy, they are trying themselves by a new standard, and desire to rule so that the governed may applaud, or, as they phrase it with a certain unconscious unctuousness, may 'love' them."—MEREDITH TOWNSEND.

The *Transvaal Leader* on Saturday devoted a long article to defending its policy of bolstering up the Asiatic passive resistance movement. But our contemporary only succeeded in making it clear that it wholly misunderstood the attitude of those who have in the past sympathised with the Indians in the Transvaal yet now find themselves unable to co-operate in an organised campaign of law breaking. Failure to grasp the real point of the protest we made against the "pro-Asiatics" induces the *Leader* to feel "amused" at our supposed inconsistency, because three months ago we wrote:—

"We have not always been enamoured of the Transvaal Government's Asiatic policy—or rather, the way in which they have carried out their policy. We believe that if they could begin all over again they would proceed by somewhat different methods."

So far from being inconsistent, we repeat the statement. We really believe that if we could start all over again—and especially if the Indian

demands were what they are to-day, and not what they were a year ago—the whole controversy would be conducted upon very different lines.

Unfortunately the facts have to be faced as they are, not what one would like them to be. The important fact which the people of the Transvaal have to face is that defiance of the law is being openly encouraged. In many an agitation there comes a point at which many of those who have been inclined to travel with the agitators, feel compelled to part company with them. As far as we are concerned, in the Asiatic difficulty in the Transvaal that point has been reached when the Asiatics show unmistakably that the effort to convince has been replaced by the attempt to coerce. The passive resistance campaign is not now being carried on with the idea of convincing the Government and the people of the Transvaal that the present system is wrong. The object is to force from the Government a concession which the Asiatics have not convinced the public need be made. It is hoped to bring the law of the land into ridicule and contempt by showing to the world that it cannot be consistently enforced. It is hoped, not to convince the public, for the public have already refused to be convinced, but to coerce the Government into giving way. We believe such a campaign would be resisted in any country. We say emphatically that in South Africa it is a campaign of a peculiarly dangerous character, and one with which no white man should be associated. The *Transvaal Leader* now makes the astounding assertion that there would be no great harm done if the passive resistance idea spread to the native population. Presumably it would applaud the Kaffirs if they refused to pay their taxes because they had not the vote, and would lead the coloured population of Johannesburg in a passive resistance campaign against paying rates unless they are allowed to ride on the trams. We cannot echo our contemporary's irresponsibilities. It may be that we are unduly pessimistic, but to us it certainly seems a rash and dangerous thing to encourage the passive resistance movement amongst the coloured population of South Africa. We are sorry to see any paper of any standing becoming the champion of coloured rebellion against the law. The *Leader's* argument that passive resistance would merely have the desirable effect of compelling the Government to consult the native races before passing any laws affecting them, is childish. Either the Government would have to abandon every measure which aroused opposition, or else run the risk of having to overcome a moment which might at any moment lead to a race war. The analogy it attempts to find in the conditions which prevail in India is fallacious. The Indian Government passed many measures—the Alienation of

Land Acts in the Punjab and Bombay are examples—which meet with the strongest opposition on the part of the people. But we doubt very much whether any responsible journal in India would express even academic approval of a passive resistance campaign.

We shall certainly continue to protest against the theory that a passive resistance campaign is a right and proper procedure for any faction with a grievance. Mr. Polak attempts to justify it by arguing that the law is not a fetish. The proposition will not commend itself to people in South Africa. The law must be a fetish. There will be a sorry future before this country if every section of the community, whether unrepresented in the Legislature or not, which objects to a law, calmly refuses to obey it. Logically those who encourage passive resistance amongst the Asiatics could not refuse to support it when undertaken by natives or the coloured people. The Indians have given ample evidence of the strength of their feelings in the present controversy. The Government have already made large concessions. Yet apparently nothing will satisfy the Indian leaders but humbling the Government of the Transvaal in the eyes of hundreds of thousands of natives. We have often voiced Asiatic grievances. We shall be prepared to help them again if occasion arises. But we are not going to be a party to such a process of discrediting the supremacy of the white race. In a question like this, in a country like this, expediency cannot be altogether overlooked. Even if the Indian case were ten times as strong as it is to-day, we should still urge the Government not to abandon a position which it has taken up with the concurrence of the great mass of the white population at the dictation of the leaders of a passive resistance movement. To do so would be to establish a precedent which could not fail to work an infinity of harm in the future.

A Straight Reply

Replying to the above, Mr. Polak wrote:

I hoped that, when you dealt with the subject anew, you would have reconsidered it, especially from the point of view of a Christian who believes in the Sermon on the Mount. It is a matter of great regret to me to find how mistaken I was, for I find that the key-note of your argument is contained in the following sentence:—"In a question like this, in a country like this, expediency cannot be altogether overlooked," and when I find that you declare that the law must be a fetish, I decline in any way to bow down to such an unworthy object of adoration. It is precisely because the law has not been a fetish in England but a desire for justice, that British rule has achieved its great successes. When law is substituted

for justice, the very fabric of the Empire must be mouldering to decay.

The "Transvaal Leader"

On the 12th inst. the *Transvaal Leader* returns the attack with the following:—

The popular notion that Asiatics do not care for justice, or even positively dislike it, is, of course, entirely without foundation. The approval of justice is almost as instinctive as the idea of difference between right and wrong, and an Asiatic submits more humbly to a just sentence than a European.

Personal liberty, religious liberty, equal justice, perfect security—these things the Empire gives [in India].—MEREDITH TOWNSEND.

A few days ago, referring to the vexed Asiatic question, we asked if there were any connection between a suggestion for a settlement made by the *Rand Daily Mail* and the presence of the Government Chief Whip in the Town. Our contemporary rather angrily repudiated the notion of such connection. Apparently, therefore, two such influential minds as those of our contemporary and the Chief Whip, working along independent lines, have arrived at the same conclusion. This, provided the conclusion is a sound one, is excellent. Our contemporary, however, seems to have been thrown into shy confusion by the excellence of its own suggestion, and to be in a hurry to abandon it. Lest it may have forgotten what the suggestion was, we reproduce it. "It would probably be easy," the passage ran, "for the Asiatics to arrange for a guarantee from the Government that [these] temporary permits [to teachers, doctors, lawyers and other professional men] should be renewed again and again, so that for all practical purposes the educated men would be quite as secure in their profession in the Colony as they would if they came in under an education test." This seemed to us a hopeful suggestion, and we asked whether it represented the mind of the Government. Because, if permits were given on the lines urged by our contemporary, they would place their holders on the footing of an ordinary Asiatic immigrant. Even if the permits were revocable in the event of conviction for sedition or other serious offence, the holders would still be in no different position from the ordinary citizen, who can, under the existing law, be punished and deported for such crimes.

