

Indian Opinion

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NOTES AND NEWS

LAST week we reported Mr. Justice F. E. T. Krauze's comment in the Orange Free State Supreme Court on professional misconduct. Mr. Justice deWall in the Supreme Court, Pretoria, in ordering that the name of Morris Meyer Friedman, a young Johannesburg attorney, be struck off the roll of attorneys and notaries, is reported to have made the following comment:—"Hardly a month, hardly a week, has gone by during the term but some cases of professional misconduct has come before the court. In order to keep the Law Society clean and restore the confidence of the public, it is necessary that the profession should be purged of members who have been guilty of professional misconduct."

THE death of Mr. J. M. Francis, which took place last Tuesday at the age of 57, removes from the life of Durban an old and well-known personality. Mr. Francis was one of the pioneer sportsmen of South Africa. He was one of the founders of the Durban District Indian Football Association and the Natal Indian Football Association and ex-President of the South African Indian Football Association. He took a keen interest in Indian soccer affairs and sport generally for many years. He was one of the trustees of the Durban Indian Sports Ground Association and was one of the Durban District Indian Football Association's representatives who conducted negotiations with the Durban Town Council in connection with the new Indian sports ground at Currie Fountain which the Municipality leased to the Indian sporting fraternity. Two years ago the South African Indian Football Association presented him with a suitably inscribed gold medal in recognition of his valuable services. We extend to the bereaved family our heartfelt sympathy.

THE fifth annual meeting of the South Coast and District Indian Railway Passengers' Union was held in the Indian School, Isipingo, last Sunday, under the chairmanship of Mr. R. Gopaulsingh. The secretary, Mr. T. Subramony, paid a tribute to the successful work of the officials of the Union and recorded a hearty vote of thanks to the Railway System Manager. It was pointed out that the Union's scope was gradually increasing and an appeal was made for other centres to co-operate. The following office bearers were elected: Patrons: Messrs. S. Ram and L. Bession; president: Mr. B. Mahabeer, vice-presidents: Messrs. J. Varden and P. M. Naidoo; hon. secretary and treasurer (re-elected): Mr. T. Subramony; committee: Messrs. R. Gopaulsingh, A. V. Sampson, H. Mahabeer and R. Nowbath.

THE first annual general meeting of the Sastri College Old Boys' Club was held at the Sastri College Hall on Wednesday, 22nd March. The reports of the secretary and treasurer were read and accepted. These reports gave detailed accounts of the activities of the club in the last year.

The following persons were elected to office for the ensuing year:—Patron: Mr. W. M. Buss, Principal Sastri College; President: Mr. J. B. Chetty, Deputy President: Mr. R. Chellacorty; Joint hon. secretaries and treasurers: Mr. M. Joseph and Mr. A. N. Chinnah; hon. Auditor: Mr. H. Charles; Committee: Messrs. O. Samuel, W. Thomas, K. Thumbadoo, G. Lawrence and S. Panday.

THE INDIAN PROBLEM

THE paper read by the Rt. Rev. Bishop Fergusson Davie on "The Relations of Europeans to Indians in Natal" at a recently held meeting of the Indo-European Council, which we have published in two parts, the first having appeared in our last week's issue and the second appearing in the present one, will, we have no doubt, be read with great interest by our readers both Indian and European.

There are a few observations we would like to make on the paper which we will do in all humility. Whilst we may at times have written with a certain amount of vehemence on the attitude of the European towards the Indian question our policy has always been to work towards promoting and maintaining a better understanding between the two communities. In fighting for our legitimate rights in this country we have always conceded to the difficulties of the Europeans and have never intentionally ignored their viewpoint.

The Bishop has pointed out two faults of the Indians which antagonise the Europeans against them. Firstly that the Indian is an unfair competitor and secondly that he is untidy and unhygienic. Being an unfair competitor it is feared, it is argued, that the Indian would undersell the Europeans in the labour market and bring down the standard of living of the European by forcing him to receive lower wages. European tradesmen, it is said, have a standard for which their fellows have longed and fought and that they would feel keenly having to give it up. It is further claimed that the English civilised the country and were entitled to profit by the Native trade.

