

Indian Opinion

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Indian Opinion

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Indian Licences

BOTH the Indian Licensing Bills are making substantial progress through the Natal Parliament. One of them has passed through all the three readings, and the other has passed the second reading by a majority of eleven. Both the Bills aim a death-blow at Indian store-keepers, and both stand little chance, let us hope, of receiving the Royal Assent. But the fact to be emphasised is that in the Colony are to be found legislators who do not hesitate to lay down the principle of "freezing out" Indian traders by means that cannot be called honourable. If Indian traders are in Natal, the European legislators forget that they are themselves to blame for it, but, rather than punish themselves, they wish to award the penalty to their victims. The only Bill, that is the Indentured Immigration Stoppage Bill, which was a desirable measure, and which would have automatically regulated and restricted Indian trade, has been shelved. The Colony wishes to continue in its evil path, but wishes equally to avoid the consequences of its progress along that path.

The heartlessness of the situation becomes most glaring, when we consider that Mr. Morcom's reasonable amendment to save at least Colonial

born Indians from the disability to trade was thrown out. Colonel Seely has recently stated in the House of Commons that, whilst the Imperial Government have no objection to the Colonies prohibiting future Asiatic immigration, they would like to see the Colonies giving full liberty to Asiatics who are domiciled in the respective Colonies. Let us hope that he does not intend to be satisfied with the mere statement, but that his desire for full rights being given to British Indians domiciled in the Colonies will be translated into action.

So far as Indians are concerned, their duty is to assert their rights of citizenship. There are two ways whereby citizens of the British Empire may insist on their rights being protected. The one is causing physical suffering to those who attempt to take their rights away; the other is by themselves undergoing physical suffering. British Indians in South Africa have chosen the latter and more estimable method, and it is by continuing to pursue that method that they will be able to enlist the Imperial Government's sympathy in their cause.

South African Statesmanship

SOUTH AFRICA is endeavouring to make of itself a nation-state. To that end, the intelligent efforts of her statesmen are essential. Broadness of view and toleration are of the most urgent necessity, and prescience and discrimination not less so. We may admit that, in order to attract a large and energetic trained and skilled population, it would be a wise economic policy to broaden the commercial and industrial basis of state-prosperity, but there are two ways of doing this.

One of them is indicated by a Minister of the Crown, who is generally regarded as having some degree of that statesmanlike foresight that is so needed in the up-building of a great nation. Mr. De Waal, the Cape Colonial Secretary, on a recent occasion, received a deputation of Cape Indians who, with a few European sympathisers waited upon him, in order to secure some measure of redress in regard to a few of the many outstanding causes of grievance. One of the chief of these causes was the inequitable manner in which, by a stroke of the pen, by an arbitrary decision, hundreds of Indian hawkers have had their means of livelihood suddenly snatched from them, whilst the licensing boards are systematically refusing to issue new, or transfer

existing, trade-licences to Indians, though Europeans have no difficulty in securing these simple trading privileges. As a result, many Indians are unable to carry on the business to which they have been brought up, whilst others are prevented from availing themselves of all their vested interests on the same terms as their European fellow-traders.

Mr. De Waal did not express very much sympathy with these complaints. On the contrary, he almost seemed to rejoice that that had been the tendency of the recent legislation. He had noticed that Indians occupied themselves mostly in trade. He thought this a bad thing. It was too narrow an outlook. If they were not able to continue to earn a living as traders, there were a dozen other means of earning an honest livelihood to which they could turn, and if the existing legislation had the effect of bringing about this desirable result, he viewed it so much the more favourably. But Mr. De Waal might at least have allowed Indians to find this out for themselves. They might then have adjusted themselves to the needs of the moment, and have accommodated themselves to circumstances which might otherwise, without any artificial assistance, have weighed heavily upon them.

That, however, was not the intention of the Legislature, which was to crush out of existence Indian traders. If, now, they be driven into some other occupation in any numbers, as Mr. De Waal seems to hope and anticipate, the natural corollary will be the enactment of further legislation driving them out of this walk of life likewise, in which case, their last state will be worse than their first. However, it is enough to note that the statesmanship adopted by Mr. De Waal (and he does not in this differentiate himself remarkably from other leading South Africans) regards the forcible driving of men into pursuits for which their training, habits, and traditions do not fit them, as a reasonable and justifiable method of broadening the basis of commercial and industrial prosperity.

The second method, and the one that history has uniformly shown to be the more successful, and infinitely the more statesmanlike, is that of offering the highest and most acceptable material rewards and inducements to change their methods and their occupation, to those who would be otherwise underrous of so doing. State-aided emigration is one of these, and another, the offering of improved facilities and wider privileges to those who are already in situ or near at hand, but otherwise engaged. This manner of improving the value of

state-assets seems to be an economic method unknown to and unappreciated by the average South African public man. Otherwise no such ridiculous sight could be observed as that of the *impasse* in the Transvaal, where General Smuts does not wish the resident Indian population to receive, from its own trained leaders, the instruction that would enable it to widen its horizon, undertake and develop other commercial and industrial pursuits, and so add to the wealth of the country of their adoption.

In some lands, the natural wealth is so abundant that, so to speak, it spills over and goes to waste. That cannot be said of South Africa, where every grain of produce, every inch of cultivated soil, every item of livestock, every intelligent effort, every spark of inventiveness and originality, every honest stroke of work, needs to be most anxiously garnered, and added to the presently inadequate store of national wealth and well-being. So long as South African public men fail to realise the necessity of conserving, developing, and adding to the existing assets of the sub-continent, closer union will be an ideal utterly unrealisable, a chimera, a mirage, a fond, foolish dream.

SIR HENRY BALE'S JUDGMENT IN THE matter of *Chattri vs. Immigration Restriction Officer* is well worth studying. Under that judgment, the son

of an indentured Indian who has become domiciled in Natal apart from his indenture has been declared a prohibited immigrant, because he did not enter the Colony before reaching the age of sixteen. It is admitted that the boy, whom the father has brought with him on his return from India, is the only son and that there seem to be no other relations in India. Both his father and mother are, and intend to remain, in Natal. Under the common law of the Colony, the son, having acquired his father's domicile, should be construed as being domiciled in Natal, but the Immigration Law fixes arbitrary domicile for its purposes, and, under it, physical residence in Natal is necessary even in respect of the children of domiciled parents. The learned Chief Justice, therefore, naturally says "Assuming that Inderaman, the boy in question, is the applicant's son, we have the anomaly which does not commend itself to my sense of justice, that, though he is domiciled in Natal, he cannot enter it." The Chief Justice felt the injustice so much, that he expressed the hope that the matter would be re-argued before the full bench. It has been often said that hard cases make bad law. Probably, the Chief Justice had this truism in his mind when he feared to administer equity

because he was uncertain as to the meaning of the Act. Anything is to be expected from Natal legislation, when we find the legislators light-heartedly legislating away the freedom of British Indian traders, and desiring to get rid of them at any cost, by means fair or foul. We have, therefore, come to this pass: that, under a Colony that prides itself on being the most British, it has been possible to tear a child from his parents. There is no room in Natal legislation for simple humanity in a case of this kind. For aught we know, the boy Inderaman will have to return to India and face starvation. How can a lad eighteen years old be expected to shift for himself and eke out a living? What will the people of the village, from which Inderaman's parents have migrated to Natal, think of such laws and of British rule? We do not say that restriction of immigration is not necessary. Indeed, we believe that, in the present circumstances, an Immigration Act is required in the Colonies, but what we do say is that there should be discretionary power vested in the judges to deal with hard cases. Whilst laws are not made to deal with exceptional cases, wise and humane legislators would undoubtedly leave sufficient margin to cover cases that cannot be anticipated and provided for. It is a blot on Parliamentary institutions that judges should have so often to administer laws which they consider to be in conflict with their sense of right, as in this case.

BARBERTON IS ON THE HORNS OF A dilemma. On the one hand it is required to find a definition of a "Coloured Person?" "coloured person," and on the other, it desires to exclude "coloured persons" from its schools. It has decided meanwhile to leave the matter in abeyance, pending a definition being arrived at by the Department of Education. It is significant that, in all recent Transvaal legislation, the term "native" has been defined in a more or less restrictive manner. True there are several different definitions, but they are definitions of a sort, whatever else may be said of them. But although the term "coloured person" is constantly made use of, no attempt whatever is made to define it. What is the reason? Does colour depend upon appearance, stock, country, climate? Is it so difficult to say of such and such a man that he is a "coloured person?" Or is it that it is even more difficult to say that he is not a "coloured person?" Is it that vested rights, the honour of families, and political privileges are at stake? Mr. Merriman, not long since, declared in no hesitating manner, that South Africa was becoming browner and browner every year. If that be so, obviously a reason is at once advanced why it is so dangerous

to define "colour"—the balance of political power might conceivably be threatened. It was openly alleged, and never denied—indeed, at least one instance is within our knowledge—that "coloured" men voted at the Transvaal elections last year without let or hindrance. It has often been stated, too, that people who, to-day, are regarded as respectable and honoured whites, by a pleasant convention, are, in reality, coloured people masquerading in other attire. We can quite understand Barberton's difficulty. One touch of pigment makes the whole world akin!

THE INDIANS OF STANDERTON DESERVE the highest praise for their bravery and self-sacrificing zeal. As our **Standerton Indians** columns will show, thirteen Indian storekeepers, rather than submit to the Asiatic Act, have elected to go to gaol and do hard labour for fourteen days. They declined to pay the fine imposed by the Court. All these men are *bona fide* residents of the Transvaal, and the fact is within the knowledge of the Government. It, therefore, shows nothing more than a bitter and vindictive spirit to have pounced upon them and imprisoned them. However, the Transvaal Government will not bend the spirit of the people in this fashion, but its tyranny will simply hearten them and prepare them for a prolonged struggle. We hope that the Indian community throughout the Transvaal will emulate the noble example set them by the brave merchants of Standerton. Success, in that case, is assured for them.

Answer to Correspondent

"VERB SAP."—If the facts stated by you are correct, the interest was probably charged under the Crown Debts Recovery Act and was therefore a legal charge. But was the sum of 15s. not the costs of recovery? We entirely agree with your views as to the iniquity of the imposition of the £3 tax upon Indian women.—Ed. I.O.

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.

The Transvaal Trouble

A Florida Case

On the 29th ulto., at Florida, before Mr. L. Horsfall, Fakir Rupa was charged with hawking within the Municipal area of Roodepoort-Maraisburg without a licence. Mr. R.W.N. Rushton prosecuted and Mr. H.S.L. Polak appeared for the defence. Mr. Polak pleaded not guilty on behalf of his client, adding that it was admitted that accused had no licence.

In giving judgment, Mr. Horsfall found the accused guilty, but it was evidently a political or semi-political offence, and committed without wanton intent. He would fine the accused £1 or sentence him to 7 days' imprisonment without hard labour.

