

Indian Opinion

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Indian Opinion

SATURDAY, JULY 25TH, 1908.

The Struggle

THE British Indian struggle in the Transvaal has now reached a critical stage. Mr. Sorabji Shapurji of Adajan has received the sentence of one month's imprisonment with hard labour for daring to claim his rights as a British subject with educational qualifications under the Immigration Law of the Transvaal. His fault was that he refused to register under an Act which General Smuts has promised and was about to repeal. One month's imprisonment was the minimum that the Magistrate could give; but it was optional for him whether to add hard labour or not. By having added hard labour, the Magistrate has shown a vindictive and inhumane spirit. Mr. Sorabji has suffered for a principle, and has shown to the world of what stuff Indians are made. His case is somewhat different from that of the other Indians who went to gaol last January. They were in the Transvaal; and, whilst they were fighting on behalf of all who were entitled to remain in the Transvaal, their own interests were intimately concerned. Mr. Sorabji merely desired to enter the Transvaal, but he did so in order to test whether an Indian with sufficient education could not demand entry under the Immigrants Restriction Act. He has shown that he could, because he was not stopped at Volksrust on entering. Mr. Sorabji, therefore, has fought for the honour of India, and he deserves

congratulations for his bravery. We sympathise with his family, but we feel sure that they rejoice in the suffering of their relative, in that his suffering, let us hope, will solve the Indian struggle, so far as the entry of educated Indians is concerned.

Mr. Sorabji's case was followed by the arrest of several Indian hawkers, both Hindu and Mahomedan. They proved before the Magistrate that they applied for their licences but they could not get them unless they complied with the Asiatic Act. They, too, committed a technical fault, and the Magistrate sentenced them to pay a fine of 10/- or in default to suffer imprisonment for four days with hard labour. They have refused to pay the fine, and are now undergoing imprisonment. It is a wonderful spectacle, that of these men suffering privations, going to gaol; undergoing pecuniary loss, not that they might better their own condition, but that India's honour may be saved and that those who are entitled to return to the Transvaal may be able to do so the same as they. They need not have troubled about the rights of others, they need not have thought of their educated brethren, but they have risen to the occasion, they have realised their responsibility. Such men would be considered a valuable asset in any community. In the Transvaal, they are despised. But a time must soon come when the people of the Transvaal will have to re-arrange their ideas, and learn to respect British Indians as fellow-citizens not unworthy of the ordinary rights that British citizenship carries with it.

Indigency in the Transvaal

THE Report of the Transvaal Indigency Commission, which has just been published, is not without interest to the British Indian community, though it deals only with the indigency afflicting that protected class—the white man. Among the signatories to the Report, we observe the not altogether unknown name of Mr. Lionel Curtis. It is a sinister name for the British Indian community, and British Indians in the Transvaal and elsewhere owe much of their miseries to his unhappily directed energies. Mr. Curtis's pen may be divined on many a page, but especially in those sections of the Report where reference is made to Asiatics. His peculiar anti-Asiatic bias breathes forth on every possible occasion. We see it in the quite unnecessary, because already realised, recommendation "(31) that Asiatic immigration be not permitted," and

in the dictum, on page 127, that "we are strongly of opinion that the restrictions imposed by the Asiatic Law Amendment Act should be maintained and strictly enforced." What this opinion and "the restrictions imposed by the Asiatic Law Amendment Act" have to do with the quite different question of further immigration, it is somewhat difficult to see. Doubtless Mr. Curtis knows, and that said we have said all.

We note that Mr. Hodgkinson, who gave evidence before the Commission, as representing the Federated Association of Mine Employees, discussed as an expert (his other qualifications not being stated) the question of Asiatic competition, especially in regard to the hawking of market-garden produce during the plague outbreak in Johannesburg in 1904. We are led to infer that, whilst "the white man had got his rent to pay and had to wear a shirt of some sort, and had far more expenses than the 'coolie,' and had to keep a family," the "coolie" had none of these, and the white man was consequently undersold. "The 'coolie' took away the whole of his trade." The facts were that a few white men started hawking vegetables, entirely ignorant of the trade, and by keeping prices exorbitantly high, and declining generally to suit their manners and methods to the convenience of the European householder, failed to obtain a market wherein they had the opportunity of securing the start of a six months' monopoly of trade with people of their own race. Had Mr. Hodgkinson stuck to his last, and dealt with the question of mining, he would have been much nearer the mark, as he was when he stated that "the great proportion of the men who are out of work are men who are not practical tradesmen, or they are poor practical tradesmen."

A comparison of paragraphs 245 and 246 is an interesting study. We discover that the members of the Commission "do not think that Government action can or should be used to protect the South African artisan from competition. The remedy lies in his own hands. If he is lazy, inefficient, or half trained, the competent (white) immigrant will beat him in the struggle for employment; and it is better for this country that it should be so. Nobody wants the industrial reputation of South Africans to be below that of other peoples. No Government should protect the inefficiency of its citizens." Of course not. That is not the way of civilisation. The weaker must go to the wall. The fittest must survive.

Strangely enough, however, notwithstanding these pleasant conclu-

sions, we are told that they must not apply to Asiatic immigrants. We are reminded that "it is of the utmost importance that the white race should not be ousted from the country by a people less civilised than itself." Thus, we find that Asiatic immigrants, especially when they are successful, are of a lower degree of civilisation than "the lazy, the inefficient, or half-trained" indigent section of the white population. It is an amazing contradiction. What are we to think of it all? There is surely something rotten in the state of Denmark when we have that blessed word civilisation being used to flog the "poor white" by his more intelligent fellow-white, and to flog the Asiatic by the white whose future is one of hopelessness and degradation!

THE *Star* OF JOHANNESBURG HAS given the above heading to

Filling its report of the cases of the Gaols *bona fide* hawkers who were arrested and sentenced on

Tuesday last. The later news from Johannesburg shows that some prominent Indians, who had taken up hawking by way of protest were also arrested and imprisoned with hard labour for four days in lieu of a fine of 10/-. Mr. Abdul Cader Bawazeer, the Assistant Imam of the Hamidia Mosque, was one of them. He alone, so far as the Indian community is concerned, and, we might say, the British Empire is concerned, is sufficient to "fill the gaol." Mr. Bawazeer belongs to a distinguished family in Bombay. His father is Assistant Imam or priest of the Juma Masjid at Bombay. Mr. Abdul Cader Bawazeer had continued the traditional occupation in South Africa. He holds the distinguished position of Chairman of the Hamidia Islamic Society, and all who have come in contact with him know with what ability and zeal he has discharged his very onerous duties during a most critical period in the history of British Indians in the Transvaal. By his unremitting attention to his public work he has held together the Mahomedan section of the population. The Hamidia Islamic Society has played a most important part in the struggle, and the credit is largely due to Mr. Bawazeer. Those who know anything of India, and who know how sensitive the Indian mind is with reference to gaol-life, will not fail to appreciate the significance of the sacrifice performed by Mr. Bawazeer, and the sensation which his incarceration must create throughout the Indian world. That imprisonment is limited to only four days does not minimise the importance of the event. That it is coupled with hard labour will send a thrill through the hearts of Indians in South Africa, as also in India. The Imam explained in the witness-box that he had, at much risk to himself, assisted the Government in carrying out the Indian

part of the compromise, and that he, as a leader among his countrymen, did not wish to sit still whilst his less fortunate countrymen, because they had to take out some trading licence, had to choose between the hardships of a gaol-life and surrender of their conscience. Cases like these are certainly not cases for hard labour. It was a proper thing for the Indian community to have suspended all business for the day following the incarceration, out of respect for the Imam. The occasion of this trial was rather unique. It was that, together with the Imam, were arrested Messrs. Vyas and Naidoo, who suffered imprisonment last January. The Government have undoubtedly rendered a service to the Indian community by prosecuting these Indians. They have simply knit the Indians in South Africa closer together, as our columns will show, and they have unwittingly hastened a proper solution of the difficult Indian question. We congratulate Mr. Bawazeer and his fellow-prisoners on their courage and self-sacrifice. There must be every hope for a nation that produces such men.

Hon. Mr. Khare's Advice

The Hon. Mr. Daji Abaji Khare of Bombay, writes as follows to Mr. Imam A. K. Bawazeer, Chairman of the Hamidia Islamic Society:—

I have to acknowledge with thanks your letter conveying the thanks of your Society for what little work I did in the cause of the British Indians in the Transvaal. Indeed the only tangible work I have done consists in having taken part in the public meeting held here in connection with the subject, which was presided over by H. H. the Agakhan.

I wish I could have done more than that. The matter, however, unfortunately still exists as a great grievance, and I think it is the duty of every Indian in this country, as well as outside, to do his utmost in the cause. It is a grievance in which we have not only truth and justice on our side, but in which we have the cordial sympathy of many Englishmen themselves. It is, moreover, a matter which appeals equally to both Hindus and Mahomedans. We must make the utmost of this subject. I wish Hindus and Mahomedans would join one another in all political questions as they do in this. Both the great races must show that they have sense enough to understand the real object of those who try to divide them. We belong to one country and have common grievances, and there is no reason why we should not everywhere show a united front.