Let us examine this argument a little. The history of Natal would tell us that originally Indians did not come to this country of their own choice. The European, after having conquered the Natives, found that he could not prosper by utilizing Native labour. He, therefore, approached the Government of India for cheap labour. The Government of India supplied that labour. There was no Wage Act at the time nor was there any stipulation as to the hours of work. Indian labourers were enticed by touts to come to

this country. They came under indenture for five years and slaved from early morning till late at night under the lash of the European overseer's sjambok and received for his labour a mere pittance. In order to be kept perpetually in servitude he had an annual tax of £3 imposed not on himself alone but on his wife, his daughter of thirteen years of age and son of the age of sixteen.

This would go to prove that the European in Natal actually exploited the cheapest labour market in the world in order to prosper in the land that he claims to have civilized. He could have, if he wished to, helped the Native by utilising him as a labourer and could have himself profited by the Native by trading with him. But he did neither.

Natal owes its prosperity to its sugar industry. And the sugar industry owes its prosperity to the Indian labourer. These are hard facts.

To-day the majority of the Indian population of Natal consists of the descendants of these labourers, many of whom are educated to the extent that there are facilities for him to be educated in this country and have adopted the European standard of life both in language and in their mode of living. This exploitation of cheap Indian labour continued right up to 1911-12 and that inhuman tax of £3 was abolished as late as 1914 after a very bitter struggle.

The above facts would prove that so long as the European was able to live up to his own comfortable standard he did not care a bit whether his Indian labourer improved his standard or not—in fact he actually did not want him to do so. But no sooner did the European find his own children entering the labour market than it suddenly dawned upon him for the first time that the Indian labourer was an unfair competitor and as such a menace to the country. The Bishop might well remember the Sermon on the Mount here and exclaim: "Do unto others as thou wouldst that they should do unto you." This principle, quite obviously, has not been observed by the European in respect of the Indian.

Then we come to the question of competition in trade. If the question is studied deeply there is much to be said in favour of the Indian trader. It is not really true to say that the Indian has ousted the European trader. The fact is that the European trader has had to leave owing to his inability to trade. We have seen many isolated places where there has been a European shop in the beginning and it could not thrive but when it went into the hands of the Indian he began to do roaring business. If 80% of the Native trade is in the hands of the Indian it is because the European is disinclined to trade with the Native. He will certainly not treat him as he will his European customer. Why, even Indians entering some European shops have had the bitter experience of receiving a cold shoulder from the European shop assistants who think it below their dignity to serve a black man. The ways of the Indian trader are quite different. He is polite and hospitable to all his customers and is, therefore, able to attract customers. Moreover the Indian trader has penetrated parts of the country districts where no European has ever dreamt of going and has established trade there. Is he to be blamed for that or is he to be praised for having pioneered in opening fields for trade?

Much has been said about Indian shops in European centres such as, for instance, West Street. It is said that the opposition is caused by the fear that the Indian shopkeeper will push out the European and ruin him if he is allowed to get central sites. Have not certain shops in West Street that do not belong to Indians ruined the trade in that centre by selling at prices which baffle even the Indian trader? If an Indian trader in West Street were known to sell at such prices he would perhaps be running the risk of being lynched.

So much about the Indian as a competitor. We will deal next week with the question of his untidiness and unhygienic habits.

