

Indian Opinion

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(TRANSVAAL REGISTRATION APPEAL

THE following is the full text of the judgments of Justices De Villiers, Curlewis and Gregorowski of the Transvaal Division of the Supreme Court in the matter of N. M. Moosa v. Minister of Justice and Registrar of Asiatics, delivered on the 31st ultimo:

De VILLIERS J.P.: We have come to the conclusion that this application must be dismissed with costs.

The applicant claims to be entitled to a certificate of registration under Section 4 (3) (b) of Act 36 of 1908, in that, on the 31st May, 1902, he was resident and actually in this Colony. And if he had been able to establish that fact before the proper authority, he would have been entitled no doubt to what he claims. But he applied to the Registrar of Asiatics, who under Section 6 (1) came to the conclusion that he had failed to establish that he fell within the terms of the subsection, and accordingly refused the application. Now section 6 (2) provides that in such a case, if the applicant is dissatisfied with the decision of the Registrar, he can appeal to the Magistrate specially assigned to hear such appeals, and that such Magistrate shall be deemed, when hearing such appeal, to be an inferior Court within the meaning of Section 19 of the Administration of Justice Proclamation 1902. The Appeal was lodged and the Magistrate accordingly heard the application and also dismissed it. In his reasons he says "I heard the appeal and found as a fact that the applicant was actually in the Transvaal Colony on the 31st May, 1902, but I also found that he was not resident therein on that date."

Now it has been decided in Madga's case (1909 T.S. 397) that in such a case a Magistrate is acting not in a judicial but in an administrative capacity, and therefore when he has dismissed the application, no appeal lies from his decision. He is enjoined, when he has dismissed the application, to give an order in writing for the removal of the applicant, and this has been done. If everything has been done according to law, then, in the ordinary course, the applicant has exhausted his remedies, and he must submit to the order of deportation.

In this case, however, the applicant is not satisfied, and he comes to the Court by way of application and asks for an order restraining the Minister of Justice from carrying into effect the deportation order, declaring such order null and void, and also for an order authorising and compelling the Registrar of Asiatics to issue to him a certificate of registration as an adult Asiatic, under Act 36 of 1908.

It is admitted by Mr. Tindall, who has appeared on behalf of the applicant, that this application was not made under the powers granted to the Court under Section 19 of the Administration of Justice Proclamation, and the application itself is very vague as to the grounds upon which the applicant asks the Court to interfere with the order given by the Magistrate. He claims to be entitled to remain in the Transvaal by reason of the fact that he proved he had lived in the

Transvaal for a period of four or five months, commencing in April, 1902, but he does not allege either that the Magistrate has not done his duty or has not acted honestly, or *bona fide*, or that there has been gross irregularity in the proceedings. The application would have therefore occasioned us no difficulty whatever had it not been for the case of Chotabhai (1911 A. D. p. 13) which went to the Appellate Division and in which the procedure adopted seems to have been the procedure followed in this case. The point was there specifically raised in the first instance before Wessels J. who said: "Applicant asks for a *mandamus* on the grounds that his expulsion would be an illegal act inasmuch as he is by law entitled to reside in this Province. This Court has the inherent right to prevent the Government or any official from interfering with the liberty of any resident within its jurisdiction. The person who claims the right to interfere with the liberty of a citizen must shew that he has been given that right by the legislature. If he can show that he possesses that right this Court will not interfere with his action, but every person resident within the jurisdiction of this Court is entitled to bring any official before the Court to justify his act of interfering with the applicant's liberty." When the case came on appeal before the Appellate Division these words were approved of by the late Chief Justice of South Africa. If they are taken to be general, if they enunciate merely a principle of law, without any reference to the particular statute, then I entirely agree, but I cannot agree that it applies in the present case; for here it seems to be perfectly clear that the onus is not upon the respondent, but upon the applicant to show that some ground for the interference of the Court exists; that one of the officials has not done his duty or has not done it 'honestly' or that there has been some gross irregularity. Mr. Tindall has argued that the grounds of review are not exhausted by Section 19 of the Administration of Justice Proclamation, and that is so because it was laid down in the case of the Johannesburg Consolidated Investment Company vs. the Johannesburg Town Council (T.S. 1913, 111) that there is another ground of review. In that case the Chief Justice said: "Whenever a Public body has a duty imposed upon it by statute, and disregards important provisions of the Statute, or is guilty of gross irregularity, or clear illegality in the performance of its duty, this Court may be asked to review the proceedings complained of, and set aside or correct them."