I would wish that your Society would give proper advice to the Mahomedans in India.

Mr. Sorabji's Case

Sentenced to Hard Labour

Intense Indignation

[SPECIAL TO INDIAN OPINION]

In B Court, on Monday last, the 20th instant, before Mr. H. H. Jordan, Mr. Sorabji Shapurji appeared charged with failing to obey the Magistrate's order to leave the Colony within 7 days of the 10th instant, under Section 7 of the Peace Preservation Ordinance. Mr. Cramer prosecuted, and Mr. M. K. Gandhi appeared for the defence. The Accused pleaded not guilty.

—Broadhead stated that he was Clerk in charge of the Criminal record, and produced the records in the case, wherein the Accused was ordered to leave the Colony on the 10th instant.

P. C. Higgins stated that he was orderly in B Court and served the Court's order on the Accused.

Superintendent J. G. Vernon stated that he arrested the Accused at 7 a.m. on the 20th instant in the Malay Location. He arrested him for not producing a certificate or authority to reside in the Colony after the warning received from the Court to leave within seven days from the 10th instant. The Accused replied that he did not intend to leave. Witness handed in a number of copies of the *Gazette* containing the Asiatic Law Amendment Act, the regulations thereunder, and notices regarding its enforcement.

Cross-Examined: A letter had been sent by Mr. Gandhi to the Deputy Commissioner of Police stating that the Accused was prepared to attend the Court at any time his presence was required. Asked why then Accused had been arrested, Witness replied that he did not accept instructions from anyone except his superior officers. He had received instructions to arrest the Accused and had used his own discretion in arresting him that morning at 7 a.m., which was the time most convenient to Witness. Accused had been kept in custody ever since. This closed the case for the Crown.

The Accused, giving evidence on his own behalf, stated that after receiving the notice to leave the Colony, he had remained in the Colony and had told Superintendent Vernon that it was not his desire to leave. He did not now wish to leave the Colony, and he was there to suffer the penalties for disobeying the order of the Court. He was a British subject, and as long as he shared the full responsibility as a subject of the British Empire he considered that he had every right to remain in the Transvaal.

Cross-Examined: He had disobeyed the order of the Court, and all along intended to disobey it.

This closed the case for the defence. Addressing the Court, Mr. Gandhi said he wished to draw his Worship's attention to the fact that that was going to be a very terrible struggle for British Indians in the Transvaal, and in connection with that trial several Indians who were waiting outside to enter the Court House were hustled about and were assaulted also.

The Magistrate: I know nothing about that, and I cannot take an *ex parte* statement. There are quite enough in the Court now to make it uncomfortable.

Mr. Gandhi: That is so, but there are a lot outside—

The Magistrate: The Court can only hold a certain number.

Mr. Gandhi: It is a question of handling the thing properly. The Court House is within your Worship's jurisdiction, and I think I might be allowed to make a statement about the matter.

The Magistrate: All I can say is that the Court is uncomfortably full.

Mr. Gandhi then proceeded to refer to the case, which, he stated, was very simple. (The Magistrate: "Very simple.") He only wished to draw his Worship's attention to the fact that his client, rightly or wrongly, believed that it was a matter of principle to remain in the Colony, and he claimed his right to remain in the Colony under the Immigrants' Restriction Act. His client had felt aggrieved that he had been called upon to accept the Asiatic Amendment Act. He had failed to leave the Colony, and he had told the Court that he could not possibly obey an order that was issued under the Asiatic Amendment Act. The accused wished to suffer for the sake of principle. He had chosen between his conscience and the order of the Court, and he had chosen by his conscience.

The Magistrate: One month with hard labour.

Notes on the Case

[SPECIAL TO INDIAN OPINION]

At about 2-15 p.m. last Monday, a large number of members of the Indian community were quietly assembled outside the Court, awaiting the opening of the doors, so that they might secure admission, in view of the approaching trial of Mr. Sorabji Shapurji, who had been arrested for disobeying the Magistrate's order to leave the Colony. The Court has double doors, but on all occasions when important Indian cases are before the Court, a practice is made by Superintendent Vernon of only opening one side of the doors and admitting the Indians to a portion only of the space reserved to the general public, even though there may be no other people present. At the doors are also posted constables to regulate admission to this space. The result of these precautions is to make it im-

possible to enter the Court without a great deal of jostling. On Monday, it was obvious to even a casual onlooker that a deliberate attempt was to be made by the Police to cause as much trouble to the Indians who wished to attend the Court proceedings as was possible. Scarcely was the door gingerly opened, than the constables thereat pushed back violently those who were striving to enter, whilst other constables charged back at the crowd, one of them being conspicuous by the brutal manner in which he hurled certain Indians from one side of the outside verandah to the other. After a certain number had been admitted, but whilst there was still plenty of room within the space reserved for the public, Superintendent Vernon instructed the Police to push the crowd back and not admit any more, and this they did again in a violent manner. Superintendent Vernon was also overheard to say to one European spectator that he should stand with the other Europeans. Whilst the Court proceedings were going on, a number of well-dressed and educated Indians, noticing that the constables were admitting to the Court Europeans and Natives, applied also for admission, but were peremptorily refused. One of them, Mr. G. K. Desai, demonstrated. Some of the Constables then proceeded roughly to push the people back. Mr. Desai was taking the number of one of the Constables who was especially brutal, when the latter, noticing him, struck him a heavy blow on the face, and was proceeding to deliver a second one, when another constable held him back. The Indian onlookers were then forced back by the Police to the trees about 20 yards from the Court House. The unnecessary violence and brutal ill-treatment offered by the Police, without any provocation, is bitterly resented by the community who have the more determined to continue the struggle. At the conclusion of the Court proceedings, Mr. Gandhi addressed the crowd outside his Office.

Mr. Sorabji, he pointed out, had gone to gaol because of a principle and not to open the gates of the Transvaal to the unrestricted immigration of Asiatics. He had come in under the Immigration Act in order to pass the educational test of that Act which made no distinction as to race, class or colour. He had studied English for seven years, but he now found that all his English was of no avail, notwithstanding that the Immigration Act was general in its application and that he was a British subject in a British Colony.

The next step, continued Mr. Gandhi, was for those Indians who possessed licences to return them and stand the consequence of being arrested for trading without licences and going to gaol; also for them to return their certificates. It was only by showing that they were willing to

undergo communal suffering and not to avail themselves of any present privileges that they could bring conviction to the minds of the European community that they were fighting for principle. He repeated that the Colonial Secretary had promised unconditionally to repeal the Asiatic Act provided the Asiatics registered voluntarily, but this promise had not been kept.

Before the Indians broke up, some handed over their trading licences and several their registration certificates, and it is expected that this example will be largely followed. The Indians, we understand, are indignant at the manner in which the police cleared them away from the entrance to the Police Court during the afternoon, and also at the sentence passed on Mr. Sorabji, contending that hard labour should not have been given for what they consider a political offence.

Affidavits Filed

The following affidavits in regard to the police assault have been filed with the Commissioner of Police.

I, Gulabhai Kikabhai Desai, of Johannesburg, do hereby and sincerely declare that I, in common with many Indians, went to the 'B' Court on the 20th instant, to hear the case against Sorabji Shapurji. I was trying to enter the Court House, as were the other Indians, but the Police prevented us, and, in so doing, without any warning, began to assault, several Indians. One of them was myself. Constable B99 held me by the neck and put me outside the verandah. On seeing many Europeans enter the Court House, I went up to the verandah again and took up my original position. I noticed that the said Constable and other Constables were even then hustling about the Indians. As this was going on, I took down the numbers of these Constables. Constable B60 then became enraged, and mumbled something in English, and gave me a violent slap on the right cheek, hurting me very much, and he caught me and put me beyond the verandah. I charge the said Constables with Assault, and ask that proceedings be taken against them.

I, Cursetji Hormasji Desai, of Krugersdorp, do hereby solemnly and sincerely declare that I attended the Court House on the 20th instant to witness the trial of Sorabji Shapurji at the 'B' Court, Johannesburg. I was trying to enter the Court House, but, in common with many other Indians, was prevented from so doing. I saw the Police assaulting Indians without any warning or caution. I witnessed the assault committed upon Gulabhai Kikabhai Desai. I have read his affidavit, and I confirm the contents thereof. I add that, if Constable B60 had not been held down by Constable B99 after the said Gulabhai Kikabhai Desai received the vio-

lent slap referred to in his affidavit, the said Gulabhai Kikabhai Desai would probably have suffered grievous bodily harm, because I saw that B60 was about to cause further injury to the said Gulabhai Kikabhai Desai. When I began to expostulate with the Constables for the rough treatment and for their allowing Europeans to go in when Indians were being prevented, B129 and B99 assaulted me by pushing me. When Constable B129, assaulted me, had I not held on to the post near which I was standing, I should have fallen down and been severely hurt. I charge Constable B129 and B99 with having assaulted me, and I ask that proceedings be taken against them.