OUR DUTY

WE reproduce elsewhere in this issue a letter addressed by Dr. G. H. Gunn, Borough Medical Officer of Health, to the Durban Town Clerk. Indians in the added areas of Durban have much cause for complaint against the Town Council for enforcing the Borough's by-laws in those areas without giving the residents of those areas the facilities that are afforded in the old Borough. The enforcement of these by-laws especially in regard to rates and taxes affects the poorer class of Indians the most owing to their very limited means. But that apart, Indians residing in the South Coast Junction area seem to be much perturbed over notices being served on a few of them to close their wells thus depriving them of their usual domestic water supply. Water and air are the two most essential things required by all living beings for their existence. It is an act of cruelty to deprive them of these. But whilst these two essentials are a blessing to living beings they are liable to be just as much a curse when they are not kept pure and in such circumstances drastic steps are necessary. We are all aware of last year's terrible malaria epidemic and no one would like to see a repetition of it this year. The authorities are therefore very rightly taking the necessary steps to prevent, as far as possible, such a calamity. It is the duty of every person whatever nationality he may be to co-operate whole-heartedly with the authorities in this work. The first and most important thing in this connection is to keep our surroundings scrupulously clean and to see that all waterways are properly disinfected so that mosquitoes may not have any chance of breeding. Those who neglect to take these precautionary measures are helping the disease to spread and are therefore a menace to public health. Every Indian should remember this and not fail in his duty.

Now we come to what the South Coast Junction Indians have made a grievance of. We feel that the explanation given by Dr. G. H. Gunn, Borough Medical Officer of Health, leaves very little ground for any further argument. We are not at all surprised that certain wells have to be closed on the ground of being highly polluted and dangerous for domestic use. Indians should not make this a grievance but should willingly assist the authorities in removing such unhealthy places. They have certainly cause for complaint, however, if they are deprived of their water supply altogether and no

steps are taken to provide them with a supply of pure water. In this connection we hope with satisfaction that Dr. Gunn has pointed out to the Town Council the need for immediately considering the question of extending the Borough water supply to Indian communities in the added areas. While we ask our people to do their duty we would certainly expect the Town Council to do theirs.

We have not heard for some time now of the activities of our Social Service Committee. We hardly think the Committee under the very able guidance of Mr. V. Lawrence needs to be reminded by us that it can serve very usefully by inspecting such places as are inhabited by Indians and by advising them as to the measures to be adopted for the extermination of the mosquito pests from their surroundings.

Pollution From Wells

Water Supply To Indians

Dr. G. H. Gunn, Borough Medical Officer of Health, in a letter to the Durban Town Clerk, has replied to certain statements made at a recent Indian protest meeting at South Coast Junction at which it was alleged that the Municipality had adopted an "autocratic" attitude in carrying out regulations relating to the closing of wells from which Indian householders draw water for domestic purposes.

Dr. Gunn advocates that the Town Council should immediately consider the question of extending the Borough water supply to Indian communities in the added areas.

He further states: "Only two notices in respect of polluted wells have been served on Indian residents in the South Coast Junction area. In both instances the wells were considered to be highly polluted and dangerous for domestic use.

"From time to time, however, mosquito patrolmen in the course of their work in the added areas have occasion to point out to the owners of shallow wells that such wells are giving rise to mosquito breeding and therefore a source of danger to the public health of the locality.

"The advice usually given by the patrolmen is to the effect that the wells should be treated with paraffin regularly so as to check mosquito breeding or that they be closed up altogether and tanks used instead. This advice, however, is merely advice and not an instruction or an order issued under the Public Health Act.

"The necessity for domestic water supply, however indifferent, is fully appreciated by the Health Department. At the same time, such wells should not be permitted to become a dangerous public health nuisance owing to mosquito breeding. South Coast Junction is one of the areas subject to severe malarial visitation.

"The supply of domestic water to Indian areas constitutes a very serious problem in that, apart from the question of mosquito breeding, the existing wells are almost invariably of such construction and so situated as to be liable to dangerous pollution from contaminated sub-boil water.

"Such contamination is the most frequent cause of such acute intestinal diseases as enteric fever, dysentery, enteritis, etc., which cause considerable mortality and morbidity among Indians, especially of the poorest class."—*Natal Mercury*.

The Relation Of Europeans To Indian In Natal

(By THE RT. REV. BISHOP FERGUSON DAVIE)

(Continued from last week)

The question of social intercourse is a difficult one for any race in which both sexes have a fair amount of freedom and therefore come to social functions in about equal numbers.

We Europeans feel that social intercourse which is restricted to the male sex is a very limited kind of intercourse. But in Indian society the opposite idea has been customary for centuries. I merely state the fact without going into the reason for it. And the Indians in Natal are more conservative on this point than the Indians in places like Simla, Lahore, Delhi and other big Indian towns.

