

527B.

NOTE TO TOWN CLERK :

*To Government's information
Mr. Howes*

re: Ex Parte Mason.

WLH:KH

*This judgment should be
repeated to the applicant
in some brief manner
Will you please do this
as a matter of course
4.11.45*

The attached judgment distressed me very greatly, especially as it comes from Mr. Justice Broome. I commend for the Town Clerk's perusal the passages which I have marked on pages 2, 3 and 5.

*LA [unclear]
[unclear]
[unclear]
[unclear]
[unclear]*

The result of this litigation appears superficially to be a victory for the Council : but I think that a judge could hardly have said in plainer terms that he disapproved of the action the Council had taken and that he would not interfere against the applicant if he proceeds now to act in defiance of the Anti-Asiatic clause on his property.

I am strengthened in the view which I expressed to the Town Clerk yesterday that nothing should now be done which might lead to the resuscitation of the Natal Indian Judicial Commission.

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To me the judgment also serves as a warning that unless the City Council exercises a proper discretion in relaxing the present rigidity of the Anti-Asiatic clause in cases like this one - where the clause serves no public purpose - legislation is likely to be introduced for the relaxation of it.

And then the white ants will eat away the very foundations of its present value.

had

LEGAL ADVISER

27th September, 1945.