I, Henry Salomon Leon Polak, of Johannesburg, Attorney of the Supreme Court of the Transvaal, do hereby solemnly and sincerely declare that, on the 20th instant, I went to B Court, representing the British Indian Association, in the matter of the trial of Sorabji Shapurji. About 2-15 p.m. a large number of Indians had gathered on the verandah outside the Court-house in an orderly manner, and were waiting for the doors of the Court to be opened that they might attend the proceedings against the said Sorabji Shapurji. One side only of the folding-doors of the Court was opened, leaving very little space for anyone to enter, in view of the fact that on each side of that half of the door-way was posted a Constable. The result was that, in the endeavour to get inside, there was a crush, and the Constables who were within the door-way pushed the crowd back in a very violent manner. At the same time Constable B99 from the open space outside the Court made a rush at the crowd, using his fists and shoulders entirely without provocation, seeing that there was no disorder beyond the effort of the people to get into the Court through the narrow door. I saw this Constable seize one Indian by the scruff of the neck, as he was standing in the door-way, and hurl him violently from one side of the verandah to the other. I saw this Constable make several charges against individual Indians, behaving in a very brutal manner. He afterwards went into the Court, and I followed him inside and took his number. Whilst within the Court, and prior to the opening of the Court's proceedings, I noticed the Constables at the door making several rushes outside forcing back the crowd, instead of opening the other side of the door in order to make it easier for the people to enter. After a certain number of Indians had entered, the rest were pushed back, although there was ample space for them at the time, within the Court, and Europeans were allowed to enter although they did not come up until afterwards. I heard Superintendent Vernon give instructions to the Constables at the door to keep the Indians back, and,

in obedience to these instructions, the Constables made several more rushes at the crowd, using quite unnecessary violence. When the Court's proceedings opened, there was still room behind the barrier for more members of the public. Whilst within the Court, I heard a disturbance outside, and went to investigate the cause. There I found Gulabhai Kikabhai Desai with the right side of his face inflamed and his right eye suffused with blood. He told me that Constable B60 had just given him a violent blow. Although he remonstrated strongly to Superintendent Vernon, the latter took no notice of his complaints, and harshly ordered him to go back into the crowd, which was being driven towards the trees in the open space in front of the Court. At this time there was still room within the Court for more members of the public.

Mass Meeting in Durban

Transvaal Government Condemned

Great Enthusiasm

On Thursday afternoon a mass meeting took place in the Indian market, Grey Street, under the auspices of the Natal Indian Congress, to protest against the action of the Transvaal Government. About 6,000 Indians were present. The Indian stores were closed, in sympathy with those who were suffering imprisonment in Johannesburg. Mr. Dawad Mahomed, President of the Congress, presided, and amongst those present were Messrs. Parsee Rustumjee, Abdool Cadir, Moulvi Fateh Mahomed, S. J. Randeria, Ismail Gora, G. H. Miankhan, Bernard Gabriel, Jas. Godfrey, Abdoola Haji Adam, Dada Osman, M. C. Anglia, Dr. Hira-Manek, U. M. Shelat, Hassim Joona, P. S. Aiyar and others.

Mr. Dawad Mahomed, who was listened to with great attention, went over the events of the past six months, pointing out the reasonableness of the Indians' position, and contrasting their attitude with that of the Transvaal Government. In conclusion, he said that it would be a great consolation to those in the Transvaal to know that they supported them, and prayed to the Almighty that they might continue to have courage to face that wolf in sheep's clothing—the Transvaal Government. (Applause.)

After Mr. Jas. Godfrey, Mr. B. Gabriel, Moulvi Fateh Mahomed and Mr. Parsee Rustumjee had addressed the meeting, resolutions of protest against the sentences passed on Indians in Johannesburg, and of congratulation to those brave men, were enthusiastically carried.

The meeting lasted over two hours and was one of the greatest Indian demonstrations ever held in Durban.

Clare Estate Robberies

The following petition has been forwarded to the Colonial Secretary, Natal:

The Petition of Indians residing on Clare Estate and Springfield, in the County of Durban.

HUMBLY SHEWETH:

That your petitioners beg to draw your attention to the unsettled condition of their district caused by one or more gangs of robbers and burglars marauding the districts by night endangering your petitioners' lives and property.

That recently a foul murder was committed in the district on an "Arab" storekeeper and his wife.

That every day robberies are committed and that your petitioners are powerless to defend themselves owing to the number of men in each gang.

That your petitioners organised watch parties to patrol the district but that these were of no avail owing to the extent of the district.

That your petitioners have requested the Natal Police stationed at Sydenham to aid them, but, owing to the distance between the Police Camp and the district, the Natal Police have been unable to be on the spot when required.

That your petitioners pray that an additional Police Camp be established in a suitable position on the boundary between Clare Estate and Springfield to protect your petitioners' lives and properties and, if necessary, patrol the district by night.

That many of your petitioners are anxious to volunteer themselves to patrol the district by night and protect the inhabitants if the Government will provide them with fire-arms or allow them to purchase same, but at the present time they are afraid and unable to do so, as they are lacking the means of self-defence in case the gang of robbers should attack such patrol parties.

And your petitioners as in duty bound will ever pray.

Dated at Springfield and Clare Estate, this 16th day of July, 1908.

(Sd.) J. W. SPARKS,

—WHEELRIGHT J.P., etc.,

and the Indians residing on the above Estates.

Our Supplement

We are pleased to present to our readers, with this issue, a portrait of Mr. Sorabji Shapurji of Adajan. Mr. Sorabji's name has become well-known among the British Indians in South Africa. His heroic work has endeared him to all, and we doubt not that our supplement will be cherished by all our readers as a memento.

We hope to publish a portrait of Mr. Imam Abdul Cader Bawagoor next week.

The Transvaal Trouble

"The Star" on the Present Position

The *Star* of the 15th inst. says:—

The position with regard to the Asiatic question appears to have undergone a change for the better, and a definite settlement can be expected. The chief point at issue now is understood to be the right of educated Indians to enter the Transvaal, and the case of Sorabji, who was ordered to leave the Colony within a week will probably force the position. Mr. Sorabji has not left the Colony, and he will probably be arrested and brought before the Court early next week. The point would not appear to be essential to the general principles involved as educated Indians could not outside of their own community make an adequate competence, and if the rights of the white community are sufficiently safeguarded otherwise it is improbable that the parties interested will not be able to effect a compromise.

Mr. Essop Mia's Explanation

In reply to the above, Mr. Essop Ismail Mia, Chairman of the British Indian Association, has written to the *Star* in the following terms:—

You have published in your notes yesterday the statement that a settlement of the Asiatic question is probable, and you state, very properly, that the point (that is, of education) would not appear to be essential to the general principles involved, as educated Indians could not, outside of their own community, make an adequate pittance. I hope that the news published by you is accurate.

What, however, I understand to be the situation is that, whilst the Government are willing now to repeal the Act and recognise the rights of Asiatics domiciled in the Colony before the war, they insist upon British Indians accepting total prohibition of the entry of Indians, no matter what educational attainments they may possess. This is not in the Law today, as Mr. Sorabji's case has made clear. In asking us, therefore, to accept the above disqualification, the Government ask us to commit communal suicide. If the resident Asiatic population is to be fully protected, and is to be allowed to remain in the country in a becoming manner, it must be apparent to every Colonist that they will need the assistance and guidance of their educated brethren. By education I do not mean a mere knowledge of the elements of the English or any other European language, but I mean a very high degree of culture. Does anyone suppose that Indians in the Colony, the majority of whom are traders, can live with any degree of comfort, if they have not amongst them such men as I have described above? There is not a British Colony in the world, with a resident Asiatic popu-

lation, which has legislation of the kind to which our consent is now required as a condition precedent to the granting of simple justice to pre-war Indians. If the Government think that they can carry their drastic policy of exclusion, let them do so and let them at the same time recognise the other rights. If justice is on our side on the question of education, and if we have sufficient strength in us, we will win.

But, as the position stands at present, it seems to me that I and other Indians have armed ourselves with voluntary registration certificates and also yearly licences, and have placed ourselves in a better position than our other countrymen who have an equal right with us to live and trade in this Colony; and, as their position is in jeopardy, in view of the entire disregard by General Smuts of the solemn obligations undertaken by him, I feel I have erred in having been the first to take out my voluntary registration certificate and my annual licence. I, as well as other British Indians, who have taken a prominent part hitherto in the passive resistance campaign, and since the compromise, have helped the Government to the best of our ability, have, therefore, decided, by way of protest and penance, ourselves to become hawkers and give ourselves the privilege of hawking without a licence. If, therefore, the people of Johannesburg see strange Indian faces with baskets of fruit and vegetables, they should understand that they have become unlicensed hawkers by way of protest against injustice. In taking this step with deliberation, my compatriots have no desire willingly to defy the laws of the land. It is because we have so great a respect for the laws of the country in which we live that we have undertaken to break certain statutes, which are mis-called laws, but which can be more properly described as engines of tyranny. It is nobody's duty to submit to tyranny. The step that has now been taken is, therefore, I hold, a perfectly lawful and just one.