In its issue of yesterday our contemporary states that it "telegraphed to General Smuts. . . asking him for authority to state that the Government would admit any doctors, teachers, or lawyers considered necessary to the needs of the [Asiatic] Community in the Transvaal." The question arises, was anything said in the message to General Smuts, and, if so, what, as to the "guarantee from the Government" that temporary permits "should be renewed again and again, so that for all practical purposes, etc., etc.,"? General

Smuts's reply, as published, reads: "Government have repeatedly declared they are prepared to consider application for permits under present law from professional Indians. No such applications have, however, been made recently. If made they will be considered favourably, and granted in proper cases." Here, again, there is no mention of guarantees of renewal "again and again, etc." Was the point put to the Government, and, if so, what was its reply? The *Rand Daily Mail* goes on to say: "The Indians demand the right to bring in six educated men a year under an education test—a test which obviously would have to be a sham, or the number could not be limited to six." The last phrase embodies an original contention. According to this reasoning, a Civil Service examination is a sham, because, though all the applicants may pass, the number of vacancies is less than the number of successful examinees! And the Immigration Act in Canada is a sham, because Japan agrees to present under it not over a certain number of would-be immigrants. What is obvious is that if the permits confer the ordinary rights exercised by Asiatics, there is no point in resorting to them, and, if they do not, then, though we may say to the Indians that we will not give even six of them per year admission and limited citizenship, we cannot in honesty at the same time say to the public here and in India and London that we are offering no real bar to entrance, and that under permits entrants would be in the same position as others. Our contemporary's attempt—its entirely disinterested attempt—to help the Government has miscarried rather sadly.

Mr. Gandhi's Treatment

The *Star* of the 7th inst., contained the following:—

Mr. Polak, the Secretary of the British Indian Association, informed a representative of the *Star* that Mr. Gandhi was returned to Volksrust Gaol in convict garb. His incarceration has told on his health, and he had to carry a bundle of clothes on his back from the Fort to the railway station. In the main the warden in whose charge he was told Mr. Gandhi that he had received no instructions with regard to meals, and could not buy him anything, but that he would allow Mr. Gandhi to purchase what he wanted. If it were not for friends who met him at the railway stations, he would have fared badly. These statements have been cabled to England.

On the 9th instant, Mr. Polak wrote the following to the *Star*:—

Your representative is accurate in making the statement as to the Government not providing Mr. Gandhi with food on his railway journey; but the incident itself occurred not when

Mr. Gandhi was being returned to Volksrust from Johannesburg but when he came to Johannesburg from Volksrust about a fortnight ago. I do not know what happened on this last occasion. Possibly the necessary precautions against partial starvation were taken.

It was alleged the other day that Mr. Gandhi had not been well treated in prison. A reply to the allegation was made during the debate on prison reform at the Synod on Monday, says the *Rand Daily Mail*.

The Rev. A. H. Trevor-Benson, Chaplain to Johannesburg Prison, deprecated the wild and untrue statements frequently made in letters to the Press, so extremely unfair to the prison authorities. For instance, he was in a position to emphatically deny the statements recently made that Mr. Gandhi was compelled to carry his bundle to the railway station, and was left without food for his railway journey. The speaker had on Sunday seen the route order in this case, and also the report of the warden who was in charge of Mr. Gandhi. Mr. Gandhi was sent to Braamfontein Station from the Fort Prison in a covered spring-cart, and not only was he provided with 1 lb. of bread (which is the regulation allowance for his mid-day meal), but a half-pound of meat was also served out for him in addition. The chief warden also gave instructions that Mr. Gandhi should not be handcuffed, although handcuffs are the rule by the regulations. The speaker felt sure that Mr. Gandhi (who was a gentleman for whom he had the highest regard and respect) would be the first to deplore such false and unfair statements, made against those who have difficult duties to perform.

In a letter, dated the 11th inst., to the *Rand Daily Mail*, Mr. Polak gives the following facts:—

I would take the liberty of removing a misapprehension that appears to have arisen in regard to Mr. Gandhi's treatment. The *Star* representative interviewed me a few days ago and I then explained to him the circumstances, but he appears to have mixed up two separate incidents, a fact that I pointed out in a letter addressed by me to the *Star* on the 9th instant and published in last night's issue of that paper. The circumstances are briefly these:—When Mr. Gandhi was brought from Volksrust to Johannesburg, absolutely no provision was made by the authorities for his being supplied with food for the journey. This I have from Mr. Gandhi's own mouth. He received food from his friends in Volksrust. I know from the lips of the gentleman himself that a prominent Railway Official at Volksrust offered to lend Mr. Gandhi sufficient money to enable him to procure necessities for his journey. When Mr. Gandhi arrived in Johannesburg, he was marched in broad daylight

in convict dress from Park Station up to the Fort. He was carrying a bundle. No provision was made for his being taken in a covered vehicle. I was myself present on that occasion, and accompanied Mr. Gandhi part of the way. I also offered to relieve Mr. Gandhi of the bundle, but he refused to allow me to do so. As I wrote to the *Star*, I was unaware of what happened on the return journey, but I do know that Mr. Gandhi travelled in a third-class compartment, in convict dress, in close proximity to a number of natives, and that he carried his bundle from Volksrust Station to the Gaol, a distance of about a mile. The Rev. Mr. Trevor Benson is quite right in deploring "false and unfair statements," but, whilst the circumstances as narrated in the brief report in the *Star* are not quite accurate, the underlying facts are certainly so. They are partly within my own knowledge and partly from statements made to me by Mr. Gandhi himself. I trust that this explanation will make it quite clear that, so far as my own statements were concerned, they were neither false nor unfair.

Pretoria Hawkers.

Sixty go to Gaol.

At Pretoria on Friday, the 13th inst., the local Police Court was filled with Asiatics says the *Star*, who had assembled to hear sixty of their compatriots tried on a charge of trading within the municipality without being in possession of the necessary licences. Mr. H. Rose Innes, Chief Magistrate, occupied the Bench, Mr. Weaving prosecuted, whilst Mr. Lichtenstein appeared on behalf of the accused. The accused were ranged all round the solicitors' tables, there not being sufficient room for them in the dock.

Mr. Weaving said that all the accused were similarly charged and would be taken as though there was only one indictment framed.

Mr. Lichtenstein said that with a view to a mitigation of the sentence he had advised his clients to plead guilty.

Mr. Weaving said that there were 60 accused and two defaulters, against whom he asked for the issue of a summons.

This was granted.

Sergeant Cowley stated that on November 7 he was on duty on the Market Square in the early morning. He found all the accused on the Square and they were all hawking vegetables, fruit, eggs, etc. He asked them to produce their licences, and they were unable to do so, saying that they had no licences. They required the licences to carry on the trade of hawkers. The accused had not paid the necessary £5 licence fee.

Cross-examined by Mr. Lichtenstein,

witness said that the accused did not explain why they had no licences. He was aware that the accused had no licences because they refused to give their finger-prints. If they had given the latter he believed they would have been granted licences.

Mr. Lichtenstein called upon one of the accused to make a statement. Asked how it was that he was not in possession of a licence, the accused replied, "Because Law No. 2 of 1907 is objectionable, and we are asked to give our finger-prints, and we refuse to do it." Accused also said that they had not hitherto been asked to give their finger-prints, and now that they were asked they were not inclined to do so.

Mr. Lichtenstein said that the accused were not ordinary criminals, but were passive resisters, submitting themselves to a doctrine which was sanctioned by many historic examples in other countries and notably in England. They had conscientious scruples to giving their finger-prints in order to obtain the licence by virtue of a compromise entered into with the Government some months ago. He was sure that the Municipality did not ask for a vindictive sentence, and he asked the Court to exercise the utmost leniency in this particular case inasmuch as they were acting, rightly or wrongly, with conscientious scruples and motives. They should not have a sentence inflicted upon them of a harsh nature or vindictive, and they should not be made to suffer more than was necessary by their devotion to a cause which they believed, rightly or wrongly, to be a lawful cause. He asked for the passing of a nominal sentence.