Standerton Storekeepers go to Gaol

Thirteen Indian merchants of Standerton, including Messrs. C.L. Patel, Ismail Mahomed Dindar and Ismail Bhabha, have been sentenced to pay £3 fine or to go to gaol for 14 days' hard labour for trading without licences. They elected to go to gaol.

The "Pretoria News" on the Situation

What has happened seems very clear. Mr. Smuts, in making his bargain with Mr. Gandhi, has been "slim." He surrendered practically on Mr. Gandhi's own terms, but with what would appear to be a mental reservation in favour of excluding from his new Bill the exemption contained in the old, of educated Asiatics. Mr. Smuts has thus raised an entirely fresh point, and around this point controversy is raging. We may say at once that we do not sympathise with the Colonial Secretary in what appears to have been an undignified attempt to surreptitiously get the better of the Indians over their bargain. If educated Asiatics were exempt before, there is surely no reason why they should not be exempt now, and that they were exempt before seems to be proved by Sir William Solomon's judgment which Mr. Gandhi quotes so frequently in the Courts and in the newspapers. It is an immense pity that the Colonial Secretary, after having consistently handled this very delicate question with tact and discretion for so long, should now gratuitously raise another obstacle to its amicable settlement. It will, of course, be urged that the compromise did not in any way deal with the position of the educated Indian, but this was only because the existing laws were to the satisfaction of the Asiatic community, and Mr. Smuts must realise that no compromise arrived at on the basis of existing laws can be binding or final on either party if that basis be disturbed during the process of putting the compromise into effect. If it be true that the Colonial Secretary is ready to repeal the old Registration Act and to re-

admit under voluntary registration (a) those Asiatics who hold the Republican certificate of domicile, and (b) those Asiatics who can prove legitimate domicile here either before the war or under the Milner *regime*, then, of course, he cannot be accused of being guilty of a breach of the compromise, but there can be no doubt, as we have said, that he has raised an entirely fresh point, in a manner which, to use Lord Milner's words, must be "rather irritating to a plain man," like Mr. Gandhi. It is our hope that the matter will not be pushed to extremes, but that this time a final and satisfactory compromise will be arrived at.

Hawkers and "Hawkers" Released

On Saturday morning a number of hawkers were released from the Johannesburg Fort, having served their sentences. They were welcomed by friends and representatives of the British Indian Association.

On Monday another batch of Indian prisoners was released, including Mr. H. M. Gandhi. A large crowd awaited their exit from the prison-gates, and gave them a warm welcome. Those present then adjourned to the premises of Messrs. Suliman Ismail Mia & Co., where Mr. Essop Ismail Mia kindly provided refreshments. The meeting was addressed by Messrs. Essop Ismail Mia, M. K. Gandhi, Imam Abdul Cadir Bawazeer, Osman Ahmed Effendi, Mulji G. Patel, Moulvi Ahmed Mukhtar, and others.

A Sad Event

When Mr. Thambi Naidoo went to the Fort last week, he left Mrs. Naidoo in a condition wherein she anticipated almost immediate motherhood. On Sunday afternoon she gave birth to a son—still-born. The child was buried at the Braamfontein Cemetery on Monday afternoon. Mr. Polak attended the ceremony on behalf of the British Indian Association. Mr. Naidoo himself knows nothing of the unhappy event.

Another Arrest under the Act

On Monday afternoon, Mr. Muljibhai G. Patel, a member of the Committee of the B. I. A., was arrested for being in the Transvaal without a registration certificate. He was admitted to £10 bail, but he refused to be bailed out, and was detained in the cells overnight. He complains bitterly of the fact that he was herded, with another Indian, in a confined space with a number of natives, many of whom were in an advanced stage of intoxication. The stench, he says, was overpowering, and the noise prevented his sleeping the whole night. Moreover, though it was bitterly cold, he was given only one blanket, which he had to share with the Indian prisoner.

He was brought before Mr. H. H. Jordan in "B" Court on Tuesday afternoon, charged under Section 8

sub-section 3 of Act 2 of 1907. He pleaded guilty. Mr. Gandhi defended and Mr. Cramer prosecuted.

Superintendent Vernon, of the Transvaal Police, stated that he was an Inspector appointed under the Registration Act to demand from Asiatics their registration certificates. The Accused had stated to him that he had no certificate, that his Association had told him not to register, that he had refused to register under the Act, and would continue to do so. He produced a Peace Preservation Ordinance permit and a registration certificate, taken out on Lord Milner's advice.

CROSS-EXAMINED: He had received instructions on Thursday to affect this arrest. There were a good many like Accused in the Transvaal who had entered and were not registered under the Act—at least 200. He would get instructions with regard to these directly, he hoped.

For the defence, the Accused stated that he was a general agent, and had been in the Transvaal for about 9 years. He took out his permit and registration certificate in 1903. Last year he paid a visit to India and returned to the Transvaal on the 25th May last. He had not applied for a registration certificate under the Registration Act, nor had he any wish so to apply. His reason was that, according to last January's compromise, the law was to be repealed. He would take out a voluntary registration certificate, but not a compulsory one.

Cross-Examined: He had learnt of the terms of the compromise through the columns of INDIAN OPINION. He was a member of the British Indian Association.

Mr. Cramer put in a previous conviction against the Accused for hawking without a licence. This was admitted.

Addressing the Court, Mr. Gandhi said that he had really nothing to add, except that he was afraid that these things would continue till the struggle was over. The Accused was ordered to leave the Colony within 7 days. He will refuse to obey this order.

The Scene Changes

Mr. H.S.L. Polak, Assistant Honorary Secretary of the B. I. A., left, on Tuesday evening, for Standerton and Volksrust. It is anticipated that interesting developments will take place at the latter town shortly.

How Long?

Rev. J. J. Doke has the following letter in the *Transvaal Leader* of Saturday last:

Yesterday amongst those Indians who were sentenced and committed to the Fort one of the most conspicuous was Mr. Thambi Naidoo, a leader of the Tamils.

He is not a young man, and his position has been acquired by force of character and by years of service. He is a leader whom all Indians trust. During the last trouble he was Mr. Gandhi's companion in

prison. When the compromise was effected he also signed it. Then followed the assault by the Patans, when, in his heroic eagerness to save his chief, Mr. Naidoo was himself almost killed. I think no one can doubt who is acquainted with the circumstances of the assault that the Tamil leader, assisted by Mr. Essop Mia, saved Mr. Gandhi's life that morning. Almost before he had properly regained his strength, whilst still in attendance at the Hospital, Mr. Naidoo might have been seen at the Registration Office assisting to carry out the agreement which had been made with the Government.

It was the determination of the leaders of the Asiatics at that time that nothing should be lacking on their part in the fulfilment of the compromise. Mr. Gandhi, Mr. Naidoo, Mr. Mia and others might have claimed exemption from the finger-print business on the ground of education, but they knew that the Government was eager to obtain full means of identification from the rank and file, and so, according to their promise, they did their utmost to help the Government, and were among the first to give their digit impressions. They did more than they need have done. Mr. Chamney, Mr. Burgess, and Superintendent Vernon can testify, if they care to do so, that the Tamil leader, with his head bandaged, spared no pains during those awkward days to make the work connected with the registration light for them. They accepted his help gratefully, and made the most of it. I think a better return might have been expected.

When the Government went back upon its promise and refused to repeal the Asiatic Law Amendment Act, save on intolerable conditions, prosecuting the hawkers who refused to comply with the requirements of the Act, Mr. Naidoo was one of the first to place himself within reach of the law. He had no need to carry a basket of fruit, but he has the making of a hero in him, and, because he had signed the compromise, and because the consequence was so disastrous to his poor fellow-countrymen, he took a basket himself and shared their sorrows. Last Saturday he was set free from the Fort, after serving four days with hard labour. Yesterday he was convicted again and sentenced to 14 days' imprisonment with hard labour. Surely something must be shamefully wrong if men of this splendid stamp are obliged, for the sake of their oppressed people, to suffer like criminals with hard labour in our gaols!

After he had been taken to the Fort we visited Mrs. Naidoo in her home. The scene was full of pathos. The little Hindu woman, almost with in touch of the pangs of motherhood, was completely broken down. Her eldest son, a lad of 15, stood by her. She tried to look brave, but the tears

trickled through her fingers. I think some gathered in our eyes, too.

I wonder when the necessity for this suffering will cease. Does the Government intend to make it needful for the Asiatics to obtain by the invincible force of passive resistance a simple fulfilment of that agreement, or is the right thing to be done at last, and their confidence in the word of the white man again restored? I wonder what God thinks of it all!

What Krugersdorp Thinks

The Krugersdorp newspaper correspondents report that the Transvaal National Convention recently forwarded the terms of a petition relative to the anti-Asiatic movement, to the Chamber of Commerce, at Krugersdorp. The latter body forwarded that petition to the Executive Committee of the White League here, who, under the strenuous lead of Messrs. A. Crawford, W. Thomson, and David C. Barratt, secured a large number of signatories thereto. The petition has been forwarded to Mr. R. K. Loveday, M.L.A. (Chairman of the Transvaal National Convention) with the following covering letter:—
From the Secretary of the White League to R. K. Loveday, Esq.,
M.L.A.

Dear Sir,—In reference to your letter of July 17, with copy of petition attached, we have had it circulated here (in Krugersdorp and district) and with two exceptions all the professional and commercial men and tradesmen approached in this town are in accord with the movement. We attach herewith a copy of our constitution, and hope at an early date to hold a public meeting at Krugersdorp on the subject, with prominent public men as speakers. We have pleasure in handing you herewith cheque for £3 3s. being a contribution to the funds of your association.—Yours faithfully (signed) W. Thomson (chairman), David A. Barratt (secretary).

Lord Selborne Speaks

Speaking at a luncheon given at Vereeniging in honour of Lord Selborne last week, Mr. T. N. Leslie touched on the Asiatic question, and pointed out how heavily the matter bore on those resident in the Vereeniging district, at the same time recognising that the question was a difficult one which affected the Empire.

His Excellency, in reply said: Mr. Leslie, has dealt with what is known as the Asiatic question. Now, I agree with him that it is one of the most difficult and one of the most important questions that you have to face in South Africa. Let me remind you exactly what the position is. The attitude which the Imperial Government took up was that in respect of those British Indians who are subjects of the King who were here

in the Transvaal before the war they ought to be allowed to remain here. As regards the future, the matter should rest solely with the people of the Transvaal. That is the policy which has been carried out. The law which was passed last year was intended only to deal with the registration of British Indians who were here before the war. The Immigration Act that was also passed last year was intended to restrict the entrance into this country of any people whom it was considered from the point of view of public policy undesirable to have here. And therefore you cannot possibly say that in the Transvaal you have not been allowed to settle this matter for yourselves. If you do not intend to allow any further Asiatic to come into this country, it is you and you only, who will decide it, and I want you to bear that distinction in mind—the position His Majesty's Government has taken up, the distinction between the few thousand British Indians here before the war and the question of allowing any future immigration. It was a bond of honour that the position of the British Indian should not be worse after the war than it was before, but as regards the future I agree that it should only be left to people of the Transvaal.