There is of course no dispute about that, but, apart from that, I am not aware of any jurisdiction in this Court to set aside the proceedings. This Court will issue a *mandamus* upon an officer upon whom a statutory duty rests, to perform certain functions, to do his duty, if he refuses to do so and, if he exceeds his duty, the Court will restrain him, and keep him within the limits of the Statute or, if he acts dishonestly, the Court will correct him. But, in the absence of any irregularity or dishonesty of that kind, the Court cannot interfere.

In this case there are no grounds for interference. As I have pointed out, no grounds are set out in the Petition but it has been said that the reasons of the Magistrate are unsatisfactory. I do not know that the Magistrate was bound to give any reason; he is not a party to the proceedings here and if he had been called upon no doubt he would have given his reasons at length. But the argument which has been addressed to us runs somewhat as follows:—

There is evidence upon the record of the presence of the applicant in the Transvaal during a period of four months. As this evidence is uncontradicted, and as the Magistrate does not say he does not believe the evidence, we must come to the conclusion that the Magistrate acted improperly in not saying that that amounted to evidence. In my opinion that is a conclusion which is not warranted, the Magistrate has informed us that he found it proved that the applicant was present in the Colony on the 31st May, 1902, but he has not said whether he believes or disbelieves anything else, and we cannot therefore say that, because the Magistrate does not specifically say that he does not believe the witnesses, that the evidence must be taken to have been believed by him. I have therefore come to the conclusion that there is no ground for the Court to interfere with the decision arrived at. Mr. Tindall has further argued that the Magistrate has made a mistake in law in not construing the presence of the applicant here as residence, but, even if it could have been construed as residence, we are bound by the decision in the case of *Doyle vs. Shencker* (A. D. Jan. 1915)—not yet reported—where it was laid down that a mere mistake of law, in adjudicating upon a suit which the Magistrate has jurisdiction to try, cannot be called an irregularity in the proceedings, because that would virtually amount to this, that there would in every case be an appeal in law, which could never have been the intention of the legislature. For these reasons I have come to the conclusion that the application must be dismissed with costs.

CURLEWIS J.: It was laid down in *Magda's case* that there is no appeal from the decision of the Magistrate in a case of this kind. Mr. Tindall has not called that decision into question and has not brought this matter before the Court by way of appeal, but he contends the applicant is entitled to come before us by way of review and that the application in this case has followed the form adopted in the case of *Chotabbai*. Just as the Court in that case found it possible to deal with the matter and practically to reverse the decision of the Magistrate, he asks the Court to do so in this case. With regard to the remarks made by my brother Wessels, that the Court has an inherent right to prevent the Government or any official from interfering with the liberty of any resident within its jurisdiction, I quite agree with the observation, but where the legislature deems fit to confer upon any person or persons authority or power to limit or restrain the liberty of the subject, and does not grant the subject a right of appeal to the ordinary Courts of law, I do not see how we can interfere so long as that person acts honestly and regularly in accordance with the procedure prescribed for him. It is entirely a question for the legislature, which, in this case has deemed fit to confer, firstly, on the Registrar of Asiatics, and, secondly, on a certain Magistrate to be appointed by the Government certain specific powers. The Registrar has to refuse or grant the application. If he refuses, there is an appeal to the Magistrate. If that Magistrate acts purely as an administrative officer and there is an appeal, as was laid down in *Magda's case*, then, even though his decision would be an infringement of the liberty of the subject, I do not see how we can interfere, unless on the general grounds on which the Court has jurisdiction to interfere with any public body or official, as laid down in the case of *the Johannesburg Consolidated Investment Co. vs. the Johannesburg Town Council*, or on the grounds set out in Section 19 of the Administration of Justice Proclamation. It is provided