Mr. Weaving said they should be treated by the Court as ordinary offenders.

Mr. Lichtenstein pointed out that in similar cases of the kind a sentence of 5s., or an alternative of three days' imprisonment, had been passed.

His Worship said that Court was not a theatre where they could ventilate the question as to whether those men were in the right or the wrong. He was there to administer the law whether the law was good or bad. He found that the men had combined to resist the provisions of the law, and that could not be held forth in the circumstances for a mitigation of the sentence.

Mr. Lichtenstein said he was not arguing the validity of the law.

His Worship said that if Mr. Lichtenstein had said that the men did not have the money to pay the licences and they were forced to do hawking in order to get their bread, he would have said that that would have been a mitigating circumstance. It would be very improper for His Worship to discuss the policy of the law and the merits or demerits of the question between the men and the Government. However much he might be in sympathy with the men in their trouble, he saw no reason why he should deal

differently with them than with other offenders.

In giving judgment His Worship said that they had pleaded guilty, and their attorney had stated that he relied upon certain mitigating circumstances in the case, that was that they objected to the Law No. 2 of 1907, and they had not complied with the provisions of that Law in giving their finger impressions. That being so, they could not have been able to get their licences. He failed to see how that could be urged as a mitigating circumstance in a Court of law. It was a question of policy which the Court could not with propriety discuss or express any opinion about. He found them guilty, and fined them each £1, or seven days' imprisonment.

As soon as the sentence was delivered, Mr. Weaving asked that the Court would levy a distress warrant upon the property of the accused to recover the value of the fine. He also asked that they should be bound over to appear in seven days' time before the Court.

His Worship (Mr. H. Rose-Innes) said that he was prepared to grant the order, and Mr. Lichtenstein could, if he wished, take further action.

Mr. Lichtenstein (for the defence) said he would like to argue the matter and an adjournment was made for a few minutes.

On resuming, Mr. Lichtenstein said he was unable to give any pledges such as Mr. Weaving wanted.

Mr. Weaving suggested that the accused should be ordered to enter into their own recognisances to appear if the Court was unable to recover the amount of the fine, and surrender themselves for imprisonment.

His Worship disallowed the application and said that in future Mr. Weaving should raise similar points before sentence had been inflicted. Continuing, he said that in inflicting the fine of £1 he had inflicted a lesser fine than he had done in another case. He was moved to do so because it had been brought to his notice that a fine of 5s. or three days' imprisonment had been inflicted in previous cases. That was a very lenient fine and, possibly on account of the fact that accused had been encouraged to insist upon their misconduct. If they persisted in defying the law as they were doing now and they came before his Worship again, he would consider it to be his duty to inflict a very much more severe punishment than he had done that day.

It is understood that the accused refused to pay their fines.

COLOUR SUPERIORITY. To bring the charge of colour prejudice against an aspirant for political honours in Jamaica is undoubtedly to deal him a deadly blow, for a community of mixed races and various hues is naturally sensitive on such a matter and bitterly resents any assumption of superiority based upon colour merely.—*Daily Gleaner (Jamaica)*.

Imperial Parliament

In the House of Commons on the 19th ulto. Dr. RUTHERFORD asked the Under Secretary of State for the Colonies whether he had received complaints in regard to the character of the diet given to British Indians imprisoned in the Transvaal for refusing to comply with the Registration Law; and, if so, would he say what action he proposed to take in the matter.

COLONEL SEELY:—Yes, sir. The Secretary of State has received complaints, and he is now in communication with the Transvaal Government on the subject.

On the 20th ulto. Mr. MITCHELL-THOMSON asked the Under Secretary of State for the Colonies whether he had any information as to the intentions of the Dominion Government with regard to British Indians in British Columbia.

COLONEL SEELY:—Proposals have been made for sending some of the East Indians now in British Columbia as free labourers to British Honduras, and it appears from Press telegrams that the Dominion Government are taking steps in this direction, by sending two Indians to British Honduras to enquire into the practicability of the scheme.

Lord Ampthill's Questions

In the House of Lords, on the 21st ulto. LORD AMPHILL rose to call attention to the imprisonment of Mr. Gandhi and other members of the Indian community in the Transvaal, and to enquire what communications had been received from India by his Majesty's Government on the subject of the treatment of British Indians in South Africa; also to enquire whether the Secretary of State for the Colonies had received any complaints of the effect that Indians thus arrested had been harshly treated and inadequately and improperly fed in the prisons, and, if so, how he had dealt with such complaints; to enquire further whether the Traders' Licensing Bills passed by the Legislature of Natal have been submitted for Imperial sanction, and, if so, what action his Majesty's Government intended to take; and to move for papers. He said the continued failure of the Imperial Government to solve this problem was a serious danger to the Empire, which might before long become absolutely uncontrollable. One of the objects of the South African war was to secure the redress of the grievances of British Indians in the Transvaal. The result of the war placed the Imperial Government in a position to redress these grievances; and yet these grievances were absolutely more acute now than they had ever been under the Transvaal Republic. The object of the recent legislation in the Transvaal was nothing more nor less than the extermination as a community of the

Indians resident in the Colony; and with each defeat of the Imperial Government to effect a settlement the success of that policy became more and more assured.

THE EARL OF CREWE said the fact that a Blue-Book was published that day seemed to make it a little premature to raise this discussion now. Of all unfortunate things that could happen, it seemed to him that the most unfortunate was that they should appear to take sides over this question and divide themselves into two classes of pro-English and pro-Indians. He was sorry, therefore, that Lord Ampthill seemed to make imputations against the Colonial Government in this matter. For instance, the noble lord said it appeared to him that the object of the Transvaal Government was to exterminate the Indian colony there. He did not think that that was an expression which could in any way be justified by what the Colonial Government had done. So far as concerned the imprisonment of Mr. Gandhi, which he very greatly regretted, he had no knowledge of it beyond what he had seen in the newspapers, but he had telegraphed to the Transvaal in order to find out what the particular circumstances were connected with Mr. Gandhi's imprisonment. He assumed, of course, that he had been taking part in the "passive resistance" campaign, and that he had paid the penalty, which no doubt he intended to pay. As to the question of exception of entry of Indians not domiciled in the Transvaal before the war, he believed there was a demand at one time for a general entrance for those able to pass the higher education test. That was a point on which it was impossible to induce the Transvaal Government to give way, but so far as the admission of a few people of a special kind was concerned, the case was different. He thought some satisfactory arrangement could be reached whereby a sufficient number of those belonging to the professional classes might be admitted to supply the wastage. (Hear, hear.) These would be specially admitted by the Governor in Council. As to the second question of Lord Ampthill, a complaint had been received stating that there had been cases of great hardship and old persons and children had been kept in rooms not clean and had not received sufficient food. He immediately telegraphed to the Governor of the Transvaal to find out the truth. He asked for a report by telegraph, and that report he had not yet received. As to Traders' Licensing Bills, there had been three Bills introduced into the Natal Legislature. The first Bill, which proposed to prohibit indentured Indian labour from June, 1907, was dropped altogether. A second Bill, which he had not yet seen in its final form, forbade any licence to trade being given to Indians after December 31, 1908. The third provided for the extinction, after a

specified date, of Indian licences. When he received information of these two Bills he had thought it right to send a warning saying it was extremely improbable the Imperial Government would be able to advise his Majesty to assent to them in that form. He had not yet seen the Bills in their final or amended form.