Some Causes of Unrest in India

The *Statist*, writing on the 13th June on the present condition of affairs in India, says:—

But the clearing of new areas for cultivation is proceeding slowly, while population is growing, as we have said, very rapidly. One natural remedy would be a large emigration. But our Colonies and our kinsmen in the United States positively forbid this. We spent over two hundred millions a few years ago in war in South Africa, and the very Colonies which we have annexed now refuse to allow our Indian fellow-subjects into the very lands which we spent so much blood and treasure to win. In Canada, again, the Indian is proscribed. Everywhere, in short, where Indians could expect to thrive and prosper they are thrust back by our near kinsmen or by our own white fellow-subjects. If the reader will try for a moment to put himself in the position of an intending Indian emigrant, he will see very quickly how odious this must seem to him. The Indian must conclude either that the great British Government, which he has been taught to look up to as something absolutely irresistible, is afraid of its own Colonies, or is so regardless of the interests of its Indian subjects that it will not use its power to secure for the Indian fair play in British Territory. Either, then, the Indian must come to despise a Government which claims his allegiance and is afraid to give him its protection, or he must conclude that the Government is hostile to Indians and will not benefit them in any way. How are we to deal with the difficulty we will not stop here to consider. But every reader will see that the action of our Colonies towards Indian immigrants is calculated to add to the unrest of our great Dependency.

Immigration Test Case

Full Judgment

The following is the full text of the Judgment given in the appeal case of *Rattanjee Laloo vs. Rex.* in the Supreme Court of the Transvaal, on the 22nd ult., before Sir William Solomon and Mr. Justice Bristowe. Mr. Roos appeared as Counsel for the Appellant, Mr. Pittman appeared as Counsel for the Crown.

Mr. JUSTICE SOLOMON said: The accused was charged with contravening sec. 5 of Act 15 of 1907, "in that on the 2nd June, at Volksrust, he, being a prohibited immigrant, did wrongfully and unlawfully enter this Colony from the Colony of Natal." Section 5 provides that "every prohibited immigrant entering into or found within this Colony shall be guilty of an offence, and liable on conviction to certain penalties. The charge sheet sets out that the accused was a prohibited immigrant, in that he was "unable through deficient education to write and sign a document in European characters, when required to do so by a duly authorised immigration officer, to wit, by Sergt. Mansfield, a duly appointed immigration officer;" "that he had not in his possession or at his disposal means to support himself for a reasonable time within this Colony, as defined by sub-secs (1) and (2) of sec. 2 of the said Act;" or that he was "the minor child of a prohibited immigrant, as defined by sub-sec. (5) of sec. 2 of the said Act." Now to establish the charge it was necessary for the Crown to prove in the first place that the accused was a prohibited immigrant, and, secondly, that he had entered the Colony. In order to prove that he was a prohibited immigrant it was necessary to shew that he came within the provisions of one of the sub-sections of sec. 2 of the Act. The first charge made against him was that he was within the meaning of sub-sec. (1) of sec. 2, which provides that "prohibited immigrant" shall mean and include "any person who when asked whether within or outside this Colony by a duly authorised officer shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require."

The first point taken on behalf of the appellant is that there is no evidence that the provisions of that sub-section have been complied with, and that, therefore, there is not sufficient proof that the accused was a prohibited immigrant, within the meaning of the section. The evidence which was given was that of Sergt. Mansfield, who describes himself as a sergeant of the South African Constabulary, and an "immigration officer" at Volksrust. It is contended,

in the first place, that the evidence does not shew that he was a duly authorised officer within the meaning of sub-sec. (1) of sec. 2 of the Act. Sergt. Mansfield says that he is an "immigration officer" at Volksrust, and the only meaning I can apply to that statement is that he is an officer appointed in terms of the Immigrants Restriction Act to carry out its provisions. If instead of saying that he was an immigration officer he had said that he was an officer appointed under the immigrants Restriction Act, can there be any question that that would have been sufficient evidence to shew that he was a duly authorised officer, within the meaning of sub-sec. (1) of sec. 2? Sec. 3, sub-sec. (3), provides that, "The Governor may from time to time appoint... such officers as he may think necessary or expedient to assist in the administration of the department who shall have such powers and perform such duties... as may be conferred upon them by this Act or by regulation." Although the evidence might have been fuller and more precise, the only conclusion to which I can come is that Sergt. Mansfield had been appointed by the Governor to assist in the administration of the department. That is why he calls himself an immigration officer, and as such officer he has the powers and duties conferred upon him by the Act. One of those powers is the power to ask any person who is entering the Colony to write out an application for permission to enter; and I think there is sufficient evidence to justify us in coming to the conclusion that Sergt. Mansfield was a duly authorised officer, within the provisions of sub-sec. (1) of sec. 2 of the Act.

But then it is argued, further, that, assuming that Sergt. Mansfield was a duly authorised officer, there is nothing to shew that he called upon the accused to write and sign in the characters of an European language an application for permission to enter the Colony, and that, therefore, the provisions of sub-sec. (1) have not been complied with. Now Sergt. Mansfield on that point says: "The prisoner cannot write any document in an European language." There is no denial of that evidence—no attempt to shew that the accused is able to write in an European language; and it seems clear to me that Sergt. Mansfield could have obtained that information in only one of two ways. Either he must have called upon the accused, in terms of sub-sec. (1), to write out an application, and the accused must then have told him that he was unable to do so; or else the accused must have informed him, without his asking him to write out an application, that he was unable to write. In either case it seems to me that there is sufficient to shew that the accused falls within the terms of sub-sec. (1). If he told the duly authorised officer that he was unable

to write in an European language, surely it would have been a farce for the officer to have called upon him, in terms of the section, to write out an application. If he did ask the accused to write out an application, and the latter told him that he was unable to do so, then clearly he would fall within the express terms of sub-sec. (1). I do not see how Sergt. Mansfield could have obtained his information in any other way; and, that being so, though the evidence is not so direct as one might have wished, I think there was sufficient to justify the magistrate in coming to the conclusion that the accused was a person who fell within the provisions of sub-sec. (1) of sec. 2 of the Act, and that therefore he was, *prima facie*, a prohibited immigrant. Then, if that was established, it was not necessary to go into the other matters set out in the charge sheet, and to inquire as to whether the accused had means of support, or whether he was the minor child of a prohibited immigrant. Once it was proved that he fell within the provisions of sub-sec. (1) of sec. 2, *prima facie* he was a prohibited immigrant; and the onus then lay upon him to prove that he came within one of the exceptions provided for in the section. The section first sets out who are included under the term "prohibited immigrant," and then proceeds—"but (the words 'prohibited immigrant') shall not include" certain classes of persons who are enumerated in the following sub-sections. Among the persons who are excepted are "The wife or minor child of any person who is not a 'prohibited immigrant.'" I think the proper construction to place upon those words is that any person is excluded who is the wife or minor child of an immigrant who is not himself a prohibited immigrant. In my opinion it is necessary to prove that the wife or minor child who is desirous of entering the Colony is the wife or minor child of an immigrant. Otherwise we would have to come to absurd conclusions. Take this case for example; here the accused is the minor child of a person who has obtained a permit to enter the Transvaal, who is therefore eligible for a certificate of registration, and who, if he had presented himself at the border, would have been entitled to enter the country, he not being a prohibited immigrant. But suppose that the father, instead of coming out to South Africa and entering the Transvaal, had, after having obtained a permit, chosen to remain in India, but had sent his wife and minor children out to South Africa; could it be said that, because they were the wife and minor children of a person who was not himself a prohibited immigrant, they were therefore entitled to enter the country? I do not think that such was the intention of the legislature, and in my opinion we must read the section as meaning that the persons excepted are the wife and

minor children of an immigrant who is himself not a prohibited immigrant. That, however, is not this case. The accused was the minor child of a person entitled to a certificate of registration, it is true; but he was not the minor child of an immigrant, because his father had remained at Mombasa. The father was there for one of two reasons. The evidence, I think, shews sufficiently that he had become mad on the voyage from India, and was left at Mombasa because he was insane. But, if that was not the reason, then he must have remained at Mombasa of his own accord, because he did not desire to come to the Transvaal. In that event it follows that he was not an immigrant, as he was not a person who had entered, or who was desirous of entering, the Colony, and the accused, consequently, was not the minor child of an immigrant. If, on the other hand, we accept the evidence that the father of the accused remained at Mombasa because he had become insane, then the father was a prohibited immigrant, because, though he had a permit authorising him to enter the Transvaal and was therefore, under sub-sec. (g) of sec. 2, an Asiatic who was eligible for a certificate of registration, he would be excluded under the same sub-section by reason of the fact that he was a lunatic within the meaning of the Lunacy Proclamation, 1902. And when sub-sec. (5) speaks of a "lunatic within the meaning of the Lunacy Proclamation, 1902," I do not understand it to mean that proceedings must have been taken under that Proclamation; because such proceedings can only be taken in respect of a person who is a resident of the Transvaal, whereas the Act refers to persons who are outside of, and who are desirous of entering, the Transvaal. I think it is sufficient to prove that he is a lunatic within the meaning of that word as used in the Lunacy Proclamation—that is to say, a "person who is of unsound mind and incapable of managing himself or his affairs," as provided in that Proclamation. I think that there is sufficient evidence to justify us in coming to the conclusion that the father of the accused was a lunatic of that description. But, even if he was not, it seems to me that it cannot affect our decision, for in any event it is clear that he was not an immigrant, inasmuch as he was not desirous of entering the Transvaal. Consequently it follows that the accused does not come within sub-sec. (e) of sec. 2, inasmuch as he is not the minor child of an immigrant. The onus being upon the accused to shew that he is an excepted person, I think the evidence fails to shew that he is. *Prima facie* he was a prohibited immigrant, because he was unable to write out an application, when called upon to do so by the authorised officer; and he has not proved that he falls within any of the exceptions provided in the

section.

Then it is said that the mind of the magistrate was affected by inadmissible evidence given by Sergt. Mansfield as to the lunacy of the father of the prisoner. As I have already said, in my view of the case it does not matter whether we come to the conclusion that the accused's father was a lunatic or not. But even if it had been necessary to prove that fact, I think it is clear that the accused was not prejudiced in any way by the evidence given by Sergt. Mansfield, because the case set up for the defence was that the father of the accused was mad, and had been left at Mombasa on that account. That was common cause; it was not called in question. Therefore I do not think that the accused was prejudiced at all by the evidence of Sergt. Mansfield—assuming for the purpose of the argument that it was inadmissible.