✓ The Mahomedans' Position

The following letter is addressed to the *Star*:—

Sir,—With your informant who states that the Mahomedans of the Transvaal will not, in order to revive the Asiatic struggle, follow the advice that may be tendered to destroy or refrain from using trading-licences already issued, in common with others of their compatriots, the wish seems to have been father to the thought.

I have the honour to represent the Hamidia Islamic Society of the Transvaal, and I am not aware of a Mahomedan dissident. They hold the honour of India and their educated countrymen just as dear as any Indian. In point of fact, my co-religionists have stronger objections to the Asiatic Act than the other In-

dians, for the simple reason that it constitutes a direct attack on Mahomedanism, and offers a deliberate insult to the Caliph of the Faithful, His Imperial Majesty the Sultan of Turkey, who is the spiritual head of Islam, as His Majesty the King-Emperor is the temporal head of the citizens of the British Empire.

That three Mahomedans gave thumb-impressions to the Licensing Officer means nothing, except that they did not know what they were doing. The Government have not sufficiently appreciated the service rendered by the Indian community when they gave finger-impressions voluntarily; and now the people take time before they understand that the giving of thumb-impressions to the Licensing Officer is not the same thing as giving finger-impressions under the voluntary arrangement. The act performed before the Licensing Officer is a symbol of the Act which we have foresworn. And it is because we wish to lodge a tangible protest against the Government's action in dealing dishonestly with us, that I, as well as others of my countrymen, whether Mahomedans, Hindus, or Christians, have taken up hawking without licences as a privilege, unused though we are to the occupation.

I am, etc.,

(Sd.) IMAM A. K. BAWAZER,
Chairman, Hamidia Islamic Society,
Johannesburg,
18th July, 1908.

The Position Stated

Rev. Joseph J. Doke writes as follows in the *Transvaal Leader* of the 20th instant:—

Will you kindly publish the enclosed letter? My object in asking Mr. Gandhi to state the Asiatic position clearly is to remove misconceptions which I am confident exist in many minds, and to do so through his own words. It will be seen that there can be no danger to the Colony if the Asiatic Law Amendment Act be unconditionally repealed, and the stringent Immigration Restriction Act applied to Asiatics. It will further be noted that should this not fulfil in working the desire of our colonists, subsequent legislation can do it. But beyond all things I am anxious to make this clear, that it is neither statesmanship nor justice to make the Asiatics buy the repeal of the Asiatic Law Amendment Act (which was promised them in the compromise) at the price of absolutely excluding the men they need here most. The Asiatics have no right to do it.

"Dear Mr. Gandhi,—There is one point relating to the negotiations with General Smuts which perhaps is not so clear as it should be made for the sake of those who desire a just settlement of the Asiatic trouble. I refer to the question of educated Asiatics.

"Most colonists, I think, are at one in the resolution that Asiatic immigration must absolutely cease, and they are afraid that, should the Immigration Restriction Law be applied to Asiatics, a very perceptible and influential number of educated men might still be admitted. I am not now pronouncing on the justice of this position, but simply stating the fact. Is there any way in which you can meet this objection, and satisfy them?"

"Is it true that your chief objection to accept the terms dictated by General Smuts is that by claiming your consent to the closed door before repealing the Asiatic Law Amendment Act he is asking you to be a party to the absolute exclusion of your educated brethren from India?"

"Suppose the Asiatic Law Amendment Act were repealed unconditionally, would it not be easy for Government to introduce legislation, apart altogether from your consent and without compromising you, to close the door absolutely? If so, what action would be taken by the Asiatics?"

(Sd.) JOSEPH J. DOKE.

"Dear Mr. Doka,—The questions you have asked me are very pertinent and very reasonable. If only the public can be induced to take sufficient interest in the Asiatic question to understand what it is that we want, half the difficulty will be over."

"Speaking from a British Indian standpoint, British Indians have long since accepted the position that Asiatic immigration should be severely restricted; but, if the Colonists demand that even the most highly-educated Indians shall not enter the Colony, they require not only the severe restriction of immigration, but total prohibition. What British Indians have offered is, in effect, equivalent to total prohibition, and yet it is not quite that. Underlying the total prohibition is the desire, I understand, that trade competition on the part of British Indians should be confined only to those who are domiciled in the Colony. If that be so, the desire is entirely met by confining the entry of educated Asiatics only to those possessing education of a very high order; in other words, in practice it may be limited to professional men. I need hardly point out that a free and healthy Asiatic community in the Transvaal would be impossible without, say, a few lawyers, a few doctors, a few teachers, and, it may be, a few preachers amongst them who are their own kith and kin. These should not come to the country on sufferance, but as a matter of right. These can never enter into competition with the Europeans; but, assuming that they would be men of the right stamp, they can promote the progressive growth of the Indian community in the Transvaal, and can only be of very great assistance to it, and, indeed,

to the colonists. The only reasonable way in which this can be done is by leaving the Immigration Law as it is, without making the principle of the Asiatic Act applicable to such cases, for the simple reason that no identification can be necessary for men of education. To ask us to consent to an alteration of the law so as to bring about absolute exclusion of educated Indians is not only an additional objection, but, in my opinion, an insuperable one. Of course, the Parliament of the Colony can at any time bring forward prohibitory legislation independent of our consent. I should personally strain every nerve to oppose absolute prohibition, and should ask my countrymen to offer passive resistance to such law. Whether I would be able to carry them with me or not in such a case it is difficult for me to judge at present, and passive resistance in connection with any such legislation can only mean that Indians would far rather leave the country than live in it deprived of the natural assistance of educated men such as I have described above. Passive resistance, in my opinion, means self-imposed suffering of an acute type, intended to prove the justice of the cause, and thus to bring conviction home to the minds of the colonists. I hope that I have made the position clear.

I am, yours truly,

(Sd.) M. K. GANDHI.

Capetown Sympathy

Capetown, July 21 (Reuter).—A special meeting of the members of the South African Indian Association was held this evening, when 500 were present, to consider a message from the British Indian Association of the Transvaal, regarding the sentence on the Parsee, Sorabji, to one month's hard labour, and the arrest of a number of hawkers in Johannesburg. A resolution was adopted, recording their grief and consternation at the Transvaal Government's unsympathetic attitude, and sympathising with the sufferers. It was decided to send a resolution to the Governor for submission to the High Commissioner.

Capetown, July 23 (Reuter).—A large meeting of Capetown Indians was held to-day, under the auspices of the British Indian League, and resolutions were carried, protesting against the bitter injustice being suffered by their compatriots in the Transvaal in consequence of class legislation, which is fast becoming intolerably oppressive. It was also agreed to forward the resolutions to the Secretary of State for India, the High Commissioner of South Africa, and the Viceroy of India. Mr. Adam H. G. Mahomed, president of the British Indian League, presided.

Cables to India and London

The Hamidia Islamic Society has sent the following cable to the Anju-

man-i-Islam at Bombay, Calcutta, and Madras, the Muslim League, Lahore, the All-India Muslim League, Ahl-garh, and H. H. the Aga Khan, and to Justice Ameer Ali, London:

Chairman Hamidia Islamic Society and priest other prominent Indians imprisoned hard labour noncompliance Asiatic Act. All Indian businesses South Africa closed symbol mourning. Society fighting India's honour. Government offer repeal Act if we accept prohibition entry eminent Indians. Indians reject this.

British East Africa

Mr. Ritch's Views

Writing under date June 16th to the *Morning Post*, Mr. L. W. Ritch says:

In his catalogue of wants of the East African settlers, Mr Alfred E. Pease includes a "restricted importation of indentured coolies to the tropical coastal belt" and adds "the settlers advocate the importation of about 2,400 British Indians and their families."

I earnestly hope that unless British Indians are to be admitted as free men and not as serfs or quasi-serfs, they will rather be excluded altogether. I endorse the opinion of Mr. R. Jebb that, "the creation of a helot class cannot be justified by pleading that it would only be a small one."

To the introduction into Natal some forty years ago of the indentured Indian, is to be traced the present contemptuous attitude of South African colonists of European extraction towards even cultured members of the professional and mercantile classes who are Indians. So pronounced has this become that even in official circles Indians are referred to generically as "coolies," while the man in the street talks of "coolie lawyers," "coolie doctors," "coolie merchants," etc.

I take it that the desire of every true imperialist is to draw more closely together the integral portions of the Empire by promoting mutual understanding, toleration, and respect. I can conceive of few things more calculated to defeat this purpose than the encouragement of helotage in any one of its parts.

INDIAN ENTERPRISE IN UGANDA. Who says Nairobi is not progressing, asks the *Pioneer*. Buildings are going up all around. Several weeks ago we instanced two large buildings to be built, only awaiting the plans to be passed by the P. W. D. Now we know of three other stone buildings to be erected by A. M. Jeevanjee & Co. near Ainsworth Bridge. Surely we are going ahead, slowly but solidly.