LORD AMPHILL withdrew his motion for papers.—*India.*

(FROM OUR OWN CORRESPONDENT)

HOUSE OF COMMONS.

22nd October.

Mr. HAROLD COX (Preston, Min.) asked the Under-Secretary for the Colonies whether British Indians who acquired rights of domicile in the Transvaal in the days of the late Republic were still precluded from acquiring civic rights, might not own fixed property, were liable to removal into special locations, and must carry on their persons registration certificates containing descriptions of their personal peculiarities, details of their families, and their thumb impressions; and whether he could inform the House in what respect the pre-war grievances of our Indian fellow-subjects in the Transvaal had been remedied since the annexation of that country.

COLONEL SEELY.—The British Indians in the Transvaal are subject to a number of disabilities, but my hon. friend's statement of them is a little too general in its terms, as they are entitled to own fixed property within Asiatic locations. His Majesty's Government have been and still are in friendly communication with the Transvaal Government with regard to these disabilities. The grievance which was the principal subject of complaint before the war was that Indians were liable to be confined to locations for purposes of trade. This, therefore, with some minor grievances, has been removed since the annexation.

Mr. J. M. ROBERTSON asked the Under-Secretary of State for India: Whether he had, during the last few weeks, received any information from India of the holding of Meetings and expressing in other ways popular indignation at the treatment of British Indians in the Transvaal, and their imprisonment for declining to take out and carry on their persons, tickets of leave called locally Registration Certificates?

Whether His Majesty's Government had taken, or propose to take any action in the direction of remedying the grievances complained of?

Mr. BUCHANAN replied:

Many representations on this subject are being received from India, where marked feeling has been aroused. They have been communicated to the Colonial Office, who will be able to reply to the latter part of the Hon. Member's question.

Mr. Polak and the "Star"

Some Hard Hits

Blue-book and Judgment

The *Star* of the 16th inst. contains the following letter from Mr. H. S. L. Polak:—

It is significant that, on the very day that you publish carefully-chosen extracts from the recently issued Blue-book on the Asiatic question and characteristically comment thereon, the Supreme Court should have given a decision which demonstrates beyond all doubt that, contrary to the allegations of the Government, yourself, and a number of others equally interested in urging the fact, the British Indians entering the Transvaal on their return from India, but without desiring to avail themselves of the privileges and benefits conferred by a new Validation Act, are not prohibited immigrants, and have not acted unlawfully in entering the Colony without making prior application for registration under the new Act from outside the Transvaal. I do not care to heap coals of fire on your head. Your position to-day must be a very difficult one to reconcile with your wanton affronts of a few weeks ago. You then were good enough to inform us that whatever hardships might have befallen those Indians who were returning via Delagoa Bay and Komatiport, the Indians themselves were entirely to blame for having wilfully resisted the law of the Colony in re-entering. The Supreme Court has now supported their contention through and through that they were not prohibited immigrants at all and that they were not acting unlawfully, but that it was the Government who were acting in an unlawful manner in endeavouring to prevent their re-entry into the Colony.

There are other points arising out of Friday's decision which may be of interest to you. One is that the Government have acted unlawfully not only at the border but at the Coast in having caused the detention in Durban of Transvaal-returning Indians, even though their boat had not left the port. The Transvaal Government acted equally unlawfully in inducing the Lourenco Marques authorities to refuse permission to land to Indians returning from India unless they consented to apply from that port for registration under the new Act. The one thing that seems fairly to be shown by the judgment delivered by the learned Chief Justice is that the Government, whom you have lauded so highly for their moderation and their temperate administration of the law, have throughout acted arbitrarily and have caused immense hardship to people who were entitled to re-enter the Colony, and that the Government and not the

Asiatic re-entrants have been law-breakers.

Permit me for a moment to refer to the Blue-book. I find that, in General Botha's minute to the Governor, dated July 11, he had stated that Mr. Gandhi "claimed that all Asiatics who could pass the educational test should be allowed to enter the Colony, whether previously domiciled here or not." That statement is incorrect. Mr. Gandhi claimed that the existing right of all Asiatics who could pass the education test under the present Immigration Act should be retained, because General Smuts was endeavouring to deny that right. It has been said by yourself among others that this education question is a new point raised by the Asiatics. You ought to know, if you do not, that there is not a particle of truth in this statement. The Asiatics have always claimed that the existing Immigration Law provides for the free entry of all persons, Asiatics or not, who can pass the education test contemplated therein, and what you persistently ignore is the fact that the Government have admitted this. When General Smuts informed Mr. Gandhi that his own interpretation of the law was quite different from Mr. Gandhi's, Mr. Gandhi said that he was quite prepared to test the interpretation in the Supreme Court. Mr. Sorabji's case was specially intended to test the point. He entered the Colony, was examined as to his means and educational abilities, and was admitted without question. The Government had conceded the point without daring to accept Mr. Gandhi's challenge. Ten days afterwards Mr. Sorabji was arrested, not as a prohibited immigrant, not even under the Immigration Act at all, but under the Registration Act, the old Asiatic Act, for failing to produce a registration certificate on demand. I myself entered the Transvaal from Natal not long ago, in the company of seven or eight educated Indians, each one of whom passed the education test and produced sufficient means to satisfy the Immigration Officer at Volksrust. That is on record. They were arrested, not as prohibited immigrants, nor under the Immigration Act, but under the Registration Act, for failing to produce registration certificates on demand. The Government on these occasions at least, declined the challenge as to the interpretation of the Immigration Law and impliedly admitted that Mr. Gandhi had, in fact, raised no new point. The principle thus laid down was indirectly supported by the Supreme Court's decision in the case of *Rattanji Laloo v. Rex*, and it is still further supported by the Chief Justice's remarks on Friday. The Immigration Law by itself has never precluded the free entry of educated Asiatics.

It has been stated in General Botha's minutes of the 5th September that, in regard to Mr. Gandhi's demand for the repeal of Act 2 of 1907,

he withdrew from the distinct understanding arrived at at the meeting of the 18th August, namely, that the Act was to remain on the Statute Book. That statement also is incorrect. Mr. Gandhi was never a party to any such thing. He recognised the decision that had been arrived at by the members of the Government and the Opposition at the meeting, in this matter, and he made it perfectly clear that, in the event of the education principle being admitted, he, personally, would not have any great objection to the Asiatic Act being retained, but it was a matter wherein he would have to be ruled by the decision of his own community; and, at the meeting of Indian delegates held a day or two thereafter, it was unanimously decided that the Asiatic Act must go.