by Section 6 (2) that the Magistrate, when hearing an appeal from the decision of the Registrar, shall be deemed to be an inferior Court within the meaning of Section 19 of the Proclamation, from which I conclude that the legislature intended that that Magistrate should not be regarded as an ordinary judicial officer acting in an inferior Court of Justice, but as an administrative officer, and that if he or his decision can be attacked on any of the grounds set out in Section 19, the proceedings before him can be brought into review, as those of an inferior Court. The application before us contains no grounds whatever for review of the Magistrate's decision. There is no allegation of irregularity, misconduct, or any of the other grounds on which the decision can be attacked. The petition as presented practically amounts to an appeal against the decision of the Magistrate. No new facts are alleged; no allegation is made which was not before the Magistrate, but we are asked to reverse his decision and it is suggested that, though this is not an appeal, the Court can do it on application. It appears to me that, if we can do it on this application without any of the grounds being alleged, as set out in Section 19, or on the general grounds as stated in the *Johannesburg Consolidated Investment Co. vs. the Johannesburg Town Council*, we should be practically sitting in appeal on the decision of the Magistrate, and, in my opinion, it makes no difference whether the decision sought to be attacked is one on fact or on law.

This Court has no jurisdiction to enquire whether a Magistrate decided rightly or wrongly in coming to the conclusion to which it did, viz:—that the applicant was not resident within the Transvaal on the 31st May, 1902. It was urged that, because the Magistrate found as a fact that the applicant was actually in the Colony on the 31st May, 1902, he should, in view of the other evidence before him, have held that applicant was also resident here on that date. I take the decision to be that, although he was actually here on the 31st May, 1902, he was not resident here within the meaning of the Act. That being so, whether the Magistrate was right or wrong in his decision, whether it was one on fact or on law, I do not think this Court has any jurisdiction to interfere. It is conceivable that a decision may be so glaringly wrong as to suggest misconduct on the part of the Magistrate, but that is not the case before us.

GREGOKOWSKI J. I am of the same opinion. As far as I understand, the only ground upon which the applicant asks the Court to interfere is, that the Magistrate, in confirming the decision of the Registrar of Asiatics, in not granting a certificate, and in issuing the order for the deportation of the applicant, went wrong on a point of law.

Mr. Tindall contended that, in every case where an inferior Court went wrong on a matter of law, this Court, even though there was no appeal, had the right to give relief against the wrong decision. I do not think there is authority for that proposition. Where an officer has to decide a matter, which is left entirely to him, and there is no appeal, then I do not think it at all follows that, if he were to go wrong on a question of fact or law, this Court would necessarily have the right to set him right; in fact, I think all the decisions go the other way. There must be some gross irregularity on his part, some refusal on his part to do his duty or the like, not merely a wrong decision, to justify the Court in interfering. In this case, all that is said is that the Magistrate was bound to find, on the facts laid before him, that the applicant was in the Transvaal and actually resident in the Transvaal on the 31st May, 1902, and that, inasmuch as he has found that, although he was actually in the Transvaal, he was not resident, such a decision was erroneous on the face of it and this Court should set it right. The doctrine which this Court has consistently laid down is that, where a matter is left to an officer to decide, and he decides on the merits, even if that decision appears to be wrong, the Court will not interfere. In this case,

I am not even satisfied that a *prima facie* case has been made out that the decision was wrong on the matter of residence. The present is a very peculiar case, a case of a minor coming to this country to join his relatives, of his remaining here for two or three months and then going back to India and remaining there for about thirteen years. It is admitted that, to form residence, there must be an intention to remain definitely or indefinitely, and that a person should have taken up his abode in the country.

It may well be doubted whether the applicant had ever taken up his abode here, considering he was only here for so short a time; that he was still, to all intents and purposes, a minor; that, before he could settle himself, he became ill and was advised that the country would not suit him. He then went back to India, where he made his home, married, and brought up a family, coming back here only after thirteen years. I do not see how it is possible to say the Magistrate was obviously wrong in holding that residence under such circumstances was not proved. It seems to me the intention of the legislature must have a great effect in interpreting the meaning of the word "residence" in this particular statute. I think the Legislature intended to secure vested rights and it was thought that, if an Asiatic was here at the time peace was concluded, it would not be fair to deprive him of such rights if he had them. I think "residence" would naturally imply that there was some sort of permanence connected with the vested right which the Legislature did not wish to take away.