We have nothing here to correspond with the very successful companies of Indian Girl Guides which I saw in Nagpur five years ago. In December I had the pleasure of attending a large party at the Orient Club to welcome the Kunwar Sir Maharaj Singh and his wife. There was a large number of European ladies present. I think there were only 4 Indian ladies there. This implies, does it not, a difference as to social ideas?

I remember when the Earl of Athlone opened the Sastri College he referred to the fact that European and Asiatic civilisations were different. He did not put one above another. He said, if I remember right, that he did not wish to criticise either. But they were different. That is one reason why social intercourse is bound to be restricted.

Another is that often those who would wish to shew friendship to men of another race are limited both in time and money.

A third reason is that social intercourse is bound in some cases to lead to intermarriage,—a result which is not welcomed (as far as my experience goes) either by Europeans or by Asiatics.

I think that for some time to come it will only be in rather exceptional cases that social intercourse, in a wide sense, will be natural. But it is surely an exaggeration of social aloofness when an outcry is raised against a cricket match between Europeans and Indians, at the very time when an Indian is representing England in some of the test matches, in Australia.

However, we may well be patient in these matters. Little good is done in pressing for a reform long before the times are ripe for it.

But though social intercourse may have to be restricted, there can be no excuse for the rudeness from which Indians often have to suffer. Only recently an Indian gentleman told me how soon after the first Cape Town Conference he was driving the leader of the Indian deputation from India in his motor car to shew him the Berea. At one part of the drive they passed through some European boys who shouted at them as Bloody Ooolies. We all know that Ooolie is the Indian word for Natty.

Of course such an insult is most galling. But I think that here I might offer a suggestion. When any man sees a woman with her face painted and powdered he makes a mental observation. "Poor thing." What a rotten complexion she must have to be obliged to disguise it like that!

In the same way if any European shouts an insult at an Indian, I hope the Indian will pity the European for being such an ignorant, ill-mannered person.

I know that there are some who ought to know better who still use that rude epithet "coolie" to describe all Indians. It was indeed a startling thing that one who aspired to be Prime Minister of

South Africa should recently in a public speech, have talked of "Cooly Merchants." One can only regret that he was not taught manners as a boy.

At the same time there is apparently ground for hoping that such effrontery is getting more confined to the boys who have not had a chance of learning any better and that Indians who are so insulted will pity rather than be angered by the offender. Europeans, we hope, will soon learn that anyone who calls an Indian gentleman a "Cooly" stamps himself either as an ignoramus or as a deliberate cad.

But apart from such things by which much irritation may be caused, there is the question of restrictions in trade, such as the result of the Wage Board Act. I have pointed out that these restrictions are due to fear on the part of Europeans that their own sons will be pushed out of work in the country which the European races have civilised. Living among Europeans and knowing how many of our lads cannot get work, I cannot help seeing why Europeans dread this competition. But at the same time the maxim is, I believe, true, that whatever is morally wrong can never be socially or logically right, and to add the phrase which is so common nowadays, "cannot be economically right." I take it that there must be competition but it is for the European to shew his superiority in commerce and industries rather than to pass restrictive enactments against non-Europeans. The industry of the Indians does at least bring relief to the poorer members of the European community.

That Asiatics should make money out of Europeans in this country seems to be reasonable. There are two races in the world whose prosperity for the last 300 years has been built up on profits made by trade with Asia. Those two races are the British and the Dutch. I do not think we can complain if Asiatics make a bit of profit out of us in return.

The irony of the present position in the Asiatic problem in Natal is that the Mahomedan merchants who make these profits come largely from Surat, a town about 150 miles north of Bombay. The point of interest that Surat has for us is that it was the first trading post we had in India.

It was from Surat that we began our Indian trade which has done so much to enrich not only the City of London but also the whole of Great Britain. We can scarcely with justice complain if men from that town now trade with profit among us.