It is said that after certain nine demands were made at the Pretoria Conference, of which eight were granted, Mr. Gandhi delivered what you have said may be regarded as an ultimatum, introducing six fresh points. I deny that statement absolutely. Mr. Gandhi sent no ultimatum. Mr. Smuts, through his private secretary and through the medium of Mr. Cartwright, invited Mr. Gandhi to privately lay before him his (Mr. Gandhi's) impressions of the feeling of the people at the meeting of delegates. This Mr. Gandhi did in a private letter, extracts wherefrom were torn from their context and read by the Colonial Secretary in the House of Assembly, giving the impression that the Indian community had delivered an ultimatum. I refrain from commenting upon General Smuts' action in putting his own gloss upon a private letter, the complete terms of which were not within the knowledge of his audience. I give an extract from this letter, which General Botha thought it unnecessary to attach to his minute, and which was never read to the House. "I placed before the meeting, for the third time to-day the terms that I told them the Government were prepared to offer, and told them further that these would form an acceptable compromise, if some provision was made for highly educated Indians and for Mr. Sorabji's re-instatement; but the meeting would not listen to anything short of repeal of the Asiatic Act and the recognition of highly educated Indians under the general clause of the Immigrants' Restriction Act. All I could persuade them to accept was that, the statutory right being recognised, there would be no objection to an administrative discrimination against educated Indians, so that only the most highly educated Indians could enter."

Let me take the six alleged "fresh and inadmissible demands" seriatim. Number 1 asks for the re-instatement of Mr. Sorabji. General Botha, in his minute, does not state that, subsequent to the Pretoria Conference and on the very day before the meeting of

Indian delegates in Johannesburg. Mr. Serabji who had freely entered the Colony under the Immigration Act, had been secretly deported, at the very moment when negotiations were going on—a flagrant breach of faith.

The second is that all Asiatic prisoners should be discharged. That statement is not quite accurate. The demand was that all the Asiatics imprisoned on account of the passive resistance movement should be discharged. Surely that precedent was set last January. What was inadmissible in it? Did the Government wish to keep all these people in gaol after a settlement had been arrived at?

The third is that Act 2 of 1907 should be repealed. That was no new demand at all. It has been demanded ever since the Act was passed in March of 1907. British Indians have contended that it was an essential condition of last January's compromise. And here I would say that, in publishing the extracts from the Blue Book you have carefully ignored the whole of the circumstantial evidence in favour of the Indian contention contained in Mr. Ritch's memorandum to the Imperial Government.

The fourth was that a general education test should be admitted in respect of the immigration of educated Asiatics. Here we have the education question arising again. This was not fresh. The principle of the immigration of educated Asiatics had been discussed at the Conference itself, and the statement contained in General Botha's minute is inaccurate. Mr. Gandhi and the Indian community never demanded a general education test. They demanded that the present rights of entry under the general Immigration Act of the Colony should be retained, and they agreed that the severity of the education test should be a matter of administrative discretion.

The fifth point was that duplicates should be issued free of charge in respect of all certificates of registration that had been burned. This was not in the nature of an ultimatum at all. It was a matter of administrative negotiation, and would never have been a bar to a settlement. Moreover, it must be pointed out these documents were destroyed because of what the Indians regarded as a breach of faith on the part of the Government.

The sixth point was that the new draft Bill should be submitted to the committee of the British Indian Association before its discussion in the Legislature. Surely it was only a wise precaution. In the event of there being any differences, would it not have been better for the matter to have been discussed quietly and confidentially between the two parties with the object of removing them before the Bill went before the Legislature? Was there no precedent for such a suggestion? Did not General Smuts promise Mr. Gandhi to discuss

with him the originally contemplated legislation last July, and did not Mr. Gandhi actually, on Mr. Smuts' invitation, go to Pretoria for that very purpose before the measure was brought before the House of Assembly? It would almost appear as if the Government had wantonly endeavoured to prevent a settlement by bringing forward all sorts of petty, childish objection with a view to influence public opinion?

The following is an extract from Mr. Cachalia's speech at the mass meeting held in Portsburg on Wednesday week, whereat European friends assisted. You appear to have missed it but perhaps it will help to satisfy you as to the moderation of the demands of the Indian community:—"I repeat yet again that our essential demands, as far as this movement of passive resistance is concerned, are reduced to two only; all else being subsidiary and a matter of administrative detail. The first is the repeal of the Asiatic Law Amendment Act. . . . The second point is the admission of highly educated Indians under the general Immigration Law of this Colony. We claim that we are at present entitled to demand this as a matter of right. It is no new thing; it is contemplated by the existing law. . . . We have publicly consented that the principle of administrative restriction, under the education test, which is at present accepted by all Governments in South Africa, notwithstanding hypocritical outcries to the contrary, shall operate against an unlimited entry of educated Indians, and we have agreed not to ask for the free admission of these beyond six in any one year."

General Botha has charged "Mr. Gandhi and his emissaries" with having "actually collected a number of registration certificates under threats by violence." That statement is absolutely untrue. I challenge General Botha or anybody else to prove a single case where any certificate has been obtained under threat or by violence by Mr. Gandhi or any member of the British Indian Association, and with the knowledge and consent of the Executive Committee.

In the same memorandum there is a subtle attempt made to suggest that the Mahomedan section of the community had not joined in the passive resistance movement. I need do no more than refer to the resolution passed at yesterday's representative meeting of Transvaal Mahomedans to show the falsity of this statement.

Lord Selborne, too, in his covering dispatch, made the following statement and prophecy: "There are, I am informed, grounds for thinking that the rank and file of the Asiatic community do not entirely share the views of their leaders, and that, in the absence of any reasonable justification for it, the agitation will die a natural death before long." That sentence was written over two months

ago. On Friday, over 100 members of the Indian "rank and file" went to gaol. In Germiston, last week, nearly 100 members of the Indian "rank and file" were imprisoned. During last week, something like 250 sentences of imprisonment were imposed upon the Indian "rank and file." And, since the renewal of the struggle, there have been no fewer than 1,000 sentences of imprisonment with hard labour imposed upon the Indian "rank and file."

One word more, and I close. The passive resistance movement has been renewed now for some four months. Two months ago, the new law came into operation, and it was hoped that by the publication of the fact of the Royal assent thereto the movement would collapse like a house of cards. Well, that has not happened. It is not likely to happen. The "rank and file" are going to gaol weekly in hundreds. Many of the most important leaders are already in gaol. Friday's Supreme Court decision indicates that it is impossible to administer the new law, as General Smuts admitted the impossibility of administering the old law, without the consent and co-operation of the Asiatics.

In your leading article of Friday, you ask that "Mr. Gandhi and his friends should give the Government and the people of this Colony convincing evidence of their good faith." Sir, you are insulting! Who is Mr. Gandhi? I do not know him! I only know hard-labour prisoner Gandhi, who has given such evidence of his good faith that he was once almost at death's door to serve this Government and the people of this Colony, having nearly been murdered in so doing, by some of his compatriots, and Convict Gandhi is now quietly working on the roads to prove his good faith in the members of his own community and to the Colony at large. Is it for you to impute bad faith to a man like that? And his friends, have they not proved their good faith to the people of this Colony by offering and successfully carrying out voluntary registration in order that they might show the wanton falsity of the allegation that there had been a large illicit influx of Asiatics, in which they had connived? You appear, Sir, to be obsessed by a mania for imputation and insinuation. May I suggest that, instead of asking the totally unnecessary question as to whether it happens to be a part of the British Indian policy to introduce a body of professional agitators, you devote your energy to inducing the Government to cease a policy of threats and coercion, which has failed ignominiously in the past and shows no sign of success at the present or in the future.