Deputation to the Cape Parliament

East London Grievances

A Sympathetic Hearing

A deputation waited upon the Hon. N. F. de Waal, M.L.A., the Colonial Secretary, Cape Town at Parliament Buildings, on the 6th instant, to lay before him certain grievances. The deputation consisted of the following gentlemen: Messrs. A. H. G. Mahomed (president of the British Indian League), A. Cader (Secretary of the B. I. League), Dayaram, H. O. Ally, and Imaum H. Talib (Mahomedan Bishop of the Cape); whilst amongst those also present were: the Hon. J. D. Cartwright, M.L.C., Messrs. E. Powell, M. Alexander, and J. G. Hellier, M.L.A. Mr. de Waal was accompanied by Mr. C. W. Cousins, who is in charge of the Immigration Department.

Mr. Powell, in introducing the deputation, said that he was well acquainted with its members. He did not think that he had to cover the ground again, as Mr. de Waal was familiar with the questions which were to be raised.

Mr. de Waal: Quite so.

GRIEVANCES AND AN ANOMALY

Mr. Ally, who then addressed Mr. de Waal, thanked him for his kindness in hearing the deputation. In East London, he said, under the Municipal regulations, Indians were not allowed to walk on the thoroughfares, and were not allowed out after eight o'clock in the evening. They thought that that regulation was framed with an eye to the natives, and was not intended at first to apply to the Indians; but still, as it was, it was found to be a great hardship. If it had been intended to apply to Indians generally throughout the Colony, Parliament would have granted the Municipalities of all the large towns these powers, but this was not the case. Then, again, in East London they had to reside within certain limits. They were not allowed to use the public benches in the Park, and in the public market they were segregated with the natives and treated in the same way as Kaffirs.

There were also a number of grievances under the General Dealers' Act, and local bodies refused licences to Indians; which was a great hardship. In one case, an Indian, who had traded for 16 years, and was refused a licence, had a large family to support. He could not carry on his business. Coming to the Immigration Act, he must admit at once, and with pleasure, that the officers administering it did so very considerably, and did what they could when any grievances were brought to their notice.

Indians were placed in a position of great difficulty as regards temporary permits granted to them when

they wished to visit India. They wanted an extension of the time allowed. Where an Indian applied for such a temporary permit the officer granting it had to be satisfied that the applicant resided in the Colony. If that were the case, they would like to know why a limit should be placed at all against his coming back to the Cape. They also asked that their ministers of religion should be allowed to come into the country, to minister to the spiritual wants of the Indians, without having to pay a deposit.

ALLEGED PARTIALITY

There were men on the Municipal or Divisional Council who were sometimes not impartial when certificates for general dealers, or hawkers' licences came up before them, and refused them *en bloc*. Therefore they asked whether the power of granting or refusing the licences could not be vested in magistrates. As regards hawkers' licences, a man who had obtained such a licence in Cape Town would need another if he went, say, to Woodstock; and they submitted that a hawker should only require one licence for the whole of the Peninsula. They were under the British Flag, and under a Liberal Government, and were entitled to the same protection as others. Their fellow-countrymen were a law-abiding set of people and good citizens; and it was proved in Cape Town that they had not taken an unfair advantage of their position. They behaved themselves like good citizens. He made bold to say that if the same privileges were granted to their fellow-countrymen in East London, their behaviour would be just as good, and there would be no misconduct. In conclusion, he pointed out an anomaly existing at East London. Indians who had native servants, could, as employers, give their servants permits to be out after eight o'clock, although they were not allowed out after eight themselves.

THE QUESTION OF HAWKERS

Mr. Alexander dwelt on the hawker question, which, he said, was one which affected, not only the Indian, but the European as well. He thought it would be unfair to blame a large number of people who were hawkers, because there were a few black sheep—and there were black sheep everywhere. It had come to his own personal knowledge that the amount of destitution as a result of the General Dealers' Act was something tremendous. Licences had been refused *en bloc* by Divisional Councils, and the first people to suffer were the merchants of Cape Town, because these hawkers used to go to the merchants here, and the orders amounted in some cases to hundreds of pounds. These hawkers sold goods where shops could not exist, as, for example, in Namaqualand; and the farmers wanted the hawkers to come round. The local bodies, unlike Judges of the Supreme

Court, did not give any reason for refusing these licences. What he would ask the Colonial Secretary was this: whether, at any rate, this act of justice could not be done: that any hawker who could prove that at the time of the passing of the Act he held a licence for a certain number of years, by, say, a special Act of Parliament, should be allowed to get his licence, as he used to get it in the past.

MR. DE WAAL SYMPATHETIC

Mr. de Waal, in the course of his reply, said that he might say at once that he was very sympathetic with the Indians who were at present in the Cape Colony and it was to be regretted that, owing to certain reasons—reasons of State—they had to deal with the Indians as they had. If the class to which they belonged were a limited class, or a small class, there would have been no reason for that, but they belonged to a class which was counted by millions; and it was owing to that that the country had had to protect itself from being overrun with that class, and to protect itself from the overwhelming influx so that it had become necessary to legislate. He wanted to say to the deputation that they ought to join the European people in protecting themselves from the hordes of Indians from other countries, because there was no room for them all. They legislated in the interests of the Europeans and in the interests of their (the Indian) people as well, because if thousands upon thousands of their countrymen came into the country, competition would become very much more severe, and there would be no work for all of them. For that reason, he hoped that they would join the immigration officers, and try to assist them, although some of the Indians, he must say, tried to evade the law, and tried to get certain men in, instead of keeping them out. By so doing, they were really overlooking their own interests, because when the influx became too large, the measures taken would become more severe.

TOO MUCH OF A GOOD THING

As to what had been said about hawkers' licences, he might at once say that legislation had only been brought about in that regard and in regard to general dealers' licences, because the number of hawkers of European origin was decreasing to a large extent, while the hawkers of Indian origin were increasing to an alarming extent, and it was found necessary to pass some drastic resolutions. As to what Mr. Alexander had said, he would reply that the Divisional Councils in those country districts consisted absolutely of farmers, and if it were found necessary in Namaqualand, say, to have hawkers, the Divisional Council would provide for the interests of the farmers. But he had found that the majority of farmers did not like hawkers, and there were many of them who traded illegally or bought things they ought not

to buy, and farmers had asked to be protected from the visitors to their farms, whom they did not want.

As to general dealers, it was also found that there was a class who were found to be undesirable, and it was left to the local authorities to deal with the matter; and he (the Colonial Secretary) did not think, even if it were left in the hands of the magistrates, that they would find much difference to what they found to-day. There were, of course, isolated cases, where there might be hardships, and he (The Colonial Secretary) was prepared to consider the trend of general opinion, and would consider whether an alteration of the law might not be made in the Board which decided as to who should be allowed to trade within the village, but he was not prepared to consider that the Board which decided as regards the country should be changed, because he thought that he had the feeling of the country generally behind him. Although he believed that the General Dealers' Act had done good, he believed that it had done so more particularly in the case of hawkers than in the particular case of the dealers. He would only say that if they could not hawk or deal, they must try some other livelihood, and there were many. As he had said before, he was prepared to consider what they had said, but he did not think, even if the decision rested with the magistrates, that it would help them very much. There seemed to be an idea—and it seemed to be an unfortunate thing—that when "you people" came into the country, they went in for one thing. "You all want to sell goods," said Mr. de Waal with emphasis, "and I would like to see you produce something." He pointed out that it was not necessary for them all to be of one trade, for there were about thirty or forty other occupations to choose from.

TOO DRASTIC REGULATIONS

With reference to the other matters, Mr. de Waal proceeded, he must say he felt very sympathetic towards them. He felt that the legislation passed at East London was, in his opinion, too drastic. They ought to have differentiated between Asiatics and natives, for the Indian belonged to quite a different race, and to a different class; and he was not quite sure that that legislation was proper, and that it was a legal regulation. It might just be possible that that regulation was *ultra vires*, and it was one he would not have sanctioned if it had been put before him. But Parliament had given certain powers to Municipalities, and the Government of that day had approved of that regulation. All he could possibly do now was to let the Municipality of East London know what he personally thought of that regulation. He did not think that Indians should be treated as native servants, and he would see if what he proposed would have any effect; if it had not, it was,

he thought, difficult to change the general law of the country. However, if they could not make their way in East London, there were other places, and they could go to them. He did consider that regulation exceedingly drastic, and he would ask the Municipality of East London whether it could not be amended.

Then there was the complaint about his own regulations—with reference to allowing them a certain time in which to apply for permits to go to India. Well, the other day the Chinamen were there, and they asked for three years instead of two; he had replied that he was willing to give them five if some of them did not come back. (Laughter.) If, as they now said, this was a real grievance, how would it do if he gave them two years? They had got one year now.

There was a little murmuring. Some wanted an unlimited time.

Mr. De Waal I can't do it. Well, we have given the Chinamen three years, I will give you three years too. I can't give you more than that. Three years is ample, I think, and quite sufficient if you want to go to Mecca, or visit your friends.

With regard to the Mahomedan missionary, Mr. De Waal expressed himself as very sympathetic; and, after conferring with Mr. Cousins, told him to give the priest every facility, and a year's permit to remain in this country. "You can do a lot of religious work in a year," said the Colonial Secretary, amid laughter.

Mr. Alexander: What he wants is a general permit for the whole colony.