Lastly it is urged that the prosecution is premature, because under sub-sec. (2) of sec. 4 of Act 2 of 1907 an Asiatic has eight days after his arrival within the Colony within which to apply for a certificate of registration, and that that time had not elapsed before this prosecution was brought. But I think the sub-section in question clearly refers to an Asiatic who is entitled to registration. Section 4 must be read in connection with the preceding section, which points out what Asiatics are entitled to registration. It was quite competent to the accused, when it was proved that he was *prima facie* a prohibited immigrant, to bring evidence to shew that he was eligible for a certificate of registration. He did not do so; and I do not see that the provisions of sec. 4 of Act 2 of 1907 render it obligatory on the Crown to allow eight days to elapse before taking any proceedings under Act 15 of 1907. On all grounds, therefore, I come to the conclusion that the magistrate was right in convicting the accused, and that the appeal must be dismissed.

MR. JUSTICE BRISTOWE delivered a concurring judgment.

THE REASON WHY. A correspondent writes to the *Cape Times* stating that he had asked a member of the House of Assembly how the amount of £50 was arrived at as the limit of exemption for the poll-tax? "Oh," said he, "that will have the effect of knocking a large number of the natives off the Parliamentary register, as they will have to pay 10s. or admit that they are not in receipt of an income of £50 per annum, which is the qualification they claim the franchise under." He also remarked that this was very desirable, in view of the attitude taken up by the other Colonies on the subject of the native franchise, and that the fewer natives we had upon the register the easier it would be to put through Unification negotiations.

What is Colour?

Dilemma at Barberton

The Barberton correspondent of the *Transvaal Leader* says that the Barberton School Board have had under consideration for some time the question of the attendance of coloured children at the Government School. The School Management Committee asked the Director of Education for a definition of the term "coloured children." The reply evinced marvellous acumen, for it contained the enlightening information that it was impossible to define colour in this sense. Each case arising under the Education Act would have to be tested on its merits by the School Boards; this was a specific duty lying on the Board. The School Management Committee accordingly recommended in their report: "That the parents of the children be sent a copy of Article 29 of the Regulations, and informed that in terms of the Act it will be necessary for them to withdraw their children from the Barberton Government School."

Mr. Devine dissented. He did not see why the School Board should take it upon themselves to define what the Education Department found themselves unable to define. This was no proper responsibility of the Boards. He would move: "That the Board is unable to enforce Section 29 of the Act unless furnished with a proper legal interpretation of the term 'coloured child,' as mentioned therein, and would suggest to the Director of Education that such interpretation should be embodied in the regulations, whereby uniformity of action by the various School Boards will be secured."

Mr. Goodhead said the one case mentioned in the committee's report was clear, without travelling into the maze of antecedents. Several members ridiculed the idea of only one family being affected by the section.

Mr. J. Rose-Innes declined to advise the Board whether certain children were coloured or not. The families, as far as he knew, were absolutely respectable, and he did not see why they should be banned from the school. At the same time, one could not be dealt with without dealing with others. It was no duty of the Board to define what colour means. They should not accept such a responsibility, and they had really nothing to go on while there were so many definitions of colour.

Eventually the Board, with one dissident, carried the following resolution: "That whilst this Board is prepared to carry out the provisions of Section 29 of the Act, they must decline the responsibility of defining the words 'coloured child or person,' and that until a proper definition of these words be furnished to them further action will be stayed." It was also resolved to forward a copy of the resolution to the Director of Education.

Alleged Forged Registration Certificates

European Charged

The *Transvaal Leader* Pretoria correspondent says that in the Magistrate's Court, on the 27th ulto., before Mr. Colson, A.R.M., a printer named Lezar Schmulian was charged with forging certain Asiatic Registration Certificates by causing them to be printed on or about May 24th last at the Excelsior Printing Works, Pretoria. The accused was defended by Dr. Krause, instructed by Mr. Lichtenstein.

His Worship said that there was sufficient evidence to show that the accused had been cognisant of the printing of the forms. Legal authority laid it down that the performing of any acts which entered into a forgery, such as matching bank paper, without being concerned with the printing of bank notes, or *vice versa*, was forgery. He committed the accused for trial.

A Johannesburg Case

In "B" Court, Johannesburg, on the same date, Daya Lala was charged with having entered the Colony by means of a forged certificate of registration.

Mr. Schuurman prosecuted, Mr. Gandhi appearing for the accused.

Superintendent J. G. Vernon gave evidence that he was authorised to inspect permits under Act 2 of 1907. He arrested the accused outside Mr. Gandhi's office on July 2. Witness asked him to produce his registration certificate under Act 2 of 1907, and he replied that Mr. Gandhi had it. Witness went into the office and saw Mr. McIntyre, an employee of Mr. Gandhi. He told Mr. McIntyre what the accused had said, and asked to see the certificate. Mr. McIntyre opened the safe, took out a certificate, and showed it to witness. Witness refused to take it, and said, "Give it to the man to whom it belongs." McIntyre handed the certificate to the accused, who handed it to witness. He then saw the document was a forgery, and arrested the accused. Witness took the accused in a cab to the latter's house at 168, Market-Street, and the house was searched, and a number of letters written in Hindustani were seized. While being taken to the Charge Office the accused said, "I bought the paper" (referring to the certificate) "from Jamul for £14. I paid £7 in Durban and £7 after I arrived here. I gave the paper to Gandhi yesterday." The accused was then charged at Marshall-square. The witness here put in a number of Government proclamations and notices dealing with Act 2 of 1907. Continuing, the witness stated that he visited Mr. Gandhi's offices continually between June 29 and July 2, and nothing was told him or other

members of the police of a forged certificate.

Mr. Gandhi: You will admit that it is a clear forgery?—Yes; it is a fair forgery. It would pass anyone who did not know Mr. Chamney's signature.

Mr. Chamney, Registrar of Asiatics, said that he did not know the accused. The signature on the registration certificate was not his, but was a forgery. There was a slight difference in the printing, in the number, and in the size of the document as compared with the registration certificates issued by the Government. Witness received no notification from Mr. Gandhi that the accused was in possession of a forged certificate. Witness reported the existence of the forged certificate to the police. All registration certificates were signed by him only. No one in Natal had authority to issue permits.

Mr. Gandhi: Is the forged document a fair imitation of the official document?—The document is certainly a fair imitation; my signature is not.

Superintendent Vernon, recalled, stated that on searching the accused at the Charge Office he found a certificate of domicile under the Immigration Restriction Act, No. 13 of 1903, also a number of poll tax receipts. On the domicile certificate were two thumb impressions, and the certificate was in the name of Daya Lala. On searching the accused's house Police-constable Henry was present, and saw witness recover the documents.

Mr. Schuurman asked for the purposes of the case that the finger impressions of the accused should be taken. He would have to call expert evidence on the matter.

Mr. Gandhi said he would raise no objection, and the case was remanded.

On the Tuesday, William James McIntyre stated that he was a book-keeper in Mr. Gandhi's employ. On the afternoon of accused's arrest, Supt. Vernon had called at Mr. Gandhi's office and had asked for the accused's registration certificate. He opened the office safe and found the certificate inside. He handed it to the accused, who, he believed handed it to Supt. Vernon.

Cross-Examined: He was in charge of the safe. He had one key and Mr. Polak had another. Mr. Polak was an attorney and a clerk in Mr. Gandhi's employ.

Mr. Gandhi was then called by the Crown to give evidence. About 5 o'clock in the afternoon of the day before the arrest, accused had come to his office and said that some men were after him on account of his permit. He (Mr. Gandhi) asked him to bring his permit, and, upon inspecting it, said at once that it was a forgery. He told accused so, and accused seemed surprised. He gave the certificate to Mr. Polak to put into the

safe, telling accused that he need not leave the Colony. It was then late and he was leaving the office, and going next morning to Pretoria. Upon his return he would communicate with the police authorities.

W. F. PASSMAN stated that he was Record Clerk in the Criminal Investigation Department, and had examined finger-prints purporting to belong to the accused handed to him by Supt. Vernon.

He had compared the right thumb-print thereof with the thumb-prints on the Natal Domicile Certificate and the alleged forged certificate, and found them the same.

L. H. BRADFORD stated that he was a detective probationer. He had taken accused's finger prints the previous morning. They were those produced. This closed the case for the prosecution.

Mr. Gandhi intimated that the defence would be reserved, and the case was remanded until the following morning, in order to formally read over the evidence to the accused.

Daya Lala was on the Wednesday committed for trial by Mr. Jordan, bail being maintained at £100.

Transvaal Parliament

HOUSE OF ASSEMBLY.

Friday, July 31.

Coloured Passengers on the C.S.A.R.

Gen. S. W. BURGER (Lydenburg South) complained about the action of the railway authorities in admitting coloured people to second-class carriages.

The COLONIAL SECRETARY said that the Railway Regulation Ordinance of 1903 did not provide for the question of coloured passengers. Under the Act which had just been passed, however, no coloured man would be admitted in a carriage for white passengers.

Mr. L. J. JACOBSZ (Rustenburg North) asked whether it would be possible to differentiate between different classes of coloured people, in view of the fact that it would be unfair to mete out the same treatment to the more highly-educated ones.

The COLONIAL SECRETARY said that the New Railway Regulation Act provided that such matters were to be settled by regulation.

The Asiatic Act

Tuesday, August 4.

Mr. LOVEDAY handed in two petitions from Barberton praying that the Asiatic Registration Act should be strictly and justly enforced.

Messrs. VAN AARDT, MENTZ, STOCKENSTROOM and BAILEY handed in petitions of a similar nature from their districts.

Natal Parliament

LEGISLATIVE ASSEMBLY.

Monday Evening.

Indian Licences

The COLONIAL SECRETARY moved the second reading of the Indian Existing Licences Bill. He explained the provisions of the Bill. He pointed out that fair compensation would be offered to the people affected. He said that it was for the ultimate good of the Colony that the Bill should become law.

Mr. SMYTHE hoped the Bill would be withdrawn, for he thought its provisions were unjust. He thought the provisions for compensation were utterly inadequate. The Bill seemed to have been carelessly drawn. He strongly opposed the Bill.

Mr. HAGGAR objected to the compensation offered under the Bill. Otherwise, he supported the Bill.

Mr. ROBINSON pointed out that the Bill brought no new principle of law to bear; it simply made imperative what had before been within the discretion of the licensing officers. He held that they had no right to take away any licences, and still less right to compensate if the licences were taken away. He opposed the measure.

Mr. TAYLOR opposed the idea of compensation. He thought the Bill a generous one. He supported the Bill, but would oppose compensation to the utmost.