INDIAN MAIL: For Ceylon and India, per S.S. 'Umkuzi', until 4-30 p.m., Tuesday, the 24th instant.

Notes on the Transvaal Struggle

(FROM OUR OWN CORRESPONDENT)

ALLEGED ILLEGAL DETENTION. A letter has been received from the Attorney-General's Department in regard to the alleged illegal detention of certain Indian prisoners at Barberton after the bail money had been deposited, to the effect that the complaint was being inquired into.

AT VOLKSRUST. On the 13th instant, several Indians, who had entered the Transvaal with Mr. Gandhi, completed their sentence of imprisonment with hard labour, and were deported on a warrant under the hand of the Colonial Secretary. By a curious coincidence, this took place almost at the same time that the Chief Justice was delivering judgment in the Barberton appeal, to the effect that the action of the Colonial Secretary in deporting originally was entirely unlawful. The deported men promptly returned, but their case was remanded until the 19th instant, in order that time might be obtained to receive instructions from the Asiatic Office, in view of the Supreme Court judgment. On Saturday, spans of Indian prisoners from 20 to 25 strong were sent to work on the Municipal Water-Works, cleaning the cemetery, and tending the soldiers' graves. Mr. Gandhi was included. It must have been peculiar for him to contemplate his present occupation, after having tended the sick and wounded during the Boer War and led the Stretcher-Bearer Corps during the recent Natal Rebellion,—*tempora mutantur*.

On Tuesday, at the request of Mr. Polak, in view of the recent Supreme Court decision, the Magistrate discharged Messrs. W. R. Dave and Moosa Asmalji Patel.

A FARCICAL AFFAIR. Last week, a peculiar situation arose in "A" Court, before Mr. Van Der Berg. A number of Indians trading in the Indian market, Johannesburg, were brought before the Magistrate, charged with trading without licences. Mr. Polak defended. It was suspected that an attempt would be made to prevent the people going to gaol, and to endeavour to secure the amount of the fines by distraint upon their goods. Everyone of the Accused possessed a licence, issued and taken out during the time of voluntary registration. The first man, Mr. Allibhai Ismail, pleaded guilty, and, as was expected, he was fined £5 on each of the two charges against him, the amount to be recovered by way of distraint upon his property. Now, it is no part of the passive resistance struggle to finance the Government, and, accordingly, having drawn the teeth of the Prosecution, it was decided to turn the rest of the proceedings into a farce.

Accordingly, each of the other Accused pleaded not guilty, and produced his licence. One by one they were discharged, because there was no alternative charge of failing to produce licences upon demand. Then the man who had already been convicted was recalled, and eventually authorised Mr. Polak to produce his licence. Mr. Van der Berg discharged him also, notwithstanding Mr. Polak's strong protest. So the Court had half an hour's amusement at the expense of the Government, simply because the Licensing Officials had made a mistake in bringing the charge, and had failed to confirm the statements that the Indians had no licences. In order to make up for their discharge, the parties concerned have since gone out hawking without licences.

IMPRISONMENTS AND ARRESTS. An attempt was made at Krugersdorp, on Thursday, to obtain a hawker's fine by seizing the bail money, which had, however, been deposited by a friend and, consequently, could not be touched. A further attempt was then made to distraint upon his goods, but the happy man had none, and so the Magistrate was perforce obliged to send him to gaol. On the same day at Krugersdorp, a hawker was sentenced to pay a fine of £1 or go to gaol for ten days with hard labour. He chose the latter course. On Monday, in Johannesburg, 49 Madras hawkers made a raid upon Jeppestown Police Station and insisted upon being arrested for trading without licences. The police courteously acceded to their request, and they were sentenced in the usual way the following day. On Monday, also, four hawkers were sentenced to 14 days' imprisonment, for the first offence, for trading without licences. Evidently, the penalty has gone up! At Rustenburg, last week, five Indians were charged with trading as store-keepers without licences. One was discharged, as he was a manager; another was fined 1/-, the other three were fined £5 each, the fines to be recovered from their property. The Boksburg appeal comes off next Monday. At Ventersdorp, on Monday, Mr. Moosa Rajah, store-keeper, and Mr. Essopji Suliman, hawker, were arrested for trading without licences. On Tuesday, some 40 odd hawkers were discharged from Germiston Gaol. Efforts are being made to replace them.

On Wednesday, at Germiston, 16 men went to gaol for seven days with hard labour for hawking without licences. On the same day 104 men were arrested at Johannesburg on a similar charge, 74 of whom, including Mr. Aswat of Vereeniging and Mr. Nagdee of Nylstroom, prominent members of the Committee of the British Indian Association, went to gaol the same day, the other 30 cases being remanded to the next day. Of this batch, more than 40 are Mahom-

A KINDLY THOUGHT. The Rev. Canon Berry has forwarded two guineas to the British Indian Association, to be added to the passive resistance funds. Mr. Frank A. Stokes, Accountant, of Johannesburg, has sent £1.

THE PRETORIA LICENSING CASES. I am asked to say, in connexion with the Pretoria Licensing Cases, that the accused gave no instructions to their attorney to ask for mitigation of sentence because they were passive resisters. They were quite prepared to suffer the full punishment for their acts.

WHAT THE CHIEF WHIP THINKS. Mr. E. Pooth (Chief Government Whip) speaking at Roodepoort on the 11th inst., said they were all more or less familiar with the facts relating to the present Asiatic agitation. They knew that a large number of Indians had insisted upon the right of introducing half a dozen of their educated people into the country every year. That had not been conceded, and it was against the law. They were also aware of the steps taken by the Government in relation to the matter; but a number of these misguided people had decided to defy the law and go to gaol. (A voice: "That's the fault of the Government. They made a good law, but apparently had not the power to enforce it.")

THE SPECIAL MAGISTRATE. Mr. H. H. Jordan, A.R.M., Witwatersrand district, is appointed to be the magistrate specially assigned to hear appeals against the decision of the Registrar of Asiatics refusing to issue an applicant a registration certificate under the Asiatics Registration Amendment Act.

OUR TAMIL HEROES. The following are the names of Tamil Hawkers (seven of them are officials of the Tamil Society, who went to prison on the 16th and 17th inst., respectively, at Johannesburg and Pretoria:—Messrs. R. Thandapany Padayachi, Raju Naidoo, R. M. Ramamoodly, V. S. Padayachi, A. Ananda Moodly, K. K. Samy, R. Raju Naidoo, R. K. Naidoo, C. P. Padayachi, N. S. Pillay, A. Somdra Moodly, T. Kandasamy Moodly, C. Sooprai Padayachi, C. K. Chetty, K. Govind Raju, N. Krashana, V. Poon-samy Naidoo, R. S. Padayachi, V. V. Naidoo, N. Tilamanikam Chetty, V. M. Padayachi, N. Chetty, V. Poon-samy, T. Koopersamy, A. Pakari, R. Mootuveloo Chetty, S. Arumuga Moodly, R. Gopalsamy Padayachi, V. R. Naidoo, S. Kandasamy, C. Aroonachalam, S. Naidoo, S. R. Moodly, S. V. Padayachi, C. Marimootoo, V. Dorasamy, V. Chinathumbi, C. V. Moodly, P. Palani, K. V. Moodly, A. Francis Chetty, V. Virapattan, V. G. Padayachi, C. Sooprayan, K. G. Padayachi, V. S. Moodly, Tomi Ramalingam, V. Naidu, S. Chetty, S. T. Pillay, R. Chetty.