Lastly there is the political situation. It is said that 80% of the Indians in this country have been born here, and therefore have the rights of citizens according to the ordinary accepted ideas among civilised people. The Europeans, I find, are rather fond of the expression "No taxation without representation." I need not dwell on the fact that scarcely any Indians have a vote for Municipal, Provincial, or Parliamentary elections. And by our present laws such few votes as they have are never to be won by new members of the community, and therefore must gradually die out altogether.

I cannot help feeling that the present system in this country, which is wrongly called democratic, is intrinsically harmful. Government is in the hands of a rather small proportion of the people; according to the last census of all races, the white population is about one tenth of the total population of Natal. The nine-tenths are entirely unrepresented. The obvious dangers of such a system are twofold:—

First, those who are elected are at least in danger of thinking only of the desires of those who have the vote, and of ignoring the desires, and even the reasonable wishes of the other nine-tenths who have no votes. This may obviously lead to grave injustice to the nine-tenths as when rates paid by Europeans and Indians were used for relief work

for Europeans only while nothing was done for indignant Indians, the number of whom were cut down in Municipal employment.

Secondly, as the nine-tenths have no voice in the passing of the laws, they have not the same feeling towards those Laws as they would have if they had representatives in the legislative bodies. This will result in their often trying to dodge them, acting contrary to the spirit of the Law in the framing of which they had no voice. And also it will put before them the temptation to bribe the members of the Executive or Legislative bodies of town, Province, or country, because they no have voice in the Government. This town and country may by a marvel have escaped this danger, so far, but it cannot expect to escape it always. I can only hope that in reasonable time the educated tax-payers of whatever race may have some representatives in the Legislature, and on Provincial and Municipal Councils. I do not suggest that this should be in exact proportion to the tax-payers, or even necessarily by members of the races concerned, though of course that is what they would desire. But it is most important that there should be some who, in Parliament and elsewhere, can voice the opinions of the non-European communities even if representatives of the European races predominate, as may be necessary.

I have dealt at some length with the differences of feeling which separate Europeans and Indians in this country. I was much struck by what the Mayor of Durban said at the party at the Orient Club to which I have already referred. He said that each side should try to understand the feelings of the other; not only that the European should try to understand the Indian, but also that the Indians should try to understand the European. It seems to me that this is most important. As far as I have been able to gather from Indian papers, any suggestion that the Government or Town Council makes as regards Indian matters is treated with suspicion, and almost at once with opposition by the Indian community. I think that this is unworthy. There are many Europeans who wish to act fairly towards the non-Europeans. It is only reasonable to try to co-operate with them.

More than a year ago the Cape Town Conference suggested investigating whether there were countries in which Indians from South Africa might settle and get more political freedom than they have here. This would have to be a voluntary act. I understand that Mrs. Naidu is in favour of it, hoping that Indian colonists from Natal might shew Indians from India how to colonise in a new country, and so help to solve one of India's problems. Yet all references which I have seen to this in Indian papers have been dead against it. Would it not be well for the future of Indians in Natal if they tried to understand the good intentions of Government and attempted to fall in with their plans as far as possible. I know there is a rather unhappy history in the past. Let us try to look not to the past with its antagonisms but to the future with hopes for co-operation. I trust that this may be possible. In Natal where the Indians probably outnumber Europeans the Indian problem is a great reality; and as I said at the beginning of this paper the question of fear comes in very largely. This fear, and the antagonisms to which it leads will not be diminished if the Indians at once meet with suspicion any suggestion which the Government makes with regard to them.

The relation of Indians to Europeans in Natal is rather deplorable. Can not each side try to understand the difficulties and aspirations of the other, so that both sides may work together for the advantage of the whole community?

Transvaal Asiatic Land Tenure Act Commission

Statement Of Springs Town Council

(Continued from last week)

4 (a) Referring to Erf 13, Springs, the occupants of which are certain Ahmed Ismail Moolla, Ebrahim Dowjee Pahad and Suliman Ismail Moolla, the first two named have residential qualifications only obtained from the last named by whom they are no doubt employed.