Mr. HYSLOP said he could not support the measure. He felt that the Bill was unjust: they must have very strong reasons indeed, if they were to tell a certain section of the community that, after a certain date, they were not to be allowed to trade in the Colony. He also opposed the Bill on financial grounds. The Colonial Secretary had pointed out that there were 1,300 of these licences in the Colony, and if they took the average profits at £150 a year, it meant that would cost them £600,000 in compensation for those men.

The PRIME MINISTER: It would be cheap at the money.

Mr. HYSLOP continuing, said the Prime Minister said it would be cheap at the money, but he pointed out that, at present, they had not sufficient money to do it, and ten years hence they might not have sufficient money.

Mr. O'MEARA strongly supported the Bill, and congratulated the Government on having had the courage to introduce it. He held that the Asiatic traders were doing both Europeans and natives harm, as they were a dishonest class of trader.

Mr. WINTER said the country could not belong to both whites and blacks. He thought that the mere fact of there being 1,300 Asiatic licences in the country ought to be sufficient to gain support for the Bill, and he hoped the Government would not withdraw it.

Mr. CLAYTON said he could not give support to the measure. He said he had told his constituents that he would not be a party to any unfair or unjust treatment. He thought the Government were unwise in endeavouring to push through such a Bill, as, if it were sent Home with the other Asiatic measure, it would probably be vetoed by the Imperial Government. (Hear, hear.) He could not see any similarity between the Bill and the Licensing Bill at Home, and he hoped that the measure would not become law.

Mr. CONNOLLY denied that Mr. Haggart, in supporting the Bill, did so on behalf of the party he represented. He (Mr. Connolly) thought the Bill was unjust, and said that the Labour Party had repudiated class legislation of that description. No good could be obtained by any act of injustice to any section of the community. He described the Bill as unjust and unnecessary, and said it had not the support of the Labour movement throughout the world. He believed the matter could be settled without injustice to anybody.

Mr. JOHNSTONE spoke in support of the Bill. He pointed to the fact of large sums of money having been sent out of the Colony by these traders as being one of the causes of the depression.

Mr. PALMER accorded his support to the Bill. He failed to see any injustice in the measure. In fact, there was a lot to be said for it, on the lines of strict justice. They had decided to stop the issue of new licences. The compensation provisions appeared to him to err on the side of liberality. At present, the Licensing Officer had sole discretion, his decision being subject to appeal only to the Licensing Board. Many a white man would be glad to take advantage of such compensation terms as were provided in the Bill. It was desirable that the Arab and Indian traders should be eliminated from competition in the Colony.

Mr. CHURCHILL considered that there had been a good deal of cant, under the guise of justice. He thought that the passing of the Bill would jeopardise the passing of the other Bill in England, and he thought, therefore, they should wait to see what the effect of the other Bill would be, if sanctioned. He thought, therefore, it would be unwise to press the measure through the House. There was no hurry for it. If they found later that the legislation they had was inadequate, they would be in a very much stronger position. For those reasons, he was not prepared to support the measure.

Mr. BRUNNER failed to see where the question of vested interest in particular licences applied. Renewals of licences could be refused at any time. He supported the Bill, if it was only in the interest of the native population.

The COLONIAL SECRETARY, in reply said the experience of the Colony during the last few years showed that something more equitable should be done to regulate the issue of licences. He urged the importance of the Bill in the interests of the native population. They had the example of the Imperial Government, who did not allow any Asiatic or Indian traders into Zululand. They had also the example of the Imperial Government in respect to the Orange River Colony and the Northern Districts, which were annexed to Natal. He did not think that the Imperial Government would turn a deaf ear to what, he trusted, would be the unanimous opinion of the House. He regretted that the ex-Treasurer (Mr. Hyslop) had opposed the Bill, because of financial considerations, and he was of the opinion that, even if it cost £1,000,000 or £2,000,000, it would be money well spent, if they could rid the Colony of its incubus. The charges of injustice were refuted by the generous provisions in the Bill for compensation. He moved the second reading.

The second reading was agreed to by 22 votes to 11, those voting against being:— Messrs. Smythe, Morcom, Polkinghorne, Hyslop, Armstrong, Evans, Connolly, Kirkman, Clayton, Churchill, and Robinson.

LEGISLATIVE COUNCIL.

August 5.

The Hon. the ATTORNEY-GENERAL moved the second reading of the Asiatics New Trading Licences Bill. He fully explained the provisions of the Bill.

The Hon. Mr. JAMESON moved the adjournment of the debate until the next sitting, on account of a small attendance.

The motion was carried.

LEGISLATIVE ASSEMBLY.

August 5.

The House went into Committee on the Indian Existing Licences Bill.

Mr. HAGGAR moved that section 1 of Clause 1 be deleted, and the following substituted: "The term should be taken to mean any natives usually designated in the Colony as Banyans, Arabs, or Arab traders, and their descendants."

The Colonial Secretary accepted the definition, and it was agreed to.

On the motion of Mr. Hyslop, Sub-Sections "a and b" of Clause 1, defining "new licences," were deleted.

Mr. CLAYTON proposed an addition to the effect that the Bill should not apply to holders of hawkers' licences.

Mr. McLARTY opposed the addition, pointing out that a hawker might travel round the country with two or three caravans.

Mr. YONGE said he thought it was a waste of time to further discuss the Bill in this fashion. He moved that the Chairman leave the chair.

On a division this motion was lost by 24 votes to 8, those voting in favour being Messrs. Kirkman, Clay-

ton, Connolly, Smythe, Morcom Evans, Yonge, and Hyslop.

Mr. KIRKMAN said the Bill had been introduced because they had been told to do so by the interior States. He thought there was no chance of that unjust measure passing into law.

The PRIME MINISTER said it was not an unjust Bill. It meant fair compensation, and there were laws now operating in other British Colonies which had received sanction whereby land could be expropriated by paying a fair value for it.

Mr. Clayton's amendment regarding hawkers' licences was, on a division, lost by 23 to 7.

Mr. EVANS asked whether the Government intended to prevent the Indians hawking vegetables.

The COLONIAL SECRETARY pointed out that hawkers of Colonial produce need not take out licences.

Motions to alter the latest date for the holding of a licence from 1918 to 1913, and to 1915 were lost.

Mr. TAYLOR moved that the date be altered to 1914.

On a division the motion was lost by 16 votes to 10.

Mr. TAYLOR moved the deletion of the clause providing for compensation.

The PRIME MINISTER, in reply to criticism, held strongly by the Bill, and said it was a just measure, and one calculated to do good to the Colony.

Mr. WYLIE supported the compensation, and thought it necessary that the Bill should become law. He pointed out that the passing of the Bill would deprive most Indian traders of their financial support.

The motion was lost.

Mr. HYSLOP moved that compensation be paid by the various Town Councils and Local Boards.

The clause stood down, to allow of the amendment being placed upon the notice paper.

Progress was reported.—*Natal Mercury*.

MR. G. B. TILAK. On Tuesday, by a resolution of the British Indian Association, a telegram of sympathy was sent to the family of the Nationalist leader, Mr. G. B. Tilak, on behalf of the Transvaal Indians.

COMMERCIAL MUD-THROWING. If China and Japan were to exchange compliments with the Western world in regard to the conduct of business intercourse, they could tell tales of exaction, fraud, debased goods, and "junk" of varied kinds palmed off upon the "heathen" which would quite outmatch the most extravagant stories of the same kind told by the San Francisco and Seattle dealer, or the Chicago and New York importer of Oriental wares.—G. Trumbull Ladd, in *Century Magazine*.

An Important Judgment

Indians' Domicile in Natal

In the Circuit Court on the 28th ulto., the Chief Justice (Sir Henry Bale) delivered judgment in the matter of *Chattri v. the Immigration Restriction Officer*, as follows:—

The applicant Chattri seeks an order directing the Immigration Restriction Officer to permit his son Indaraman to enter and reside in the Colony. It appears from the affidavits that the applicant, who has no other child, and his wife, arrived in Natal on May 18, 1892, leaving Indaraman, who was then 14 months old, in India, and entered into service under indenture, which has been duly completed. On June 21, 1907, the applicant and his wife obtained certificates of domicile, and thereafter went to India, with the intention of bringing the son back with them to Natal. On arriving in India, Chattri found that his parents with whom the child had been left, had died, and the child was then living with some people of his caste who had given him a home out of charity. They returned to Natal, arriving on June 6, 1908, bringing Indaraman with them. He, however, was not allowed to land, except under a visiting pass, the term of which has been extended for the purposes of this application. The applicant is domiciled in Natal, where he owns landed property. The applicant's statement is confirmed by his wife, Phulla, as well as by one Mewa Maharaj, who says that he has known the applicant for 12 years; that for the past six or seven years he had known that he had a son in India; that he wrote several letters for him first to the applicant's mother in India, and, as no reply was received from her, to his friends in India, from whom also no reply was received. I now proceed to consider the law upon the subject. From the provisions of Act 30, 1903, of this Colony are excepted, by Section 4 (f), any person who shall satisfy an officer appointed under the Act that he has been formerly domiciled in Natal, and that he does not come within the meaning of any of the subsections (c), (d), (e), (f), (g), of Section 5 of the Act, and by section 4 (g), *inter alia*, any child of a person not being a prohibited immigrant, appearing to the Immigration Restriction Officer to be under the age of 16 years, subject to the same Sections (c), (d), (e), (f), (g) of Section 5. It is provided by Section 34 that any person appearing to an officer under this Act to be over the age of 16 years shall be regarded as an adult for the purposes of the Act. By Section 1, Act 3, 1906, it is provided that the reference to domicile in Section 4 (f) of the principal Act shall apply only to domicile acquired by residence in Natal, and not to domicile acquired in any other manner;

and by Section 32 of Act 30, 1903, it is provided that the provisions of Sub-section (f), Section 4, shall extend to any person who shall satisfy an officer appointed under the Act that he has formerly resided in Natal—that is to say, who has had his ordinary place of residence in Natal for a period of not less than three consecutive years—provided, however, that nothing in the section shall diminish the rights of any person who has had his domicile in Natal as distinguished from residence as above defined. The benefit of the Section, however, does not apply merely by reason of residence in Natal under indenture. The applicant's son does not come under Sub-Section (g), Section 4, because he is not under the age of 16 years. The question which I have to determine is, whether Indaraman is domiciled in Natal. As regards the law, apart from the statute, I understand (Conflict of Laws, Dicey, tit. Domicile) that at birth a child acquires a domicile which will, in most cases, be his domicile of origin, but the domicile of a legitimate minor is, during the lifetime of his father, the same as, and changes with, the domicile of his father. Professor Dicey gives the following illustration: "D is the legitimate son of a domiciled Englishman, and is himself born in England. When D is ten years old, his father emigrates to America, and settles there. D is left at school in England. D thereupon acquires an American domicile." (p. 121.) Now, I take it, apart from the statute, Indaraman's domicile of origin was India, but that, upon his father becoming domiciled here, his domicile changed with that of his father, and that, though he continued to reside in India, Natal, which had become the domicile of his father, became his, and would remain his till his father changed his, or till, as an independent person, Indaraman acquired a domicile of his own. A domicile cannot be acquired by a dependent person by his own act, and where there is no person capable of changing his domicile, he retains during his minority the last domicile which he has received. And the last domicile which a person receives whilst he is a dependent person continues, on his becoming an independent person, unchanged until it is changed by his own act. A person on attaining his majority retains the last domicile which he had during his minority until he changes it. Assuming, for the purpose of my judgment, that at 16 years of age Indaraman became an adult, his domicile would continue to be that of his father, which was his domicile on his attaining majority until he changed it. If he is still a minor, and for some purposes he would appear to be a minor, his domicile would still be that of his father, Natal. If he is an adult, and has not changed it, Natal is his domicile. According to the principles of inter-