Raransamy, V. Naidoo, Koposamy, Kanasamy, Magalingum, Mootoosamy Pillay, N. Ramsamy Naidoo, Poona Padyachi, V. Naransamy, N. Ramsamy Naidoo, M. V. Goroosamy Chetty, Govindasamy Naidoo, S. Soopramony Chetty, Vengadasalam, Rajoo, Chail Mugai, R. K. Padayachi, M. Ramsamy, D. N. Ramsamy Chetty, Mootoo Ranga Padayachi, V. Arngum Padayachi, Appoo Chetty, A. R. Padayachi, D. Chetty, A. Padayachi, C. K. Naidoo, M. Padayachi, M. Govindsamy, Soopia Naidoo, T. Naidoo, Tommy, Poonasamy Chetty, S. Poonasamy Naidoo, and R. Samy.

House of Commons Meeting

Transvaal Question Discussed

Lord Ampthill presided at the House of Commons on Monday afternoon (October 19) over a meeting of members convened for the purpose of considering the question of the treatment of British Indians in the Transvaal. Among those present were Lord Ampthill, G.C.S.I., Lord Ldmington, J. M. Robertson, Esq., M.P., Sir F. Channing, M.P., Sir Mancherjee Bhownagree, Harold Cox, Esq., M.P., Dr. Thornton, D.C.L. C.S.I., Ameer Ali, Esq., C.I.E., W. P. Byles, Esq., M.P., A. H. Scott, Esq., M.P., Sir Henry Cotton, M.P., Joseph Walton, Esq., M.P., J. F. Cheetham, Esq., M.P., Sir Charles Schwann, Bart., M.P., J. H. Polak, Esq., J.P., L. W. Ritch, Esq., Dr. V. H. Rutherford, M.P., H. Harte-Davies, Esq., M.P., A. H. Crosfield, Esq., M.P., George Harwood, Esq., M.P., James O'Grady, Esq., M.P., Sir William Brampton Gurdon, M.P., C. E. Mallett, Esq., M.P., H. F. B. Lynch, Esq., M.P., and G. P. Gooch, Esq., M.P. The circular summoning the meeting stated that some 300 British Indians, respectable merchants and others, had been within the last two months, or were still, suffering imprisonment with hard labour for declining to comply with the requirements of the Differential Registration Law, although virtually all of them had established their identity as *bona fide* pre-war residents. Addresses were given by Sir Mancherjee Bhownagree and Mr. Ameer Ali, who quoted from letters and telegrams which they had received from India in proof of the strong indignation entertained on this subject among loyal supporters of the Government in India. Mr. Ameer Ali declared that the treatment of British Indians in the Transvaal was arousing a deep and dangerous feeling. It was decided to ask Lord Crewe and Lord Morley to receive a deputation of peers and Members of Parliament, and Lord Ampthill promised to initiate a discussion on the matter in the House of Lords at an early date. — *India.*

Latest Telegrams from the Transvaal

[SPECIAL TELEGRAMS]

Johannesburg, Friday.

Since Wednesday 57 Indians have gone to gaol at Johannesburg and 53 at Germiston.

Mr. V. U. Sheth of Pretoria has been sentenced to pay a fine of £5 or go to gaol for one month. He chose the latter; but after removal from the Court, his misguided friends paid the fine and procured his release contrary to his desire.

Owing to the Supreme Court judgment, yesterday the remaining prisoners at Barberton and all at Volksrust except Mr. Gandhi, the chairman of the Hamidia Islamic Society (Imam Abdool Kadir Bawazeer) and four others were released. Volksrust released about seventy, including the President, Vice-President and Joint-Secretary of the Natal Indian Congress. They were about to leave for Johannesburg last night when the Police demanded their thumb-prints which they unanimously refused to give, accordingly they were detained, but it is unknown as yet whether the demand was made independently by the Police or on instructions from Pretoria.

This week the Indian prisoners in the Johannesburg Gaol have refused to eat certain meals owing to the unsuitability of the diet with the result that all subsisted on one meal of rice daily.

The appeal of *Essa Ally v. Pretoria Municipality* re Grocer's Licence has been dismissed with no order as to costs.

Later.

All who were detained by the Police at Volksrust were released again this morning with the exception of Messrs. Dawad Mahomed, Parsee Rustomjee, M. C. Anglia and S. J. Randeria, whose release is expected during the day. They have announced their intention of starting for Johannesburg to-night.

Volksrust, Friday.

58 Indians in the Gaol, including Messrs. Dawad Mahomed, Parsee Rustomji and M. C. Anglia, were discharged yesterday. One hour after, they were re-arrested for refusing to give thumb-impressions. They all therefore returned cheerfully to the Gaol. This morning they were marched to the Magistrate's Court; but all except Messrs. Dawad Mahomed, Parsee Rustomjee and S. J. Randeria were discharged without being brought before the Court. Great indignation is aroused over the farcical discharges. Mr. Gandhi, Imam Sabeb and four others were not discharged, being under the new Act.

Later.

The four Durban leaders were allowed to proceed to Johannesburg.

Strong Protests from Bombay

Lord Ampthill has received the following telegram from Sir Pherozechah Mehta, President of the Bombay Presidency Association:—

"People of all classes are intensely exasperated by the fresh news of the cruel treatment which Indians of position and respectability are subjected to by Transvaal authorities. The feeling has grown so intense that all possible desperate measures of boycott are being urged. I feel it my duty to place before your lordship that the mischief occasioned by this state of things is incalculable, particularly at the present time. My Association implores the Government to lose no time in taking measures to protect our fellow-countrymen. We avoid mass meetings in giving expression to their feelings, because it is felt they might embarrass the Indian Government; otherwise the whole country would be filled with bitter cries from every town and place."

Numerous representative associations in Bombay are cabling to Lord Morley protesting against the ill-treatment of Indians, in the Transvaal. Sir Currimbhoy Ebrahim, President of the Anjuman-i-Islam, has telegraphed that cruel treatment is likely to have a most pernicious and dangerous effect upon the public mind in India. In view of the present situation, he adds, the leaders are refraining from holding a mass meeting in order not to embarrass the Government. Otherwise the whole country would cry out against the injustice.—*India.*

THE SWAMIJI. On Wednesday evening, in the Congress Hall, Durban, Swami Shankeranand lectured to a large gathering under the auspices of the Durban Lodge of the Theosophical Society, the subject being "The Hindu Conception of Morality." About 60 Europeans and a large number of Indians were present.

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ઈન્ડિઅન ઓપિનિઅન.

પુસ્તક ૬.

ફોનીક્સ, શનીવાર, તારીખ ૨૧મી નવેમ્બર ૧૯૦૮.

અંક ૪૭.

અઠવાડીક પંચાંગ.