(b) S. I. Moolla has occupied the Erf since February, 1931, and he is mentioned in paragraph 3 (3) of this statement.

(c) From the plan of the town of Springs it is quite obvious that he has definitely penetrated a considerable distance from that quarter of the town occupied by Asiatics prior to the date when the Act came into force. Opposite to him are shops occupied by white traders, and two stands next door were originally purchased for the purpose of the erection of a palatial hotel. As in other cases the Town Council understands that this sale was only effected on the belief of the purchaser that Act 35 of 1932 would be strictly enforced, and the erection of the hotel is to a large extent dependent upon the removal of S. I. Moolla from the premises which he at present occupies.

(d) Owing to the disinclination of white traders to open up next door to the Indian trader, this shop creates a definite oasis in the continuity of the business premises, which in view of the growth of the town are overflowing from the existing centre towards the south.

(e) This applicant expressed himself as follows at the hearing of his application for a General Dealers' Certificate on the 27th December, 1930, relative to the proposed legislation:—

His Worship the Mayor:

"We want to be quite clear—you understand, don't you—there is a Bill before Parliament with reference to Asiatic occupation of premises"....."Yes."

"There is a possibility if you get this certificate perhaps in March or April you might lose it. Are you prepared to take the risk?"....."Yes."

"You know all about it?"....."Yes."

"It will not be a surprise if it comes to pass?"....."No."

"You are prepared to sign this lease, a long lease, knowing this?"....."Yes"

(f) The Town Council repeats all the general reasons set out in paragraph (3) hereof applicable to the present applicant and submits that this is definitely not an instance where exemption should be recommended.

5. Referring to the position of Erf 46, Springs, the Council first points out that this property is owned by the Mayfair Land and Investment Company. On one occasion, namely on the 27th July, 1931, certain Jassub Ebrahim, Managing Director of this Company and an Indian, gave the following evidence before the Town Council:—

Cr. Harrison:

"You say you are a Director of the Company?....."Yes."

"The name of the Company.....The Mayfair Land and Investment Company."

"The capital?"....."£100"

"You build all these places with a capital of £100?"

The applicant stated the buildings were erected on money loaned by him to the Company:

"Are they £1 shares?"....."Yes."

"Are you a Director of the Company?"....."Yes."

"You are the Managing Director?"....."Yes."

"You give instructions on the behalf of the Company?".....Yes.

"Mr. Bolton the architect, said he takes all his instructions from you?"....."Yes."

"How many shares do you own in the Company?"....."49"

"Who owns the other 5?"....."One European."

"One only?"....."Yes."

"His name?"....."Mr. Lewis."

"He owns 51 shares, £1 shares, and you own 49?"....."Yes."

"And you are the Managing Director and you control the whole Company?"....."I can't control the whole company."

"Who is this Mr. Lewis?"

Mr. Moodie: (Attorney for the applicant):

"How far can he go. Is it the concern of this Council who he is?"

Cr. Harrison: "I desire to ascertain under oath Jassub Ebrahim's relationship in regard to the company constructing buildings in which he—a minority shareholder—is Managing Director and issues all instructions to the Architect, shop front fitters and everyone else apparently.

Mr. Moodie: "Is the company before the Council as an applicant?"

Cr. Harrison: "No! Not as an applicant but in regard to the building and Jassub Ebrahim's authority to pledge that company."

Mr. Moodie: "If Cr. Harrison confines himself to this point I have no objection, that is, his authority to pledge the company."

Cr. Harrison: "Has Jassub Ebrahim a resolution of the Board of Directors of the company authorising him to pledge the company in this respect—to act on behalf of the company?"....."I am the Managing Director."

"Did you not take a resolution of the Board of Directors empowering you to act?"

Mr. Moodie: "A Managing Director does not as a rule."

Cr. Harrison: "I have had a little Company experience. A Managing Director does require the confirmation of his Board when it comes to entering into contracts. Has a resolution been passed?"....."I can't remember."

"When did the Board last meet?"....."I don't remember."

"One month ago or one year?"....."I can't say."

"It was so long ago you forget?"....."I can't remember everything."