national and common law, there can be no doubt that Indaraman was, and is, domiciled in Natal, assuming that he is the legitimate son of the applicant, and that he has not, by his own act, changed it. I have, therefore, now to determine whether his position at common law has been affected by the statutes. He could not, *suo animo et facto*, during his minority acquire a domicile in Natal, nor did he, by residence in Natal (Section 1, Act 3, 1906), because he did not reside in Natal, and, if he had resided in Natal, he would not have acquired it by his own residence, but he would have acquired a Natal domicile through his father. By his own residence during minority, he acquired no domicile. His domicile was, and probably is, that of his father, which, it is true, is Natal; but the Section says in effect that no person is entitled to the exemptions of the principal Act unless he has resided in the Colony for three years. He has never resided in Natal. The place in India where he lived was his residence. Indaraman, during his minority, could not acquire domicile apart from his father, seeing that his domicile changes with that of his father. But Section 1 of Act 3, 1906, provides, as I read it, that the benefits of the exemptions are not to apply to persons (above 16 years of age) who have acquired a domicile in any other manner than by three years' residence. The answer suggested is that it is incompetent for Indaraman to acquire any domicile during his minority. It is acquired for him, and, as I have pointed out upon his attaining majority he retains his last domicile until he has changed it. If, however, Indaraman were regarded as a minor, then his domicile is the same as, and changes with, that of his father, but for the purposes of the law he is a major, and he retains the domicile which his father, not he, had acquired. I do not know when the applicant acquired a domicile in Natal, and am, therefore, unable to say whether it was before the first Restriction Act was passed. The Section, however, says in effect that no person over 16 years of age who comes under any of the provisions of Section 5 of the Act shall be entitled to enter Natal unless he has acquired a domicile by a three years' residence in Natal which Indaraman clearly has not. While I think he has acquired a domicile "in any other manner," I do not think he has acquired a domicile—indeed, he could not while a minor—in the only manner which the law recognises as exempting from the disabilities created by the law. I have to assume, for the purposes of this application, that Indaraman is not entitled to the benefit of any of the exemptions recognised by the statute. The conclusion at which I have arrived is that Indaraman is not entitled to enter the Colony for the following reasons:—(1) That he is

above the age of 16 years, and for the purposes of law an adult; (2) that he has not resided for three consecutive years in Natal; and therefore (3) that he is not entitled to enter Natal, for, although he is domiciled in Natal, his domicile was not acquired by residence in Natal, but through his father—a method which our statute law does not recognise in the circumstances disclosed in this application; (4) that, by the statute, Indaraman, being over 16 years of age, could only acquire domicile by three years' residence in Natal; and there is no evidence that he is otherwise entitled to enter Natal. Assuming that Indaraman is the applicant's son, we have the anomaly, which does not commend itself to my sense of justice, that though he is domiciled in Natal, he cannot enter it. I wish to add that the proof that Indaraman is the son of the applicant, and of his identity with Ramlal, is not quite satisfactory. The application must be refused.

His Lordship added that, if it was decided to appeal against the decision, and he rather hoped it would be, application would have to be made for the extension of Indaraman's visiting pass, otherwise he would have to leave the Colony at once.—*Natal Mercury*.

The Protection of African Natives

Proposed International Congress

The *Times* Paris correspondent says:

M. Lucien Hubert, one of the leading experts in colonial questions in the French Chamber of Deputies, who is well known in both London and Berlin, has just addressed to the colonial authorities of the European Powers an appeal for the convocation of an international congress to determine the essential guiding principles of civilized colonization. For the time being his initiative is intended solely to better the lot of the African natives. Colonization is for him essentially a co-operation of capacities between the whites and the blacks. The Powers have already come to an understanding as to the repression of the slave trade, and the sale of alcohol, arms, and ammunition, as well as the protection of animals. Why then, he asks, should they not agree on the best way of protecting the blacks, ensuring to the natives suitable sanitary conditions for the development of the vitality of the race, guaranteeing to them independent remunerative employment, and respecting all their customs that are not contrary to humanity?

The French Colonial Office has formally approved M. Hubert's scheme, and the British Under-Secretary for the Colonies was one of the first to express his sympathy with these ideas.

Imperial Government's Asiatic Policy

Statement in the House of Commons

Deputation to Lord Crewe

Sympathetic Reception

London, Aug. 1.—In the House of Commons, at question time yesterday, a number of questions were asked relating to the position of Indians in the Colonies.

Colonel Seely said that the Government appreciated, in the highest degree, the way Canada had met them in the matter, and hoped that the Australian and South African Governments would show the same spirit.

The self-governing Colonies, he added, might exclude whom they liked, but if persons were admitted the Colonies must give them their full rights, whether free or not. That seemed the sound policy for the Empire.

An influential deputation yesterday conveyed to the Earl of Crewe, Secretary for the Colonies, representations from the British Indians resident in South Africa in reference to their position.

A member of the deputation, interviewed by a representative of Reuter's Agency, stated that Lord Crewe was very sympathetic, and that the interview was quite satisfactory from the standpoint of the Indians.—Reuter.

A *Natal Mercury* special cable from London on the 4th instant states:—*The Times* correspondent at Sydney telegraphs that the speech made by Colonel Seely on the question of the Colonies and Asiatic immigration is weightily approved in Australia. The principles he laid down are those upon which Australia has always acted, as alien residents share civil rights without colour distinction.

The speech has aroused the hope that the Imperial Secretariat may not be considered illusive, but will soon be developed in accordance with Colonial wishes.

WHERE PRAISE IS DUE. *The Spectator*, commenting upon the Parliamentary debate on the Old Age Pensions Bill, said: "Mr. Harold Cox's speech was full, not only of trenchant criticism of the point in hand, but of wise and sound dicta on the great social and political questions of the hour. It was a speech which will greatly increase a reputation which has been steadily rising throughout this Parliament, a reputation achieved, not merely by ability, but by sincerity of thought and purpose."

Correspondence

Unity

The Editor. INDIAN OPINION.

Sir,—A house, a community, or a country without unity, divided in its opinions, divided in its politics and in every other way, means a house of chaos, a community at its last gasp, and a country tottering over the abyss of oblivion.

This is not alone my opinion, nor that of any man in particular. It is an undeniable and indisputable fact, known to men of common-sense all the world over.

What happens, when one section of a household is at loggerheads with another? Too well we know. To many of us, the happenings are present experiences. Others of us have passed through them; for many they await in the future.

Need we ask ourselves if lack of unity in a community spells success, happiness and prosperity? Need we seek for its result when it applies to a country? We have only to look at our own native land, and that of our forefathers. We see our answer there. The dire and dread writing is as clear, and stands out in as bold relief before our vision, as it did one hundred years ago, before that of our ancestors.

Why go further? Why dilate upon a worn-out theme? We all know the evils caused by want of unity; but do we all know what the remedy for those evils is?

Unity has been the buoy that has held up again and again the heads of many a land and many a people. Unity, has been the saviour quite as often as lack of unity has been diametrically the reverse.

Have British Indians given unity a fair and a proper trial? We have our grievances. Our grievances cry aloud for redress; where shall we find that redress? When will that redress be granted? And by what means?

These are the all-important questions we must ask ourselves. Shall we find our goal by agitation? No;—we already know that by that we find ourselves in a place the name of which is spelt by the same letters.

Shall we find our goal by Passive Resistance? We are coming nearer, but we are not yet right.

We still have left unity, unity of action, unity of endeavours, unity of voice.

Can a fight be fought if "those behind cry forward and those before cry back"? Can a good and a winning battle be waged unless men stand shoulder to shoulder, back to back, and heart to heart?

We have a battle to fight. Let us unite our forces. Together ours are a formidable array; and, as a formidable array, require due consideration. Let us with one voice call for the redress, our grievances requires it. Let us demand the freedom, the justice, and the consideration, we as British

subjects, under the Union Jack, should have, and we will get it.

Yours etc.,

C. RAJAGOPAL NAIDOO.

[Our correspondent does not seem to have grasped the fact that, without unity, "passive resistance" is an impossibility. And gaol is not such a bad place, after all, if it is the reward of national virtue instead of individual vice.—Ed. I. O.]

Taxes on Indians

The Editor INDIAN OPINION.

Sir,—An Indian, named Butchigadoo, No. 67,857, aged about 20 years, very delicate in health and lame, accosted me the other day. On my enquiring about his condition, the following was, in effect, his reply:

Last year, on one occasion, a European and an Indian constable visited his place of abode and demanded his £3 annual licence. He produced his father's licence, but refused to pay for himself, because he was under the impression that he was exempted from the operation of the law under which the licence was to be taken, and entirely relied on obtaining an old discharge certificate under Act 2 of 1903, for the reason that he was a minor on his arrival in this Colony and accompanied here by his parents.

However, the European constable, made a note of his name and address and left him, and three days later, the very same constable went to his residence and arrested him criminally, kept him in custody, and brought him before the Magistrate on the following day.

A friend of this prisoner, on hearing of the arrest, came and paid £3 into Court and had the man released. At this juncture the released prisoner applied to the authorities to grant him an extension of time, viz., four months, in order to complete the payment of the balance of £3 then already due by him for the said licence. His request was granted, but the extension was limited to a month only.

Butchigadoo was again arrested on the following day for contravening the Poll Tax Act, and was next day again before the Magistrate to answer the charge; subsequently this burden was borne by his friend and he was allowed to go free.

It seems a disgraceful thing that he should be again arrested by the Police, just a month after the payment of £3, for another £3 licence fee. This man is paying per annum £3 as licence, and £1 for Poll Tax for his father. His father is unable to earn anything, owing to feebleness and old age, and this poor lad is annually saddled with taxes to the extent of £8 towards the revenue of the Colony, or, in other words, 75% of his annual earnings.

After paying this sum, the rest of the year is one continual struggle

against starvation. His earnings are a miserable pittance, and he is now utterly destitute for food and clothing. It is awful to contemplate, but it is a fact.

