

## 1. SPEECH AT MASS MEETING

[JOHANNESBURG,  
July 23, 1908]

On the 23rd ultimo, all Indian business throughout the Transvaal ceased for the day, as a mark of respect towards the Chairman of the Hamidia Islamic Society, Imam Abdul Kadir Bawazeer, and the other Indian leaders who had been sentenced to imprisonment with hard labour for hawking<sup>1</sup> without licences, as a protest against the Transvaal Government's breach of faith. Indian hawkers and pedlars ceased their rounds, much to the discomfort of those European housewives who depend so entirely upon the services of these men.

A large and enthusiastic meeting of over 1,500 persons<sup>1</sup> assembled in the precincts of the Hamidia Mosque, Fordsburg, and listened intently to the addresses delivered by Mr. Gandhi and other speakers. A few delegates from Reef towns attended though none were specially invited. Mr. Essop Ismail Mia presided. . . . The following is the full text of Mr. Gandhi's speech:

I shall read to you telegrams that have been received from several parts of South Africa in reply to the request of the British Indian Association and the Hamidia Islamic Society that all our brothers throughout South Africa should close all Indian business—stores as well as hawking—out of regard for the Chairman of the Hamidia Islamic Society, who is also the Assistant Priest of this very Mosque under whose shadow we are standing this afternoon. The response received has been most generous, and it shows how well the different portions of the Indian community in South Africa have been knit together. I think we may congratulate and thank the Government upon having, perhaps unconsciously, assisted us in doing this wonderful thing. I think that a new spirit has been infused into Indians throughout South Africa, and if that spirit continues, I think that we shall have to thank the Government for it. Last January, when we embarked upon the passive resistance struggle in earnest, the ground had been prepared for close upon 16 months, but it was only in the month of January last that General Smuts and his co-Ministers were able to test the reality of the feeling that underlay the whole Indian agitation against the Asiatic Act, which, rightly or wrongly, Indians considered constituted an attack on their self-respect, their honour and their religion, but perhaps the finishing touch was not put upon the whole thing when the prisoners were suddenly discharged owing to

<sup>1</sup> The *Transvaal Leader* report mentions that some Chinese, too, were present in the gathering, the strength of which its correspondent estimated at 500.

the compromise. That finishing touch, in my opinion, is being placed upon the whole thing on this occasion. Evidently, General Smuts has been in-formed by some enemies from out of our own camp that the agitation last year and during the month of January was mostly manufactured and that I was principally instrumental in keeping the fire up. I think that General Smuts has now, by this time, come to understand that the agitation was not manufactured, that the movement was absolutely sincere and spontaneous, and, if I had any part in connection with the movement, the part that I played was that of a humble interpreter between the Government and my own countrymen. I was undoubtedly the first man to inform the community of what the Asiatic Act meant. I was the first one undoubtedly to point out that it bristled with objections, religious, and on the score of the community's Honour, but, having done that, I claim to have done everything that it was my duty to do. It was the Indians themselves who recognized the importance of the objections that I ventured to place before them, and they decided solemnly and sincerely not to accept the Act. And here we are today in order to emphasize our objections, and we find also that one of the best men in South Africa among our own countrymen, the respected Chairman of the Hamidia Islamic Society, has chosen to go to gaol rather than enjoy the liberty that he had received owing to his having received the voluntary registration certificate. He chose to suffer with his humbler countrymen, the hawkers, and he felt that he himself would place himself in the same category and suffer imprisonment for the sake of the honour of India, for the sake of the hawkers themselves, whom the Government wanted to have in their grip; and we have assembled this afternoon to do honour to that beloved fellow-countryman of ours, as also the others who have gone with him to share the miseries of a gaol life. It is true that the imprisonment is to last only four days—but is it only? Indians, who have not been used to a gaol life, who have never been able to accommodate themselves to the hardships of life, to them even a day's imprisonment is a great thing, and does not sentiment count for something in matters of this sort? We and the European Colonists have known all along that Indians would rather pay large sums of money in fines than go to prison. That feeling has been shared universally by the Indians in South Africa, and, yet, today we find the respected Chairman of the Hamidia Islamic Society, we find other prominent Indians, willingly going to gaol, not because there is artificial agitation, but because they think sincerely that India's honour is at stake, they feel that their self-respect is going to be lost, if they do not stand up and give a proper fight, and that fight not a fight with any weapons but the cleanest. The cleanest weapon that we have

discovered in self- defence is the weapon of passive resistance, is the acceptance of a gaol life or whatever the Government may choose to impose upon us for a breach of its laws which we cannot, as human beings, accept. The tele-grams that the British Indian Association and the Hamidia Islamic Society have received are from Pretoria, Durban, Fortuna, Warmbaths, Volksrust, Ermelo, Potchefstroom, Zeerust, Klerksdorp, Standerton, Middelburg, Salisbury, Christiana, Rustenburg, Kimberley, Nylstroom, Roodepoort, Lichtenburg, Lydenburg, Vereeniging, Pietersburg, Ven-tersdorp, Heidelberg, Cape Town and Springs. I dare say there are more telegrams still lying at the office. I shall venture to read a few of these telegrams. The purport of all is sympathy and support to the cause of the British Indians, and decision to close all business through-out these places.