"Are Minutes kept of the meeting of the Board of Directors?"....."The Secretary has."

"But you are the Managing Director. You must see them and confirm them."....."I can't keep everything in my mind."

"Have you got a lease of these premises for which you are applying for a licence?....."No, I have no lease yet."

Mr. Moodie: "The applicant has not got a licence yet."

Cr. Harrison: "Think carefully, remember you are under oath. I have received information that some form of lease or promise has been entered into for these premises, that a man named Dajee, or some such name, has a lease. Is that right?"....."What is his full name?"

"Sali Dajee"....."I don't know yet. Nobody has got a lease yet."

"Has no arrangement been made or a promise or undertaking given to a man named Sali Dajee?"....."Not promised yet."

"Have you talked it over?"....."No."

Cr. Brink: "Do you know the man?"....."Yes. He is one of my customers"

Cr. Harrison: "I understand there was some arrangement."....."No."

"What is the rental of this lease which you have not got yet?"....."It is not fixed yet. There is nothing yet."

"Aren't you on rather vague grounds if you have no lease. If you get a licence how do we know you will get the premises?"....."How can we have a lease without a licence?"

"You have not even a provisional lease?"....."I did not make any undertaking."

"Have you, Jassub Ebrahim, made no undertaking or come to no arrangement with the Managing Director of the Mayfair Land and Investment Company as to how long your lease shall or what rental shall be fixed?"....."I have come to no arrangement yet."

"You are the Managing Director of the Company and are also applying for a licence and you have not thought of these things yet?"....."When I get a licence I will make arrangements."

"But what about your partner, Mr. Lewis, he will do what you tell him?"....."No, I don't mean that."

To the applicant: "Has this company been formed to enable you to hold property which you could not otherwise?"

....."Not that.....only. It is only business."

"And one of its activities is to own property?"....."Yes."

"It has other activities?"....."Yes."

Cr. Harrison: "What other activities. Do you trade?"....."No."

"What else does it carry on besides property owning?"

....."Just property owning."

"You are the Mayfair Land and Investment Company?"

....."No not myself."

"Does Mr. Lewis attend the Board meetings? Does he take part in the discussions?"....."Yes."

"How often do you have a Board meeting?"....."I can't tell from memory."

The Mayor: "Have you ever had one?"....."Yes. We have had."

"Have you only had one?"....."No. More than one."
 "How many?"....."I can't tell by memory"
 Cr. Harrison: "Mr Lewis has more shares on this company than you have and you have lent the company £50,000 or £60,000?"....."Yes."
 "What steps have you taken to protect your interests?" You own practically everything?....."When we buy property I see in the Title Deeds that no one can sell until I am satisfied."
 "Do you hold a blank transfer from Mr. Lewis?"....."No."
 "Have you never held one?"....."No."
 "You are taking a risk?"....."No."
 Mr. Moodie: "I happen to be his legal adviser at present Mr. Harrison."
 Cr. Kingston: "Out of this £60,000 there is approximately £59,949 yours. Do you intend to tell us your fellow Director has no power to sign?".....No. This is put in the Title Deeds. The Company can't sell until I sign it."
 "You tell us you do not hold a signed document?"
 "You are taking a risk?"....."I have security, just like a Bond."

This Company also owns property in Vereeniging and the Town Council respectfully refers the Commission to the position of these as has been or will be disclosed by the statement of the Vereeniging Town Council. It seems therefore obvious that this Erf is held in evasion of the laws prohibiting ownership in land to Asiatics.

(b) Prior to this encroachment Erf 46 was adjoined by a Reserve, which was in the business centre of the town and too valuable to be utilised as a Reserve, and which was therefore divided up into Erven, which were sold and realised very high prices. Since the encroachment the Erven immediately adjoining Erf 46, dropped in value and buyers cannot be found for what is now termed the backwash of the trading stands in the town of Springs. The encroachment, therefore, has had a very serious and deleterious effect on this particularly valuable block which is the business centre of Springs and contains very modern and up-to-date business premises. In one instance modern flats were to be erected on Erf 68, Springs and the foundations were dug, but on the opening up of businesses by Asiatics on Erf 36, Springs, the idea of the building was abandoned.