My contentions in the above case are as follows:—

1. That the authorities cannot possibly arrest an Indian Immigrant criminally for not having money to pay the £3 on the date it falls due.
2. The Government has every right to recover the due amount by issuing civil process against the debtor.

This matter was fully discussed with the Indian Government at the time of the tax's inception.

3. The Poll Tax can only be levied on persons who are capable of earning some money. So, in this case, was justice meted out?

I am, etc.,

"VERB SAP."

To Help the Transvaal

The Editor INDIAN OPINION.

Sir,—We are all more or less acquainted with the circumstances of our countrymen in the Transvaal, so it is our bounden duty to share the legacy; share and share alike. I propose that our share should or ought to be to assist them financially to support the families of those who were incarcerated for our freedom and for the honour of our motherland. It has come to light that some of the families of the prisoners are extremely poor, more especially the case of our "Tamil hero," Mr. Thambi Naidoo, who is now serving for the third time in gaol.

One of the marvellous verses of the *Athvarana Veda Samhita* says: "Be you all of one mind, be you all of one thought, for in the days of yore the gods being of one mind were enabled to receive oblations." Being of one mind is the secret of society. Each Chinaman thinks his own way, but the Japanese think all in the same way, and we know the result.

I suggest that a fund be opened by your journal for the very deserving cases, so that the men, when returned from "His Majesty's service," will stick to their guns until our rights are granted.

NATAL BORN.

Bellair, 3rd August, 1908.

"THE MODERN REVIEW." The first article in the June number is a study of the life and works of Ralph Waldo Emerson. This is followed by an article on "The So-called Inferiority of the Coloured Races." It shows the very slender scientific basis on which anthropometrists have reared the imposing edifice of the natural superiority of the white races. Mr. Saint Nihal Sing writes on "Education that educates" at Hampton Normal and Agricultural Institute, Hampton, Virginia, U.S.A."

At the Heart of the Empire

A Monthly Survey

London, July 1, 1908.

A Woman's Month

It is impossible to look back upon the past month without being impressed by what women have done to assure the Prime Minister—who asked for the assurance—that they are in earnest in their demand for the franchise. Certainly women have dominated this month of June. On Saturday, the 13th, and Sunday the 21st, they organised two demonstrations which are admitted to have been the most impressive ever witnessed in the Metropolis, and yesterday when the time limit expired which the militants extended to the Government to reply to their demand for immediate action, there was another huge gathering of sympathisers, principally men, and others who went in the expectation of seeing some fun in Parliament Square. An army of police, apparent and in reserve, kept reasonable order, though the mounted men were required at times, and thirty ladies were marched off to prison for longer sentences than ever before. Mr. Asquith, who refused to receive the peaceful deputation in the afternoon, and against whom the evening demonstration was chiefly directed, passed through the sub-way from Palace Square to the Embankment, and pursued his way unrecognised by the crowds! Mrs. Asquith watched the proceedings from a window.

Whatever may be one's views as to the tactics of the militants, these who have been fighting for the cause along constitutional lines for a quarter of a century are the first to confess that the extremists have thrust the subject into the line of dominant questions of the day and have also made possible such a march through London as was organised by the less aggressive but equally determined women on June 13. It was certainly a marvel of organisation; no detail was overlooked. On the Embankment there gathered tens of thousands of women from all parts of the country, professional and working women, the rich and the poor, for this demand for franchise knows no rank. The University graduates in cap and gown made a brave show; the artists and writers mustered in force, and among the leaders was a lady of more than seventy years of age, Miss Emily Davies, who presented to Parliament one of the first memorials for the enfranchisement of women. She did not hesitate to trudge the whole distance from the Embankment to the Albert Hall, and was as enthusiastic as her youngest comrade in the fight for the goal. There is no doubt that the orderly procession brought home to the large crowds that assembled along the line of route the fact that talent, science, common-sense are at the back of the movement, which, as the artist said about his colours, is

"mixed with brains." The spirit of the effort was admirably expressed by Mrs. Despard, the fearless sister of a fearless commander, General French, "Not until men and women stand together in the State as men and women have stood together in the family, shall we have the coming of that golden age for which we have waited."

The Sunday demonstration was the work of the forward wing, and though its banners were not so bravely artistic as those which added brilliance to the earlier gathering, the massed meeting in Hyde Park, where the seven processions had converged, was remarkable. From twenty platforms earnest women, wearing the special colours, purple, green, and white, either as badges, or hat trimmings, or in their costumes, urged upon thousands and thousands of hearers the justice of their cause. The park was thronged; it was a sight not to be forgotten, and—the weather was most kind.

I must add a word about the banners, many of which were specially worked for these occasions. That carried by the contingent of women who had dared prison for their cause was decorated with broad arrows and this motto: "Stone Walls do not a Prison Make!" The University graduates' banner declared that "Better is Wisdom than Weapons of War;" "Hitch your Wagon to a Star," urged the Ethical Societies; "Engage the enemy more closely," was the motto chosen by Hampshire women, who drove all the way to London flying this celebrated signal of Admiral Nelson; "The Delay of Justice is Injustice" declared others, and the Australian banner bore these words: "Trust the Women, Mother, as I have done."

The Royal Visit to Russia

Early in June Their Majesties the King and Queen, Princess Victoria, and certain military, naval, and civil officials paid a State visit to the Emperor and Empress of Russia in furtherance of His Majesty's rôle as peacemaker, and in the cementing of the Anglo-Russian Convention. The visit caused an expression of strong feeling in the House of Commons by the Labour Members and others because they considered that the time was inopportune for an official demonstration of friendship when members of the first Duma are in prison or exile, when repressive and coercive acts are the policy of the Government, and reformers rank as rebels. The Czar, as head of the State, said the protestors, has stained his hands with blood. The protest made no difference to the official plans, which were defended by the Foreign Minister with considerable warmth; Sir Edward Grey maintained that not only would the visit strengthen Anglo-Russian friendship, but it would be helpful to the constitutional struggle in Russia. Those who live will see, as our French friends say. It was pathetic to know that the Emperor of all the Russias could not receive his distinguished guests in

his capital; all the hospitality took place on board the royal and imperial yachts at a safe distance from land, and under the vigilant care of torpedo-boats and men-of-war. Indeed, both the Czar and Czarina were moved to tears when they heard the unaccustomed cheers of a number of school children, who had been granted a holiday for the purpose, as they passed at Reval from the train to the yacht. The people of Reval and its neighbourhood belong to the old Esthonian race, and, among other curious customs, they had a unique way of disposing of the property of their dead. The goods and chattels of a dead man were disposed in heaps about a mile apart along the public highway, and at a given signal a number of horsemen galloped to the most distant heap in which were placed the most valuable possessions. The best horseman won the property as his reward.

The Church and the World

One of the most remarkable gatherings of the members of the Church of England has been witnessed in London during June. Delegates came from all parts of the world to take part in what was curiously termed the Pan-Anglican Congress. Bishops were as plentiful as gooseberries, and high dignitaries, from Archbishops downwards, mingled with the humble curate and the missionary in the fortnight's deliberations. The object of the Congress was to realise the Church's position and attitude towards the world to-day, not only at home but abroad, and some very plain speaking was heard as to the responsibility of Christians in example and life among non-Christian peoples. Missionary work was dealt with, of course, from many points of view, and the wisdom of sympathetic understanding of other religious beliefs was insisted upon. But such subjects as journalism, art, municipal trading, education, and the training of teachers were considered as well as specifically religious subjects, and it may be interesting to readers of *INDIAN OPINION* to know that Mr. St. Loe Strachey, a journalist of experience, favours anonymity in newspaper articles and considers that the proprietor of a paper should be rich through his paper, to prevent the danger of articles being "bought." It was gratifying to find that the coloured ecclesiastics of the Church of England were received with conspicuous cordiality, and the Bishop of London, summing up the results of the Congress, declared that the great truth of universal brotherhood had received a new meaning and impetus.

A Record Garden Party at Windsor

The climax of the Congress was the royal garden party at Windsor Castle when the delegates were invited to meet representatives of the great activities of the nation's life; nearly all shades of thought in religion, art, and literature were personified, and also the Britains overseas. The King, the Queen, and all the members of their

family did their utmost to ensure the pleasure of their eight thousand guests, and one incident of the afternoon will be read by Indians with especial gratification. Among the invited guests was the venerable Parsi lady, Mrs. Dosebai Cowasji Josawalla, who is completing a voyage round the world with her two sons. She is more than seventy years of age and was the first Parsi lady to receive a western education. The King and the Queen made a point of talking at length to her and they accepted from her some beautiful specimens of her own embroidery—a cap, ornamented with miniatures of the Royal Family and surmounted by a gold crown, and a decoration for a dress, worked in gold and silver thread and studded with jewels. The old lady, on parting, blessed Their Majesties in oriental fashion. India was well represented by several of her ruling Princes, including the Jam of Nawanagar, and their rich oriental costumes added to the brilliancy of the gathering in its beautiful setting amid green trees and velvety lawns, with the old Castle as a background. I must mention here that the Jam—still familiarly called 'Ranji'—has played several times during June with his old cricket Eleven, Sussex, and has shown his old form, running up a century and a half with consummate ease and in perfect style.

Lord Morley, Author and Statesman

Among the books of the month that have created more than usual interest is a new volume of essays from the pen of Lord Morley: "Miscellanies," (Macmillan, 7s. 6d. net.) Most of the essays have appeared in the monthly or other Reviews, and include such subjects as Mr. Hobhouse's "Democracy and Reaction," Mr. Lecky's "Democracy and Liberty," Macchiavelli Guicciardini, the Positivist Calendar. The volume has much of the old John Morley in it, and his outlook on the present is decidedly optimistic. He maintains that "what guides, inspires, and sustains modern democracy is conviction of upward and onward progress in the destinies of mankind," and that "the will to progress" is one of the greatest achievements of the last hundred and fifty years. Incidentally, he mentions that the present House of Commons "is the best of the seven Parliaments in which I have sat," and he considers that to hold office not only reveals a man to others but reveals him to himself—sometimes to his great surprise.

Yesterday Lord Morley made his first speech as a peer in the House of Lords in a debate initiated by Lord Curzon on external and internal policy in India; Lord Cromer, Lord Ampt-hill, Viscount Middleton, Lord Courtney, and Lord Lamington also took part. Lord Morley's reply to the ex-Viceroy's attack on the foreign policy of the Indian Government was spirited, and he condemned Sir Bamfylde Fuller's recent letter to *The Times* under the dramatic heading,

"*J'accuse.*" He would not re-open the question of the partition of Bengal, but he reiterated the intention of the Government to introduce real measures of reform and "adumbrated" vaguely the inclusion of Indians in executive councils. The debate attracted a full House, and every available inch of space set apart for ladies was occupied.

OBSERVER.