Could it be said, in a case like this, that this minor, who hardly had a mind with which to decide for himself, had residence, in the sense contemplated? I merely refer to these circumstances to show that, even on the facts, the applicant has a very weak case, assuming the law were not so opposed to granting him relief. Apart from this, the evidence given is very unsatisfactory. There is one declaration that the applicant came in by Delagoa Bay and had a return pass, and another that it was at Durban that he made his entrance into South Africa. Under all the circumstances I do not see how the applicant can succeed.

DR VILLIERS, J. P.: The application must be refused with costs.)

(A White Man's Country

Commenting editorially on the debate in the Cape Provincial Council reported in our last issue, *A.P.O.*, referring to the Dealers' Ordinance of 1914, says:—

Under that Ordinance an applicant, who has been refused by a Municipality a removal permit, may appeal to the Administrator. The wisdom of having reserved such powers to him and his Executive has been amply demonstrated during the past twelve months. On several occasions those powers were exercised, and Indians, after unsuccessful application to the Municipal authorities, were granted permits by the Administrator to move their licences to other premises. Further, according to the Ordinance a general dealer who wishes to dispose of his business must also first apply to the Municipality for a transfer. Invariably these applications are refused, and often grave injustice results. In one case, a widow, who had a good offer for the goodwill and stock of her late husband's shop was refused a transfer. She could not, therefore, sell the business as a going concern, and was thus compelled to dispose of the stock by public auction at a great sacrifice. Now, Mr. Goodwin's amendment was to secure to such persons the same right of appeal as in the case of removals. This the Administrator refused, though he knows that the City Council of Cape Town would rather see a widow and orphans starve than grant a transfer. It was to prevent that amendment being carried that the Administrator appealed to the lowest prejudices of white men.)

From the Editor's Chair

(TRANSVAAL REGISTRATION APPEAL

WE publish elsewhere the full text of the judgment in the case of N. M. Moosa *versus* the Minister of Justice and the Registrar of Asiatics, heard in the Transvaal Division of the Supreme Court on the 31st March, of which we have already published a summary. The case is of great importance, as it is definitely shown that even if the special Magistrate appointed to hear appeals under Act 36 of 1908, *bona fide* makes a mistake in law, there is no appeal against his decision. We do not say that in this case the Magistrate did make such a mistake. There seem grounds to believe that his judgment on the point was a correct one. The case, however, is important in two respects, first, as indicating another example of the manner in which Parliament is restricting the natural functions of the Courts of Justice in this country by depriving aggrieved persons of the right of securing redress of their grievances by the Superior Courts of the Union; secondly, the case shows a departure from the practice that for a considerable time was adopted by the department, namely, that of accepting applications for registration from persons who could show that they were actually resident on the 31st day of May, 1902, apart altogether from the length or circumstances of their residence in that Province. Again we are in doubt as to whether the decision on this point should be approved or not. We know as a fact that persons have been registered under this provision on very flimsy grounds, and we have reason to believe that if these claims could be independently examined, it would be found that much too great latitude has been given by the Registrar of Asiatics in cases where such latitude was not deserved, whereas in other cases, where latitude was merited, it has not been extended. Legally, of course, there is no doubt that the word "residence" must be interpreted by the Courts in its usual legal sense, and we can well understand that the Courts will refuse to declare that mere temporary residence constitutes a compliance with the provisions of the law. Nevertheless, in spite of this decision, we feel that it would be unfair to restrict completely the latitude that has hitherto been allowed, and we trust that each case will be taken on its own merits in spite of this precedent, otherwise grave hardship will undoubtedly be inflicted in individual cases.)