Mr. De Waal was quite willing to grant a general permit. No deposit would, he added, be necessary in that case.

As to allowing hawkers to trade over the whole Peninsula, the Colonial Secretary said there was to be a committee meeting dealing with the Rural Council Bill; and he would try to get it done—he had no objection, and he saw no difficulty.

Mr. Powell thanked Mr. De Waal for his courtesy, and the deputation then withdrew.—*Cape Times*.

MARITZBURG HINDU YOUNG MEN'S ASSOCIATION. At the usual weekly meeting of the Hindu Young Men's Association, letters were laid on the table for discussion, amongst which was one from Mrs. V. R. Moodley asking permission for the use of the hall to address the City Indian ladies with a view to establishing an Association. The Committee reported that the permission was granted. The chairman remarked that the Association, as well as the public, must be very pleased with Mrs. Moodley's movement, and further pointed out such a step as this would put the City Indian ladies on a better footing, generally, especially as regards education. His only hope was that the Indian ladies would associate with Mrs. Moodley in her scheme.

Are Asiatics a Curse to Mauritius?

Sir Charles Bruce's Opinion

A *Natal Mercury* special cable states that Sir Charles Bruce, late Governor of Mauritius, writes to *The Times* controverting the Natal Colonial Secretary's statement that Asiatics have superseded whites in that island, and that Asiatic trading has become a curse to Mauritius. He says that Asiatics are necessary to economy, and to the salvation of the Colony, and have enabled it to develop its resources and provide a revenue adequate to the requirements of civilised government. Without it, the island must have been abandoned.

The following letter addressed to the *Mercury* bears out the above statement:—

Sir,—I was very much surprised, when reading the speech made by the Colonial Secretary in support of the Government's Bill restricting Asiatic trading in Natal, at seeing such ignorance of what is going on in a neighbouring Colony. The Colonial Secretary gave Mauritius as an example, and said "the white man in Mauritius took a secondary place. The sugar industry there was in the hands of the Asiatic, as was also the trading," etc. I would like to know where the Colonial Secretary gets his information from. I am in possession of Garrioch's Mauritius Almanack of 1905, and would lend it to the Colonial Secretary for information next time he ventures some allusion to Mauritius, in order to enable him to give more accurate statements. Out of 123 sugar estates in the island of Mauritius, six only are in the hands of Asiatics, and two of them have no mills. The rest of them are entirely in the hands of English and Mauritian capitalists. There are 31 merchants—English, French, and Mauritians—as against 45 Asiatic merchants; and 33 first-class brokers, all of European descent. It is true that two-thirds of our trade goes to India, which is our best market, but that is so because unfair competition has cut off our trading with other countries, and because we have to feed on rice two-thirds of our population, which supplies us with the cheap labour we are in need of for our industry. To say that all is in the hands of Asiatics in Mauritius is a most exaggerated statement, as a perusal of the Mauritius Almanack would prove. Without Indian labour Mauritius would have been bankrupt long ago. I strongly protest against statements being made such as those proffered by the Colonial Secretary, which tend to discredit a thriving Colony, which, in spite of bad times, is still, thanks to the energy of its people, a brilliant little gem of the English Crown.—I am, etc.,

F. G. H. EDWARDS, M.D.

British Indians in Canada

The Mackenzie King Report

What the British Press Thinks

"Yorkshire Daily Post"

After sending their Deputy Minister of Labour over to London to confer with the Colonial, India and Foreign Offices, the Canadian Government have pretty effectually scotched the immigration of Indians in British Columbia. There is an unctuousness about the document explaining how it has been done—it was issued yesterday as a Parliamentary White paper—which recalls Hamlet's reflection about the person who doth protest too much. Mr. W. L. Mackenzie King the Minister in question, who is the author of the report which has been forwarded from the Dominion to the Home authorities, evidently believes that words are given us to conceal our thoughts. It should be first explained that on the plea (1) the Indians inflict much suffering upon themselves by going to Canada because of the climate, (2) they possess "manners and customs so unlike those of our own people," (3) they threaten a serious disturbance to industrial and economic conditions, the Canadian Government have contrived, with the assent of Ministers in London, a series of legal bars to keep them out. About the fairness or unfairness of one part of the British Empire, excluding the citizens of another country of the same Empire, in which we proclaim that all men are free, we are not concerned now. But having secured their virtual exclusion, it savours too much of hypocrisy to say of it:—

"The liberty of British subjects in India is safeguarded rather than curtailed, the traditional policy of Britain in respect to the native races of India has been kept in mind, and the necessity of enacting legislation either in India or in Canada which might appear to reflect on fellow British subjects in another part of the Empire has been wholly avoided. Nothing could be more unfortunate or misleading than that the impression should go forth that Canada, in seeking to regulate a matter of domestic concern, is not deeply sensible of the obligations which citizenship within the Empire entails. It is a recognition of this obligation which has caused her to adopt a course which, by removing the possibilities of injustice and friction, is best calculated to strengthen the bond of association, etc."

The concern for the welfare of the poor Indian is most touching and the passage on the obligations of citizenship throbs with the fervour of Empire. As a matter of fact Indians "under an agreement to labour for hire" are excluded under an Indian Act which prohibits natives from

emigrating to countries where the laws for their protection are not sufficient. "We shall not make laws for your protection," say the Canadian Government, "and accordingly you cannot enter." Natives not under contract must have through tickets from India and travel direct, and have sufficient money for their maintenance on arrival, but to discourage emigration of this character the Government of India have undertaken to issue warnings of "the risks involved in emigration to Canada." The passages in the report, which rebuke the emigration agents who entice the Indians with "glowing accounts" of "fields of fortune" in British Columbia are not without their humorous side. Are there not emigration agents in this country who have laid the colours on thickly in painting pictures of Canada? It would have been wiser for the Canadian Government to modify Mr. Mackenzie King's flamboyant style.

"Manchester Guardian"

The Government has issued as a White Paper Mr. Mackenzie King's Report on his mission to England to concert measures for the prevention of further emigration from India to Canada. The document is both exiguous and redundant. It is exiguous because the views of the British and Canadian authorities, which we are naturally most anxious to know, have been embodied in a confidential and unpublished memorandum; it is redundant because it includes much that is certainly unconvincing and that seems as if it could hardly be meant seriously. Mr. King has many swelling sentences about "the obligation which citizenship within the Empire entails" upon Canada and he would have us believe that the arrangement made "finds its justification on grounds of humanity as strong as are the economic reasons by which it is also supported." Frankly, we find here little recognition, except in words, of Imperial obligations, and we should not care for the job of convincing a plague-and-famine-threatened Sikh peasant that it is for his own sake that he is being shut out of British Columbia. Everybody knows that the one and only efficient motive for excluding Indian immigrants is the objection of white labour to the competition of cheap and unassimilable coloured labour, and that is quite a solid enough reason for Canada's asking the Imperial authorities to co-operate in keeping them out. But that reason, excellent for Canadians, is worth just nothing for Indians, and when the Indian Government does what Canada wants, it weakens its moral strength in India. That is the Imperial problem. We cannot be astonished if Indians, comparing their own treatment with that dealt out to the Japanese, conclude that they have less efficient protection of their interests inside the Empire

than other Asiatics just because they are British subjects; and if they draw that conclusion, not all the perfumed phrases in the diplomatic glossary will prevent it from aggravating our task in India, grave as that otherwise is.

The New Imperialism

The Times Ottawa correspondent telegraphs:

An Order in Council just passed stipulates that the amount of money which must be in the possession of each immigrant as a condition of his being permitted to enter Canada shall be increased to £40 in the case of all Asiatic immigrants other than those from countries with the Governments of which Canada has special arrangements or those from countries concerning which special statutory regulations exist on the part of Canada, the conditions as to tickets to destinations remaining as at present.

The reason given for this drastic regulation is that Canada is looking primarily for immigrants of the agricultural class to occupy vacant lands, and that, as the immigrants from Asia belong as a rule to the labouring classes and their language and mode of life render them unsuited for settlement in the Dominion. As Canada has a special arrangement with Japan and a head tax of £100 is imposed on Chinese by a statute of the Dominion Parliament, the new order can only apply to emigrants from British India.

The Montreal Gazette says:—

The European or African can get into Canada if he has £5, but the Indian immigrant must have £40, even though he is a British subject. This sort of thing may be necessary to win elections, but it jars on the idea of Imperialism and kicks the teachings of Christianity into the corner.

The Chinese Immigration Bill passed the House of Commons on Monday. It provides that only those Chinese may be admitted into Canada as students who have been students in China and who come to Canada to continue their education. All such students will have to pay a head tax of \$300 (£60) upon entering the country, but this money will be refunded after the student has completed a year's study in Canada.

It has been announced unofficially by Sir Wilfrid Laurier, the Premier, that if Japan does not conform to the Lemieux Agreement the treaty with Japan will be denounced.

A NEW ASSOCIATION. Mr. C. N. Mudalier informs us that an association by the name of Hindu Trikotam has been formed at 151 Market Street, Johannesburg, the object of which is to bring religious matters more prominently before the public.

Natal Parliament

LEGISLATIVE ASSEMBLY,

July 21.