Asiatic Immigration

Proposed Conference

The Vancouver Correspondent of *The Times*, writing on the 7th ulto., says:

Much interest is being taken on the Pacific Coast in the proposal that an international conference should be held to discuss the entire question of Oriental emigration to occidental countries. It is reported that Mr. Henry Reid, director of exploitation for the Alaska-Yukon Pacific Exposition, which is to be opened at Seattle next year, has been in correspondence with Mr. Miller, the United States Consul-General at Yokohama, regarding the subject, and a proposal has been made that the conference should be held at Seattle in 1909. It is pointed out that Seattle is in an exceptional position compared with other large ports on the Pacific Coast. No anti-Oriental riots have ever occurred there, Asiatics having always been well treated. It is asserted that it would be a mistake to hold the conference in Europe, as it is on the Pacific Coast that the questions to be discussed are felt most acutely.

Wu Ting-Fang, the new Chinese Minister to the United States, has expressed himself as strongly in favour of the proposed conference.

A Challenge

Mr Parsee Rustomjee writes as follows to the *Natal Mercury*:—

Sir,—During the discussion in Parliament over the Licensing Bill, Mr. Dan Taylor stated that an Indian trader had told him that he (the Indian trader) kept seven servants, his wife, self, and three children on 4s a day. Now, sir, I brand that statement as a weird and wild one, and, further, challenge Mr Taylor to prove the truth of it. When I say "prove" it, I mean what I say. I do not mean that Mr. Taylor should come forward and say "So-and-So told me." The proof I require is that Mr. Taylor should produce the said trader to you, or some reputable public man. If Mr. Taylor is game enough to accept this chal-

lenge, I am willing to forfeit the sum of £5, which I herewith beg to lodge with you, on the condition that, should he decline, or confess his inability so to do, he should forfeit a similar sum, my money to go to any charitable purpose he may wish, and his money to any I may choose; this challenge to stand good for one week, at the expiration of which time, should he fail to take it up, I reserve to myself the right to give the general public the chance of drawing their own conclusions as to the veracity of Mr. Dan Taylor.

INDIANS ON TRAM CARS. At a meeting of the Durban Town Council, Mr. Payne, speaking under the head of "general business," considered that the time had arrived when the Council should take some steps in connection with preventing the inconvenience occasioned to the travelling public through being crowded on the tram cars by Indians or natives. The coloured traffic, he should say, from observation, had increased considerably during the past twelve months, and he thought the time had arrived when something should be done to meet that traffic. (Hear, hear.) The traffic, he considered, was a growing one, and one which would repay the Department for any extra expense involved in the matter. At the present time many Indians and natives did not use the cars because they appreciated the fact that they were not wanted. Both in the interests of the travelling European public and that of the Indians and natives, the Council, he thought, should take steps in the matter. He proposed that the Tramways Manager be asked to report on the Indian and native traffic on the tram cars. He suggested the setting apart of separate cars.—*Natal Mercury*.

Late News

[SPECIAL TELEGRAMS]

Johannesburg,

Thursday.

The Johannesburg Municipality, on the invitation of the Transvaal Municipal Association, reaffirmed the resolution urging the retention of the Asiatic Act.

Two hawkers have been arrested at Germiston for hawking without licences. Mr. Gandhi defended.

Unlicensed hawking along the Reef continues.

GUSTAV BOCKRIS,

WHOLESALE MERCHANT,

21 Simmonds St., Box 3440, JOHANNESBURG

દરેક ભવનો કાપડબર અમારે ત્યાં દર અઠવાડિયે નવે આવે છે જેવા કે:--
ભારતનાં કપડાં, પ્લાઇમીસ, નાઇટ ગાઉન્સ, સમીસ, ડેક. આ માટેના ફેન્સી, સામાન ફ્રાન્સ, બીજા, ટોપી, કાનટોપી, ઝાલર, કનગી ચાલ, રૂમાલ, ગલપટા, લેસ, દરેક ભવનો ફરમી સામાન વિગેરે વિગેરે

અમારે ત્યાં જેથી ભવનો ચીનાઈ પ્યાલા, રકાબી જુદી જુદી ભવનો ફેન્સી માલ માનુષા તથા સ્ટેશનરી વિગેરે સામાનનો મોટો જથ્થો રાખવામાં આવે છે. દરેક માલ મીઠાવત દામથી તથા બરાબર સંભાળથી વેક કરી મોકલવામાં આવે છે એક વખત ઓરડર મોકલી ખાત્રી કરશો.

આઈ પેપર ઉપર છાપેલા
સુદર ફાટોગ્રાફ.

માનવતા દાદાભાઈ નવરોજી,
ઓ. જર્જીસ અદરદીન તમચખજી
મી. એમ. એચ. નાઝર.
ઈડિયન સ્ટ્રેચર ખેરર કોર.
અધ્યાનસ્તાનના અમીર
મી. અમીરદીન ફજદાર.
મેસર્સ એમ. કે. ગાંધી, અને એચ. ઓ.
અલી.

કીમત: દરેકની પેની એક પોસ્ટેજ
અરથી પેની.
કેપ ટરાંસવાલ તથા રોડેશીઆના પણ
સ્ટાંપ સ્વીકારવામાં આવે છે.

મુસ્તફા કામેલ પાશાનું લખણ

ઉપરનું લખણ "ઓપિનિયનની" ડાયરી
ના આકારમાં ૪૦-૫૦ પાનાના એક
દળદાર પુસ્તકરૂપે છપાઈને અહાર પડેલ
છે. હજીખતના એક દેશલકત તથા
ધસ્લામના એક ખેરખવાહ તરીકે,
તેમજ એક પ્રસિદ્ધ રાજદ્વારી એકસ્ટ્રી
મીસ્ટ અથવા નેશનાલાસ્ટ તરીકે મુસ્તફા
કામેલ પાશાના વિચારો દરશાવનાર આ
પુસ્તક રાખવાનો દરેક હૈંદીને લાલ મળે
એવા હેતુથી તેની કીમત માત્ર ૬ પેની
રાખવામાં આવી છે. આલક થનારે
તુરત નીચેના સરનામે લખવું.

I. P. PRESS, PHOENIX, NATAL.

જાહેર ખબર

આ જાહેર ખબરથી ખબર કરવામાં
આવે છે કે કીંબરલીમાં હોમસ્ટેડમાં હમારી
ઈડિઅન લૉડરી છે જે તા. ૩૧ જુલાઈથી
તા. ૩૦ અગસ્ટ લગીમાં વેચવાની છે.
કોઈપણ ધણીએ રાખવી હોય તો કાઈપત
દામથી આપીશું.

વધુ ખબરમાટે તાચેને સીરનામે લખવું
અગર જાને મળવું.

પી. એ. ઓ. ૧૨૨. કીંબરલી.
લી. વસનજી હરીભાઈ.

ઈડિઅન ઓપીનીઅન ડાયરી
સને ૧૯૦૮

કીમત ૦/૬ પોસ્ટેજ ૧ પેની.

ઈંટરનેશનલ પ્રીટીંગ પ્રેસ તરફથી મહાર પાડવામાં આવેલાં પુસ્તકો

	s. d.
The Ethics Passive Resistance	૦ ૩
Bhagavad Gita	૧ ૦
The Story of the Rāmāyana ...	૦ ૬
A Book—and its Misnomer ...	૦ ૬
કાયદા સામે થવાની દુરજ.	૦-૦-૩
ટ્રાન્સવાલનો ખુની કાયદો.	૦-૦-૬
જેલનાં કાવ્ય.	૦-૧-૦
મી. એ. ડાયરી ૧૯૦૮	૦-૦-૬
મારો જેલનો અનુભવ.	૦-૦-૬
પુસ્તક કામેલ પાશાનું જીવન ચરિત્ર	૦-૦-૩
એક સત્યવીરની કથા.	૦-૦-૧
સલાઅહ (ઈનામી નિયંધ)	૦-૦-૬
સર્વેદિય.	૦ ૦ ૯

ટપાલ મારફત મંગાવનાર માટે પોસ્ટેજ
ખર્ચ પેની ૨ જુદું. કેઈપણ કોલોનીય
સ્ટાંપ સ્વીકારવામાં આવે છે.
મળવાનું દેશણું:—

ઈંટરનેશનલ પ્રીટીંગ પ્રેસ,
શીનીફ્સ, નાતાલ.

ટ્રાન્સવાલ રજીસ્ટ્રેશન

* * કાયદો.

ખુની કાયદો, તેના ધારા તથા તેને
લગતી પીસ પ્રીજરવેશન કાયદાના
કલમોનો ગુજરાતીમાં તરજુમો.

કિમત છ પેની. પોસ્ટેજ એક પેની
સાથે આફ્રિકાના કેઈપણ સ્ટાંપ સ્વીકાર
વામાં આવશે.

વેચવાની છે.

એક સારી જંગલની મોકાની દુકાન.
પુછા:— અહમદ લૈયાત.
૪૭ ચર્ચ સ્ટ્રીટ, પી. એમ. ખર્ગી.

શ્રી. શ્રી. ના. ડી. ઉ.
ઈંટરનેશનલ પ્રીટીંગ પ્રેસ
૫૬ વાલ્મર્ન સ્ટ્રીટ, ટ્રાન્સવાલ, ૩૫૩
પાર્ટીલોગ્રાફ કમીશન લેબોરેટરી
જુજામ: લોવાલ પ્રિયર્ન સ્ટ્રીટ
ક્રોક્સી નામદેશ્યમ: "ડેમ લેલ લેલ"
પેપર લેબોરેટરી.

સવૌહય

નામાંકિત લેખક રસ્કીનના 'અનહુ
ધી લાસ્ટ' નામના લોકપ્રિય અંગ્રેજી
પુસ્તકનું ગુજરાતી તારણ

રસ્કીન એક મહાન વિદ્વાન અને પ્રસિદ્ધ
લેખક થઈ ગયા. તેનાં લખણો આજે
સુધરેલી પ્રજામાં ઘેર ઘેર વચ્ચાય છે. તેણે
ખનાવેલા ઉપરના પુસ્તકની લાખો નકલો
છપાઈને ખપી ગઈ છે. જુદી જુદી લાખો
ઓમાં તેના તરજુમાઓ થયા છે. તેનાં
લખણ નાનારસની ખબીઓથી ભરેલાં
છે. ઉન્નતિને પામવા ધસ્તજારી દરેક
પ્રજાએ તેનું અવસ્થ મનન કરવા જોગ
હોવાથી અમારા ગુજરાતી વાંચનારાઓને
તેનો લાલ આપવા અમે એ પુસ્તકનું
તારણ આપ્યું છે. અને આવતે અઠવા
ડીએ તે પુસ્તકરૂપે છપાઈઅહાર પડશે.
કિમત ૯ પેની.

લખો:— I. P. Press,
Phoenix, Natal.