EAST LONDON HAWKERS

AFTER a good deal of private negotiation and public representation, it would appear that the Government do not intend to interfere in regard to the operation of the new by-laws which came into force on the 9th instant. The ground upon which the Government have refused to intervene is that the Regulations are of a general character, and apply to all parties, but the actual facts are, we learn, that there are no European hawkers at all, about ten Syrian hawkers, and the remainder, numbering about one hundred, are Indians. At a meeting of East London Indians recently held, it was decided, if necessary, to adopt Passive Resistance

to these Regulations principally in regard to the question of wearing a badge. These Regulations are of a racial character, and are so intended. We entirely sympathise with the Indians of East London, who, we learn, are communicating with Lord Buxton and the Viceroy, but, having asked our advice as to whether and how they should adopt Passive Resistance, we feel impelled to advise them that this is probably their only hope of redress. The position will be perfectly simple. They will decline to wear the badges and will suffer the legal consequences of this breach of the Regulations. What the large Municipalities, like Johannesburg, Cape Town, Durban, Pretoria, Port Elizabeth and Kimberley have never found necessary, apparently East London does; and we have every reason to hope that if the East London Indians show sufficient determination and strength, they can procure the removal of this disability. We wish them all good fortune, and shall endeavour to co-operate with them to the best of our ability.

THE TRANSVAAL IMMIGRATION COMMISSION

THE Departmental Commission of Inquiry for the Transvaal, in regard to certain allegations respecting the Administration of the Immigration Department in that Province, commenced to take evidence on Monday last, though the Commissioner had for some days previously been engaged in going through the papers. As the Inquiry is a private and departmental one, reports are not furnished to the press. As to the procedure, at the time of writing, we are not in a position to make any statement. From the notice issued by the Acting Secretary for the Interior, it appears that the Commissioner is sitting at the Immigration Office in Pretoria. No doubt this place has been selected from the point of view of convenience in examining the office records, but, for a number of reasons that readily occur to one, it would have been ever so much better in our opinion had some other *venue* been selected by the Government for this Inquiry. We trust that access to the papers in the hands of the Commissioner will be absolutely prohibited to all parties except such as may be authorised specially by the Minister to have access to them. We have the best reasons for insisting upon this, and into which for the moment it is not necessary to go. We shall endeavour, however, meanwhile to keep a close observation upon the methods of the Inquiry with a view to facilitating its work and securing justice to the Indian community.

Commission of Inquiry

The Acting Secretary for the Interior formally notifies that the Minister of the Interior has appointed Mr. B. C. Clarence, ex-Chief Magistrate of Maritzburg, to conduct an Inquiry into allegations made that collusion exists between officers of the Immigration Department and members of the Indian community in connection with the issue of Registration Certificates and other matters affecting the Administration of that Department.

The Commissioner, who commenced to take evidence on Monday last, is sitting at the office of the Principal Immigration Officer, Market Street, Pretoria.

Members of the public, including the Indian community, are invited to tender evidence and are requested to communicate with the Commissioner, c/o Box 244, Pretoria, indicating in writing as shortly as possible the nature of the evidence to be tendered.

What Germany Owes to India

It must be owned (writes Mr. William Archer in the *Daily News and Leader*) that, until she found herself under the disagreeable necessity of meeting Indians in the field, Germany had not been grudging in her admissions of indebtedness to India. . . . Let us now turn to another Orientalist, Professor Leopold von Schroeder, who delivered in 1899 a lecture on "India's Spiritual Significance for Europe." Professor von Schroeder begins by maintaining, what other scholars deny, that Pythagoras owed much of his philosophy to India. He declares, for instance, that the Pythagorean Theorem—more familiar to schoolboys as the 47th Proposition of Euclid—was known in India long before the time of Pythagoras. He also thinks that the Eleatic philosophers may have been, and is quite certain that the Neo-Platonists were, influenced by Indian thought.

But it was the first Mahomedan raiders that really began to pick the brains of India. Many discoveries which are usually attributed to the Arabs were really of Indian origin. "First of all," says the Professor, "I will mention one which to some people may almost seem trifling, but which has been, and still is, of immeasurable value to civilisation at large: I mean the so-called Arabic numerals, with which the whole world now reckons. They are an invention of the Indians."

It was the Indians, too, who were the masters of the Arabs in arithmetic and algebra; it was they who invented chess (a doubtful boon); "in the theory of music they appear to have shown the way to Europe"; and we owe to them a very great part of our stock of fables and fairy tales.

The treasures of Indian literature and philosophy were brought to the knowledge of Germany by British scholars in the late 18th and early 19th centuries. Germany greeted them with instant enthusiasm, and was soon plunged over head and ears in the study of the Vedas, the Upanishads, the mighty epics, and the drama.