(c) Two of the traders, F. E. Matwadia and H. M. Laher, are hawkers who have migrated from the Asiatic Bazaar.

(d) S. Asmaljee owns businesses in Johannesburg and would not be prejudiced as these businesses would absorb his stock.

(e) Jina Jaga is a very new arrival who cannot have built up a stupendous business in the time. In fact he arrived only just prior to the passing of Act 35 of 1932, and must have known and did know that the Law was about to come into force.

(f) The remaining occupants have residential rights only, the taking away of which cannot possibly be prejudicial to them.

(g) The Town Council repeats the general arguments in paragraph (8) applicable to these occupants and respectfully submits that any prejudice to such people is of their own creation and is entirely outweighed by the prejudice they have caused to owners and occupiers of adjoining property.

6. (a) Referring to Erf 67, Springs, this Erf is owned by the Springs Warehouse (Pty) Limited, and the Council respectfully refers the Commission to the evidence given by Mr. M. D. Harrison, then a Town Councillor of Springs, before the Select Committee on Asiatics in the Transvaal, reading as follows:—

"These properties are not owned by them. The property, which was the subject of litigation is owned not by them, but is in the name of Springs Warehouse Proprietary Limited, the directors are John Deane, who is practically an Office Boy, and Kenneth MacKinnon. Each Director holds one share and the balance is not issued. They never had a shareholder's meet-

ing and never paid for their share."

It would seem therefore that the ownership of this Erf is an evasion of the Laws relating to ownership of ground by Asiatics.

(b) This further encroachment affects adversely the values of property in the reserve immediately opposite and sold by the Council recently as hereinbefore mentioned in paragraph (5 b) of this statement.

(c) This Erf is entirely residential and no prejudice can be occasioned by the ejection therefrom of the Asiatic compared with that suffered by owners of property in the immediate vicinity.

7. Referring to the occupants on Erf 150, Springs, the Council says:—

(a) This penetration is of recent date and occasioned by the fact that these parties were given notice on proclamation to vacate the ground occupied by them on the farm Grootvlei.

(b) This is a definite penetration and Asiatic settlement into a recognised and well inhabited European residential quarter, the inhabitants of which view the invasion with decided disfavour.

(c) The rights are purely residential and accommodation can be obtained at the Asiatic Bazaar, so no prejudice would result should there be no recommendation to exempt this Erf.

Irrigation And Conservation Of Waters Act, No. 8 Of 1912

IN THE WATER COURT OF THE WATER COURT DISTRICT NO. 15 (DURBAN)

Application of the Natal Estates Limited, for permission to divert and use, in perpetuity, and at all seasons of the year a portion of the normal flow and surplus water of the Umgeni River for irrigation and other purposes on certain non-riparian land.

The attention of all parties interested in the use of water of the Umgeni River is invited to the Notice (No. 125) of the above application, published in the Union Gazette of 10th March, and in the *Natal Advertiser* of 14th March, 1933.

The further hearing of this application will take place at the Law Courts, Durban, at 10 a.m. on Tuesday 27th June, 1933, or on such date thereafter, as may be fixed by Notice in the Gazette.

Any claims or objections must be served not later than the 20th June next, on the Registrar, Pretoria, and on the applicant's attorneys, Messrs. Livingston, Doull and Dumat, P. O. Box 180, Durban; from whom any further information may be obtained on application.

J. A. STEGMANN,

Registrar of Water Courts (North).

Water Court Office,

Pretoria.

13th April, 1933.

NATAL INDIAN CONGRESS

The adjourned annual general meeting of the Natal Indian Congress will be held at the Parsee Rustomjee Hall, Queen Street, Durban, on Sunday the 19th April, 1933 at 3-30 p.m.

AGENDA:—1. Election of officials,
 2. Supplementary financial statement,
 3. General.

A. I. KAJEE

P. R. PATHER

Joint hon. Secretaries.