Indentured Labour

Mr. HYSLOP continued the Debate on the second reading of the Indian Immigration Bill.

He said the Government should provide some substitute before endeavouring to do away with the Indentured Indian. It had been said that the Government had nothing to do with supplying a substitute, but this he denied, for in the case of indenturing natives, the Government would have to assume the control. He thought that the introduction of indentured Indians would cease automatically if there were a reliable supply of labour on the spot. He intended to oppose the second reading.

Mr. EVANS congratulated the Government on the measure, but felt disappointed at the manner in which the Colonial Secretary had brought it forward. He had seemed to show little interest in the Bill. He heartily supported the abolition of indentured Indian labour. He did not agree that the Government should find a substitute, but thought the native would come forward and fill the gap.

Mr. CLAYTON warned the House that, if this Bill were passed, the time would come when the labour supply would be wholly inadequate for the needs of the Colony. Another danger was that when the door was shut the free Indian in the Colony would be demanding wages which the employers would be unable to pay, and industries would be ruined. In all other tropical countries where they had black populations, Indians had to be imported to carry on the production, because of the unreliability of the local population. He spoke as one who had tried the natives, but found them utterly unreliable. The native was cheaper, and for that reason they would like to have him. The industries to which he referred required a staple and constant supply of labour. The native worked only, when he wanted to meet temporary needs.

He thought the abolition of the Indian labour supply would cripple the Colony's white industries. He argued in favour of free contract between employers and free Indians. He strongly urged the necessity for keeping the door open.

Mr. ROBINSON said it seemed to him that all shades of opinion admitted that the Indian was a serious menace. All means had been tried to combat the menace, but in vain. He held that it was desirable to get rid of all surplus Indians. He had come to the conclusion that it was impossible to keep the Indian down to a reasonable level, and so it was necessary that, at any cost, the whole immigration should cease. Individual industries must, if necessary,

suffer in the wider interests of the Colony. He thought it possible that in the present native and Indian population of Natal they had sufficient labour to carry on the sugar and tea industries successfully. He argued that a fully adequate local supply of labour might be found.

Mr. CONNOLLY objected to the Bill, chiefly on the ground that the indentured system amounted to nothing less than slavery. He argued that the sugar and tea planters were, in their opposition to the Bill, simply consulting their own interests. He heartily supported the Bill.

The PRIME MINISTER said, replying to some of the criticisms which had been raised, that the Government had been in negotiation in connection with another matter with the Indian Government. In those negotiations the Indian question bulked very largely. He referred to the Municipal Corporations Bill. The Imperial Government refused to pass the measure unless a promise were made to bring in legislation for the repeal of the law which refused the right of appeal from Licensing Boards to the Supreme Court. The Government met representatives from all the boroughs and towns in the Colony, and a unanimous vote was taken that they should not give way. To have opened up negotiations with the Indian Government in respect to the return of the Indian immigrants would have brought them into conflict with an important section in the Colony. Representatives of the sugar industry were consulted, and it was agreed that a Bill, on the lines of the one now before Parliament, would meet the position. The measure was an honest attempt to meet the views of a very large section in the Colony. A majority in the Colony would have come to the conclusion that something must be done to stem the Asiatic invasion. It must be urged that there had been a continuance of negotiations with the Indian Government during the 20 years of his political life. The continuous result of such negotiations had been that the Asiatic population had steadily increased. He took a place second to no one as regards the industries of the Colony, and he asked those interested in the industries not to meet the efforts of the Government by a blunt refusal to try to see whether they could, by further inquiry and discussion, meet the difficulty, and eventually supplant the Asiatic by either indigenous labour, or other means.

In reply to a question, the PRIME MINISTER said that the Bill, after passing its second reading, would go to a Commission or a Select Committee, most probably the former, for inquiry.

On a division, the motion for the second reading was carried by 23 votes to 9.

The Bill was then read a second time.

Correspondence

Taxes on Indians

The Editor INDIAN OPINION.

Sir,—Since writing to you my first letter on the above subject, I have gathered the following information which should be interesting to your numerous readers:

An Indian woman, named Jankee, paid the sum of £9/15/0, towards the revenue of the Colony in the past three years. The sum of £9 was her annual licence fee for three years at the rate of £3 per annum, to allow her the privilege of remaining in Natal, and the sum of 15/- interest on the aforesaid £9, because the woman in question did not have the money to pay on the due date, but paid in drib-dabs.

Is there anything in the statutes of the Colony, or especially in the Act 17 of 1895, that the Indians should pay interest if they have no means to meet this their so-called debt to the Colony on the date it falls due?

After paying the sum of £9/15/0, she was unable to pay anything more for the last twelve months, and the consequence was that the Government officials arrested her on three different occasions and marched her from the country Police Station, to the Magistrate's Court, and kept her in custody for three days, which is intolerable. Seeing no relatives or friends turning up to pay her debt, she informed the sergeant that she would comply with the law as soon as she could afford it, but, notwithstanding all her supplications, the authorities refused to accede to her request, and the sergeant endorsed on her pass as follows:—"By order of Court—time granted until 30th June, 1908."

This is the version of the case given to me by the woman Jankee.

The Poll tax is only levied on males; females are exempted. All other taxes are levied on males only, but, forsooth, because these people are blacks, they are to be treated regardless as to sex or state.

For argument's sake, let us take it that the poll tax is just and equitable as it falls on all alike, rich or poor, but only on those capable of earning money. It is collected and put into the coffers of the colony to pay the colony's numerous debts.

For argument's sake, I also say that this £3 tax on Indians is just, or at least would be were it levied on wage earners alone, but unfortunately the levying of the tax is not confined to the wage earner.

Where and under what circumstances is taxation imposed on females? I know of nowhere, save in Natal; but, perhaps, some of your readers can further inform me.

Yours etc.,

"VERB SAP"

Hawkers Arrested

They go to Goal

On Monday last, Ebrahim Ismail and Suliman Bagas were brought before Mr. P. C. Dalmahoy in D Court, Johannesburg, charged with hawking without licences. Mr. Shaw prosecuted, and Mr. Gandhi appeared for the defence.

The first Accused did not appear, and his bail was estreated, though Mr. Gandhi asked that the case might be remanded so that the Accused might appear the following day.

Suliman Bagas pleaded not guilty. Police evidence was led to the effect that at 3-30 p.m. on the 18th inst., Accused was exposing fruit for sale on the Village Main Reef property. There were several natives about. Accused was selling fruit from a basket. Witness saw Accused sell bananas and oranges. He watched Accused for 25 minutes. He asked Accused for his licence, and the latter produced one that had expired on the 30th June, but he did not have one for the current quarter. He was hawking within the Municipal area.

CROSS-EXAMINED: He had received instructions to arrest all such men. He did not know whether Accused had already applied for a licence.

This closed the case for the Prosecution.

ACCUSED, giving evidence on his own behalf, stated that he had applied for a renewal of the licence, but he had been asked to give his thumb-impression under the Registration Act, and as he had refused to do so, he had not been able to obtain a licence.

Mr. GANDHI then stated that he wished to give evidence. It would not be political, but would be entirely relevant to the matter before the Court. His client had not received a licence because instructions had been issued to the Municipality that all Asiatics applying for licences should undergo the formalities prescribed under the Asiatic Law Amendment Act. In the month of January there was a settlement arrived at between the Government and the Asiatic communities whereby those who voluntarily registered were not to come under the Asiatic Act. His client had voluntarily registered, and because he had now been called upon to accept the Asiatic Act, under a resolution passed by the British Indian Association, Accused, in common with other Indians, had tendered the licence fee but had declined to accept the formalities of the Act.

The Magistrate inquired of the Prosecutor whether he had received any instructions in these cases. Mr. Shaw replied in the negative. There were some some months ago.

The Magistrate ordered that the case should be put back until Wednesday, pending inquiry.

On Tuesday, the 21st instant, in the same Court, Ismail Akoojee was charged with trading without a licence. He pleaded not guilty. Mr. Gandhi appeared for the defence.

J. B. Barret stated that he was a Licensing Inspector under the Johannesburg Municipality. On the previous day, on the Market Square, within the Municipal area, he had seen Accused exposing fruit for sale. He had asked Accused for his licence, but the latter had replied that he did not have one.

CROSS-EXAMINED: He did not know anything about Government instructions.

T. H. JEFFERSON stated that he was Chief Licensing Inspector of the Municipality of Johannesburg. He produced *Government Gazettes* containing the Asiatic Law Amendment Act, the regulations thereunder, and the notices thereunder authorising him to prosecute. He had seen a letter addressed to the Town Clerk by the Registrar of Asiatics, dated the 7th inst., stating that the Asiatic Law Amendment Act was to remain on the Statue-Book, and that no licences were to be renewed or issued except to Asiatics who produced Registration Certificates and gave thumb-prints under the Act.

CROSS-EXAMINED: He recollected that in January last several prosecutions took place, and that Asiatics were then sentenced.