Wilhelm von Humboldt wrote to Gentz that he thanked God, who had allowed him to live long enough to read the "Bhagavad Gita." The romantic school welcomed the epics in particular with fervour. Friedrich Schlegel published an "epoch-making" book, "On the Speech and Wisdom of the Indians." A. W. Schlegel-edited the "Ramayana" and the "Bhagavad Gita." We all know how India haunted the imagination of Heine and Rueckert. The science of Comparative Philology may be said to have originated in the Sanskrit studies of Bopp, Grimm, and Pott, which were continued by Lassen, Benfey, Max Mueller, and a host of other scholars.

Turning to philosophy, we find Schopenhauer "steeped in the spirit of India."

Of the Upanishads he wrote: "They are the most profitable and elevating reading that can possibly be in the world. They have been my consolation in life, they will be my consolation in death."

It is possible to argue that, whatever the glories of his classical literature—whatever the magnificence of his architecture, the originality of his sculpture, the exquisiteness of his painting, and the penetrating charm of his music—the Indian of to-day is nevertheless a barbarian. But just imagine the indignation such a libel would have aroused in Germany if, instead of remaining loyal to the Empire, India had fulfilled German expectations and risen in rebellion! We should then have been told—what is absolutely true—that the imagination of the humblest peasant of to-day is nourished on the "Mahabharata" and the "Ramayana." We should have been assured that under the bewildering polytheism of the popular cults, there lurks, even in the humblest peasant, a marvellous capacity for metaphysical thought. We should have been reminded that Max Mueller, in introducing the "logia" of a recent mystic, wrote:

"A country permeated by such thoughts as were uttered by Ramakrishna cannot possibly be looked upon as a country of ignorant idolaters to be converted by the same methods which are applicable to the races of Central Africa."

We should have been asked how a barbarous people came to produce, within the last century, such men and women as Rammahun Roy, Chunder Sen, the brilliant Tagore family, Telang, Ranade, Malabari, Syed Ahmed, the lamented Gokhale, Toru Dutt, Cornelia Sorabji, Sarojini Naidu, and many other fine spirits who stood, and stand, on the summits of civilisation.

The Foundation of Indian Economics

Mr. E. B. Havell recently delivered the following lecture before the East Indian Association in London :

I wish to lay stress upon the word "Indian" in the thesis I am dealing with to emphasize a point of vital importance, which is too often ignored by European experts—that there is an Indian point of view in economics as there is in Indian art, music, and every other expression of Indian thought. The broad distinction between Indian economics and the modern science taught in Western schools is that, whereas in the latter the subject is only considered from the standpoint of the trader, the cult of economics being the cult of the successful merchant, Indian thinkers have always insisted that ethical principles are vital to all true science. As the Mahabharata says, "The Heavens are centred in the ethics of the State."

Manu, in laying down principles of economics and morality, enjoins the Brahman to study each day the Vedas which give increase of wisdom, those which teach the means of acquiring wealth, and the salutary laws of life—a very significant association of ideas.

When in deep distress the Brahman was permitted to have recourse to trafficking and usury as a means of supporting life, but Manu warns him that all commercial transactions are said to contain a mixture of truth and falsehood. The Lord of created beings entrusted flocks and herds to the care of the merchant class (Vaisyas); the welfare of humanity at large were entrusted to the Brahman and the Kshatriya—that is, to the spiritual and political leader, rather than to the man of business.

I think this expresses very clearly the difference between Indian and Western economic theories, as taught by modern scientific experts. The Western expert only concerns himself with the most effective methods by which individuals or nations can acquire the maximum of wealth. And the principles he teaches are a very specious admixture of truth and fallacy, just because he leaves out of his final reckoning the ultimate effect of his methods upon the general well-being of the human race.

The first great fallacy which is constantly taught as a truism to Indian students of economics, both by European and Indian teachers, is that the modern Western world has discovered a means of acquiring wealth so much more efficient than any before known, either in Europe or in Asia, that the basis of its organization must be accepted by all sensible and practical Indians as the only sure means of economic progress in India.