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નવેમ્બર સુધી, ધૃ. સં. ૧૯૦૮.

હિંદુ-કારતકવદ ૧૩મી માગશર સુદ ૪સુધી,
સંવત ૧૯૬૫.

મુસલમાન-તા. ૨૧મી સવાલથી. ૨૭
હજીકાહ સુધી, ૧૩૨૬ હિજરી.

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ઈન્ડિઅન ઓપિનિઅન.

શનીવાર, તા. ૨૧ મી નવેમ્બર ૧૯૦૮.

સુપ્રીમ કોર્ટનો કેસ

ખુની કાયદો ચાળણી

તા. ૧૧મીએ મી. મુસા મીયાં તથા બીજા ખારખરતનના બેઠીઓની અપીલ સુપ્રીમ કોર્ટમાં સંભળાઈ હતી અને જજો તેમની પક્ષમાં ચુકાદો આપ્યો. મી. મુસા મીયાંને અમે આ તેમની જીત માટે મુબારકબાદી આપીએ છીએ. બે કે તેમણે આ પગલું એક સાહસીક અને સ્વતંત્ર ભરતું હતું, છતાં પરિણામ સાફ આવી ગયું છે એટલે મુબારકબાદી તેમને ઘટે છે. સત્યાગ્રહની લડતનું સત્ય હવે ગ્રણકવા માંડ્યું છે. ડરબન માં મી. મમીની અપીલ જીતાઈ અને બેહુન્સ ખરગાં આ અપીલ જીતાઈ. આ અને ક્રીરસાં એ બતાવી આપ્યું છે કે સંકારે હિંદી કોમ ઉપર કેટલો ભૂલો ભૂલમ કર્યો છે. હજુ પણ અમે કહીએ છીએ કે આ અપીલ ઉપરથી સરકાર કદાચ વોકસરસ્ટમાં કેટલાક બેઠીઓને છોડી દેવ પણ તેથી તેના હિંદી કોમ ઉપરનો ભૂલમ રતીમાર પણ ઓછો થયો નહીં બહુાય. ન્યાં સુધી એક પણ માણસ સત્યાગ્રહી લડતના ખારામાં બેલમાં પડ્યો છે, ત્યાં સુધી તેના જવાબદારી ખુદ, તથા હિંદી કોમ પાસે તેને આપવીજ પડશે. હિંદી કોમે મી. મુસા મીયાંની અપીલ જીતાઈ તેથી જરા પણ કુલાવાનું કાણુ નથી. એમ જણાય છે કે ઘણા માણસો, અત્યારે, સેટલ ક્યારે થશે અને લડત બનેવાની સુધી જશે તો શું થશે? એવા અધીરાઈના સવાલો પુછ્યાં કરે છે. સાઉથ આફ્રીકામાં હિંદીઓની એ અધીરાઈ કેમ ચાલશે? હિંદી કોમને ગોરાઓની બરોબરી કરવાની છે, એટલું જ નથી પણ તેમને બતાવી આપવાનું છે કે હિંદી કોમ પાસેથી તેઓને ઘણું શીખવાનું મળી આવશે. એ ત્યારેજ બતાવી શકશે કે ન્યારે હિંદી કોમ અતની ઘડી સુધી પણ પોતાની ટેક નહીં છોડે અને બીક તથા નાહીમતના ચીન્હો તે ખ્યાલમાં પણ નહીં દેખાડે છતાં ટ્રાંસવાલના હિંદીઓએ આ વખતે તે હદ વાળી છે એમ કહેતાં અમે નથી અચકાતા. સો સોનાં ટાળાં બેલમાં જવાને તકમાર ઘઈ બચ છે એજ કોઈને પણ ખાતરી કરવા ને બસ થશે. ગયું 'સન્ડે ટાઈમ્સ' જણાવે

છે કે ટ્રાંસવાલના હિંદીઓએ બતાવી આપ્યું છે કે અહીંના લેજરલેશનોમાં ચાલણી બેટલાં બીદરો રહ્યાં છે. અને બે ચાલણીમાં દુખ રહે તે હિંદી કોમ એ કાયદા નીચે ગુંહેગાર કરાવી શકાય. વળી સરકારને સુચવે છે કે તેણે વિલાયતથી કાયદા ઘટનારને બાલાવવા બેઠએ કારણ કે અહીંના કાયદા ઘડનાર તે કામને લાયક નથી જણાતા. આ ઉપરથી બેઠ શકાય છે કે હિંદી કોમ સત્યાગ્રહની લડતથી કેટલી ઉંચી પાયરીએ ચડી શકી છે. 'સન્ડે ટાઈમ્સ' લખે છે એ ઉપરથી હિંદી કોમને ઓછું મજર નથી થવાનું. હવે સત્યજૂઠાણને ટકરાવ નથી આપવું. તેમ હિંદી કોમના સત્યાગ્રહે જનરલ રમટસને હવે કાયદો ખાતલ કરવાની ફરજ પાડી છે. બેકે હિંદી કોમ જનરલ રમટસે બણેલાઓનું ખાર ખુલ્લું રાખ ની કબુલ કર્યું હોત તે કાયરો ડેડલેટર રાખ વાને તઈયાર હતી, પણ કાયદો રહ કરવાનું વચન નથી આપ્યું એવું જણાણું સત્ય કેમ ટકવાજ આપે? હવે અમે ઉપર જેમ બતાવી ગયા તેમ બે હિંદી કોમ 'સન્ડે ટાઈમ્સ' આપેલું માન બળવી રાખવા માંગતી હોય; બે ગોરા એને બતાવવા માંગતી હોય કે તેમને તેની પાસેથી કેટલુંક શીખવાનું મળી આવશે, તે પોતાના સત્યાગ્રહે ઉવટની ઘડીએ પણ નહીં તલે. નહીં તે એમ કહેવામાં આવે તે ખોટું નથી કે હિંદી કોમ ગોરાઓને શીખવવાને બદલે ગોરાઓની સ્ત્રીઓ પાસેથી કાંઈક શીખશે તે લાભ થશે. વિલાયતમાં સ્ત્રીઓ સત્યાગ્રહ પુર બેસમાં ચલાવી રહી છે એ સહ કોઈને યાદ હશે.

પાછી પાની

અમને ખખર મળ્યા છે કે મી. વાસ દેવ પોતાના પડછાયાથી ડરી ટ્રાંસવાલથી નાસી આવેલ છે. તે થોડક દિવસ ઉપર ટ્રાંસવાલમાં દાખલ થએલ અને વોકસરસ્ટ આગળ પહોંચતા પકડાયેલ. તે દિવસે બુખાની લછ, કેસ ૧૦ તારીખ ઉપર મુલતવી રહ્યો હતો. આ દિવસે કેસ નીકળ્યો ત્યારે તેણે પ્રીટોરીએથી ડાકટરનું સરડીરીકટ મોકલી આપ્યું જે પોતે બીમાર હોવાના સખખથી હજર થઈ શકે તેમ નથી તે ઉપરથી ફરીને તા. ૧૭ ઉપર આ કેસ મુલતવી રહ્યો. આ તારીખે મી. પાલાક બેહુન્સની વોકસરસ્ટ અબ્યા હતો. ત્યાં બ્યારે તેમને