In the month of February the Government had issued instructions to him to issue licences to all Asiatics who produced a letter from the Registrar of Asiatics acknowledging having received an application for voluntary registration. Such Asiatics were not called upon to give any thumb impressions at all. It was competent then for him to give licences for the quarter ended the 31st March, and afterwards he was authorised to issue licences to the quarter ended 30th June. He did not think that any licences had been issued from his Department for the whole year. The instructions contained in the letter of the 7th inst. were the revised and most recent ones. He admitted that many Asiatics had produced voluntary registration certificates but had declined to give thumb impressions.

By Magistrate: If thumb impression are refused? I refuse to give licences. The Registration Certificate must be produced.

Witness did not think that there had been any refusal to produce registration certificates. Registration certificates had not been produced only by those who had not received them.

In reply to the Magistrate, witness stated that it was unnecessary up to the end of June to give thumb impressions. There had been no intimation thereafter of that requirement until Asiatics came to apply for licences. There was nothing in the *Gazette* as to not giving thumb marks up to the end of June. That

appeared to be an act of grace on the part of the Government.

This closed the case for the Crown.

Accused giving evidence on his own behalf stated that he had applied for a licence during the current month. He had offered the licence-fee. The licence was refused to him because they wanted his thumb impression under the Act, which he had refused to give. He had the licence up to the end of June and also a voluntary registration certificate.

CROSS-EXAMINED: He was not hawking without a licence at the time stated, but was walking along with his fruit in a basket on his way to the fruit store. He was not looking for customers. He admitted, however that he had been hawking in the morning without a licence. This closed the case for the defence.

Mr. Gandhi, addressing the Court, said that he really had very little more to say than what he had said in evidence the previous afternoon. It appeared that the Government had first issued one set of instructions and afterwards another, and the position was that the Indians did not know where they were. If the Government wished to proceed they should proceed against those who were the leaders and not against men like the Accused.

Accused was sentenced to pay a fine of 10s. or to go to gaol four days with hard labour.

Similar sentences were imposed on Moosa Essop, Hari Bhikha, Dyah Parag, Saleji Bemath, Ismail Ebrahim, Keshav Goolab, and Nagar Morar, who were also defended by Mr. Gandhi.

Ahmed Essop Dowd was also similarly charged, but did not answer to his name when called, and his bail was estreated. A few minutes afterwards he entered the Court and stated that he had not heard his name called. Mr. Gandhi asked that his bail might be refunded, but the Magistrate stated that he did not have the power to do this.

Early on Tuesday morning Mr. Thambi Naidoo, a member of the Committee of the British Indian Association, and on Tuesday afternoon, Mr. Imam Abdool Cader Bawazeer, Chairman of the Hamidia Islamic Society, Messrs. G. P. Vyas, Mahomed Ebrahim Kunkey, M. G. Patel and G. K. Desai were arrested for hawking without a licence. They refused to be bailed out and were brought before the Court on Wednesday. They were charged with trading without having proper licences.

J. B. Barnett, Inspector of Licences, stated he arrested the accused at 2-30 p.m. yesterday at the corner of Market and Simmonds Streets. They stated they had not taken out licences.

Mr. Gandhi, who defended, called Imam Abdool Cader Bawazeer, who said, in reply to his question, that he was chairman of the Hamidia Islamic Society and the assistant priest of the

Indian Mosque. He had lately taken to hawking.

Will you explain to the Court why? —Because there was a compromise between General Smuts and some of the Indian leaders—

The Crown Prosecutor intervened, and asked if the witness knew this of his own knowledge.

Q The Magistrate: Has he got permission from the Colonial Secretary to hawk without a licence?

Mr. Gandhi: No. Continuing Mr. Gandhi said the reason why he wanted to lead evidence was just the same as that he gave yesterday. The Court had a right to know, he thought, why a gentleman occupying the position of the accused had taken to hawking.

The Magistrate said it was not a matter which concerned the Court.

Mr. Gandhi replied that if that was not a question of interest it was a question of justice.

Witness (continuing) said that when the compromise was effected he assisted in fulfilling it, but he now found that the compromise, so far as the Government was concerned, was not being properly fulfilled, and as a protest he took to hawking without a licence.

The Magistrate asked was he one of the fourteen people exempted.

Mr. Gandhi said he did not know of any exemptions. If there were people exempted they were in a most fortunate position.

The Crown Prosecutor said there were a certain number of exemptions, and witness would probably know if he was exempt.

Mr. Gandhi said he had not the slightest information of any exemptions. His position was that his client felt aggrieved and decided to suffer with his poorer countrymen because they were suddenly called upon to submit to the Asiatic Act, having complied with voluntary registration. They thought they would not be called upon to do so.

The Magistrate: You took to hawking lately to put yourself in the same position as the hawkers?

Accused: I took to hawking to defend my people.

Mr. Gandhi: You are one of the people who assisted the Government in carrying out the compromise?—Yes; I endeavoured to explain to my own people what the compromise was, and I told them if they complied with voluntary registration they would not be called upon to submit.

And the members of the society you represent followed your advice and took out voluntary registration certificates?—Yes.

In further examination the witness said he had seen a circular in connection with hawkers who did not comply with the Act. He was married and had a wife and children residing in Johannesburg, and he had resided there himself for thirteen years.

The Exemptions

Mr. T. H. Jefferson, Chief Inspector of Licences, called by Mr. Gandhi, stated he had got a list of names of people who were exempted from having to comply with the terms of the Act. They were not compelled to give thumb impressions. He could not recall the names and he only got the list yesterday. He did not know if any of the accused were exempt.

Mr. Gandhi, in his address to the Court, said the only point he would deal with was the question of exemptions. He asked the Court to take note of the arbitrary proceedings on the part of the Government. He had absolutely no knowledge that there were any exemptions, but he wished to point out that in the Asiatic Act there was absolutely no authority given to the Government to grant exemptions, and was the Court going to countenance an arbitrary administration of the Act.

The Magistrate said the charge was admitted and that was all he had got to do with it. He sentenced the accused to pay a fine of 10s. or imprisonment for four days with hard labour.

Mahomed Ebrahim Kunkey, Moola Bagas, Mahomed Ebrahim, Ahmed Mahomed, Motara and S. Bagas were similarly sentenced after formal evidence.

Thambi Naidoo was also charged with hawking without a licence, and after formal evidence of arrest the accused gave evidence. He stated he was a cartage contractor and had taken to hawking since last Friday. He went to gaol in January last for non-compliance with the Registration Act. He was one of the signatories to the letter addressed to General Smuts in connection with the compromise, and in trying to carry out the Indian part of the compromise he suffered assault.

A similar sentence to the others was passed.

The Indians about the Court were afterwards addressed by Mr. Gandhi.

Late News

[SPECIAL TELEGRAMS]

Johannesburg, Thursday.

The Police are molesting Madrasis to-day regarding permits and certificates. They have decided not to produce them when demanded and to suffer the consequences.

To-day a large meeting was held in the Hamidia Mosque precincts, at which over 1,500 were present, to protest against the incarceration of the Chairman of the Hamidia Islamic Society and other leaders on account of their objection to assent to the amendment of the Immigration Law excluding even the highest qualified

Indians as a condition to the repeal of the Asiatic Act.

The meeting, which was most enthusiastic, was under the chairmanship of Mr. Essop Mia, chairman of the British Indian Association. Deepest regret was expressed at the action of the Government. Amongst the speakers were Mr. Gandhi, who addressed the meeting both in English and Hindustani, Messrs. N. V. Shah, Omarji Sale, Ismail Patel and Moulvi Ahmed Mukhtiar. Telegrams were received from all parts of the Transvaal, also from the Natal Indian Congress, Verulam, Kimberley, Cape-town and Salisbury, all expressing sympathy and support and announcing the closing of stores by way of protest.

The release of Mr. Imam Abdul Cader Bawazeer and other leaders is expected on Saturday morning when a meeting of welcome and congratulation will be held.

Friday.

Mr. H. M. Gandhi, son of Mr. M. K. Gandhi, whilst proceeding to Johannesburg, has been detained at Volksrust owing to his refusing to give his thumb impression under the Asiatic Act. He carried a permit duly issued to him under the Peace Preservation Ordinance, also a registration certificate under Law 3 of 1885.

The Supreme Court appeal of *Ratanji Laloo vs. Rex* is dismissed. In giving judgment, Justice Solomon made it clear that Asiatics may be admitted to the Transvaal under the education test of the Immigrants Restriction Act.

The first batch of hawkers sentenced to hard labour were released this morning. They complain of the food to which they were totally unaccustomed. The Association is bringing the matter to the notice of the Director of Prisons.

The Rhodesian Ordinance

London, July 22.—The Imperial Government has instructed Lord Selborne not to assent to the Rhodesian Asiatic legislation, pending the consideration of the measure by the Secretary of State for the Colonies.—Reuter.

Asiatic Passive Resistance

With further reference to our previous intimations in connection with the Book on which Mr. H. S. L. Polak is occupied, we beg to announce that it has been decided to postpone the issue of the work, in view of the renewal of the trouble in the Transvaal, an account of which will be duly incorporated in the Book on its appearance. Further subscriptions for the Book will, therefore, be received, for which an official receipt will be sent as before.