Sir Theodore Morison, in his book on the "Economic Transition in India," put the proposition in this form: "From its inherent superiority, the modern organization must prevail over the old, as certainly as a well-drilled, well-equipped, and well-officered army must prevail over a mob of peasants armed only with scythes and pitchforks. Whatever may be its defects,

on the moral side, whatever the dangers of physical deterioration which may be inseparable from it, the modern industrial organization is at present unrivalled in its capacity to provide the necessities and comforts of life, and in the countries where it is fully developed the wealth per head of the population is incomparably greater than where the more archaic organization prevails."

This is an *ex parte* argument on behalf of those who enjoy the maximum of the comforts of life, but I think the main issues to be decided are entirely ignored.

Are we justified in using the forces of modern science to attack this "mob of peasants armed only with scythes and pitchforks"? Are we forcing this *kultur* of ours upon these peaceful villagers for our own good or theirs? They may not be organized for attack or defence, but for their purposes the scythes and pitchforks may be as efficient as our own weapons. Should the economist write off the moral factor and the ultimate well-being of the human race, and only count the average wealth per head of the population under the new system and the old? Not now, when the British Empire and its Allies stand before the world as the champions of right against might.

Sir Theodore in another passage defines the characteristics and advantages of the modern organization as follows :

1. The interdependence of all parts of the industrial world upon each other.
2. The concentration of labour in factories and manufacturing centres, where it is minutely divided and graded.
3. The aggregation of capital in large amounts so as to secure the advantage of production on a large scale.
4. The direction of industry by expert managers.

With regard to the first point, I venture to dispute the proposition that the interdependence of all parts of the industrial world upon each other is any new departure in economics. This interdependence has existed ever since international commerce began. The only new departure in this respect is that whereas under the old system the exchange of commodities between different countries mainly consisted of luxuries, under the modern system it consists very largely of the necessities of life. Whether this may be regarded as economic progress or a grave national danger is a consideration which the war might bring forcibly home to us in this country. It may be hoped that the lurid light which the present terrible struggle throws upon our much-vaunted industrial system may make political economists more alive to its dangers and vital disorders. For behind all the political motives which have been disclosed in the diplomatic documents relating to the war there lies one impelling cause of this great catastrophe which has operated on both sides—the rivalry of modern nations for the control of the markets of the world, or the competition to attain the maximum wealth per head of the population.

There can be no doubt that the astonishing achievements of modern mechanical science has brought new forces into the field of human action, the uncontrolled use of which may bring even more terrible disasters upon the human race than the present war. Might is not necessarily right, whether it is represented by big guns or by industrial organization and machinery. The industrial conquest of the whole world by one nation or group of nations is not in itself the supreme justification of the methods employed. Even the "undisciplined mob of peasants, armed with scythes and pitchforks," may have behind it a moral force which will upset the calculations of academic professors and their well-drilled armies. The forces of modern science, wrongly employed, may be only instruments of self-destruction, and the aim of political economists should be to discover

and apply the right use of them for the benefit of humanity at large. The standard of comfort and luxury provided for one section of the community, of one nation does not provide a safe test of economic progress.

The concentration of labour in factories, the use of capital in large amounts for increasing of production, and the direction of labour by expert managers, which are the other three items in Sir Theodore Morison's definition of the modern industrial system, may be condensed into one. They are certainly to a large extent new elements in industrialism, but one or two centuries' experience in their application hardly justifies the acceptance of these new elements as an established basis of a sound industrial system, and the cautious economist would hesitate before recommending the ancient and highly organized civilization of India to discard as useless and out of date the principles upon which her own industrial system was laboriously built up.

(To be continued)

A Licence Dilemma

A curious situation has arisen (says the Greytown correspondent of the *Natal Mercury*) in regard to the application for a retail trader's licence by an Indian named M. E. Lakhi. As previously reported, the application was granted by the Licensing Officer, but an appeal was made to the Local Board. On the appeal coming up for hearing, the question was raised as to whether the Board could legally take it, inasmuch as in 1909 the Board passed a resolution that no further licences nor transfer of licences should be granted within the township. Mr. O. R. Nel, who appeared on behalf of the appellants, intimated that he was prepared to accept the Board's authority; but Mr. Forder, on the other side, stated that, while he had no objection to the Board hearing the appeal, he could not undertake to waive his right to appeal to the Supreme Court on the ground of irregularity should the Board's decision be unfavourable to his client. Mr. J. C. Becker, the chairman, gave an assurance that the members of the Board were unprejudiced, but Mr. Forder maintained his ground. The difficulty thus created was increased by the fact that only three members of the present Board were not members of the Board which passed the resolution, and four were required to constitute a quorum for the purpose of hearing the appeal. After deliberating in private, the Board decided that, having regard to the attitude adopted by Mr. Forder, it could not hear the appeal. Both sides are now claiming the victory—the applicant claiming it on the plea that a licence has been granted, and that an appeal has not succeeded, while the appellants claim that an appeal has been lodged in accordance with legal provision, and has not yet been heard.

Retirement of Deputy Protector

In connection with the retirement at the age limit of Mr. A. R. Dunning, Deputy Protector of Indian Immigrants, we have received the following letter:—

The Editor, INDIAN OPINION.

Sir,—It has come to my knowledge that it is the intention of the Government to place Mr. A. R. Dunning, the Deputy Protector of Indian Immigrants, on the retired list. I do not anticipate that this step is in accordance with the wishes of Mr. Dunning, who has proved, and is still proving, that he is very well able to fill the post entrusted to him by the Government for many a year yet, and I have no doubt that such a step would be very much regretted by the Indian community, as well as by the European com-

munity employing Indian labour. Moreover, there is, as far as one can ascertain, no man in the whole of South Africa who has at his command all the Indian languages, which Mr. Dunning so wonderfully masters. The Europeans employing Indian labour will agree with me that Mr. Dunning has always been ready to lend his assistance in investigating the many troubles amongst the Indians, and through his rare ability of handling them he was able to get at the bottom of the most intricate matters in connection with Indian customs. The services of such a man can ill be spared, and in face of the fact that it will hardly be possible to replace Mr. Dunning suitably, I am of opinion that it is up to those who have benefitted by his services to impress upon the Government to re-consider their decision, and leave Mr. Dunning in the place for which he is so well qualified.—Yours, etc.,

ONE WHO VALUES HIS SERVICES.

Dalton.

Imperial Preference and India

At the meeting of the Viceroy's Legislative Council, held on the 25th March last, Sir Gangdhar Chitnavis alluded to the question of oversea emigration and said the matter had an important bearing both upon the economic and political situation even in normal times. In a critical time like the present it had a serious aspect. They were all sorry for the *Komagata Maru* incident, but in spite of that unhappy venture and the disgraceful conduct of the emigrants, something must be done by the Government to secure a reasonable solution of the problem. And it was far better that an attempt at such a solution of the problem should be made by them as representatives of people. However much they might fret at their disabilities in the self-governing colonies of the Empire, they, unaided by the Government, could not succeed in getting them removed. It was an excellent idea of his Excellency the Viceroy, therefore, that they should authorise the Government to effect a compromise with the colonies on the basis of a complete reciprocity, consonant with the common interest and self-respect of both sides. If they succeeded in getting the most-favoured-nation treatment they should be satisfied for the present. Personally he had great faith in Imperial preference as a lever which could be used to their advantage in the colonies, but all discussions regarding that and kindred subjects of Imperial importance must necessarily be suspended until the war was over. When that happy consummation came, an Imperial conference of colonial and Indian representatives should be helpful in evolving a workable scheme of preferential tariffs which would bind us to the colonies with bonds of brotherly love, mutual trust and mutual interest.—*Leader*.

His Highness the Maharajah of Durbhanga has forwarded Rs. 101 (£6 14s. 8d.) to Mr. Bhawani Dayal towards the publication of his proposed Hindi newspaper and has consented to be a patron.

Mr. Polak has received a personal letter from the Honourable Dadabhai Naorji in reply to a letter forwarding a copy of the "Golden Number" of INDIAN OPINION. The G.O.M. who, we understand, is in good health, writes: "Thank you very much for sending me the "Golden Number" of INDIAN OPINION as a Souvenir of the Passive Resistance movement in South Africa, with which I had felt deep sympathy."

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