[Mr. Gandhi then read the telegrams.]

These telegrams show that the Indians are absolutely unanimous in the Transvaal, and the incarceration of the Chairman shows also that there is absolutely no difference of opinion between Mahomedans and Hindus, that all the different races of India who are in South Africa have met in a common cause and well have they met, seeing that the difficulties that surround one portion of the community surround all the other portions of that community. Gentlemen, our own position is absolutely clear. Our friends have advised us and told us that we should wait, that we should not take strong measures, and that we should not take any step that might be irrevocable. I do not quite understand the meaning of this advice. I do know this, that the question of the burning of the registration certificates should not be definitely decided Until we know exactly the legislation that the Government intend to pass. That we have done. Beyond that it is impossible for the Indian community to go. The Government have put a barrier between those who have taken out voluntary registration certificates and those who are now coming into the country, and who are entitled to come in. The Government ask them to submit to the law. It is impossible for these men to do any such thing at all, especially when their rights have been safeguarded under the compromise. What are these men to do? Are they not to trade until they have received their registration certificates? Are they to live upon the charity of their fellow-countrymen? I think that it is utterly impossible. Then these men must honestly earn their livelihood, and the only advice that it was possible for the British Indian Association to give these men was to trade in spite of the refusal to issue licences on the part of the Licensing Officer.<sup>1</sup> The hawkers and store-keepers whose licences ended

<sup>1</sup> *Vide* "Johannesburg Letter", Before 2-7-1908.

on the 30th day of June are also in a similar plight. They are now called upon by the Government to submit to the Asiatic Act so far as licences are concerned, before licences can be issued to them. Are they then to sit still? Are they not to trade until it pleases the Government to bring forward their legislation? It is not we who are waiting, or who can afford to wait. It is utterly impossible for us to take up any such position. We are taking no irrevocable step, but we are taking every step that we must take in self-defence. If we are to live in this country as honest citizens, if we are to earn our livelihood honestly, then it is absolutely necessary that we carry on our usual occupations, and for these occupations are required licences, and, if the Government will not issue these licences, it is necessary for us to trade without them. Some hawkers have already taken out licences. I understand that 300 have had licences issued to them without submission to the Asiatic Act. Four hundred have taken out licences by giving thumb-impressions. They did not know what they were doing. They did not know that they were submitting to the Asiatic Act by giving thumb-impressions. The balance have now come to know what the Government intend to do. Are they, again I ask, to sit still and not carry on their occupation? It is utterly impossible. It might be asked why should prominent Indians go and take up hawking and force matters. The answer is obvious and very simple—it is not possible for these men to sit still and remain in their homes, when they see poor hawkers, who perhaps do not understand the position just as well as the leaders do, suffering. I think that the leaders would have failed in their duty if they had not come forward and taken up hawking for themselves, in order that they might be able to direct their poorer countrymen, in order that they might be able to explain the real position to their poorer countrymen.

I understand that, this afternoon, Superintendent Vernon and a detective went amongst some of the Tamil members of the Indian community. He asked these men to produce their registration certificates, and I understand also that there was hard swearing indulged in by one or other of the officials. I understand that it was Superintendent Vernon who used an expression unbecoming for me even to repeat. I will not repeat that expression. I do say this that, if my countrymen have the courage of their convictions, not a single Indian will show his voluntary registration certificate. The British Indian Association has called in all these registration certificates, in order that the poorer, the humbler, members of the community might be protected, and if they have to go to gaol for non-production of registration certificates, I do hope that they will go to gaol, and thus teach a lesson in civility to the police. I shall never forget the scene that was enacted

before the Court House when Mr. Sorabji was sentenced to be imprisoned with hard labour for one month. I cannot easily forget the hustling that took place, the assaults that took place in front of the Court House, under the nose of the Magistrate as it were.<sup>1</sup> I cannot easily forget how the constables, without the slightest provocation, without any warning being given to the British Indians, assaulted them, how they roughly handled them, and how they roughly shoved them from the verandah of the Court House. That shows what a bitter struggle is before us. That shows also how cheaply we are held in the estimation of the police, if not in the estimation of the citizens of the Transvaal and of South Africa. It is necessary then for British Indians to show in quiet, in dignity, in perfect calmness, in a perfectly law-abiding spirit, to show that they are not here to suffer such indignities, that they are not here to have their liberties trampled underfoot, and that if all these things are done in the name of His Majesty the King-Emperor, we are here also humbly to protest, and we are here also as British citizens to suffer for it, and to show the whole world what things are possible and done even in the British Empire, even under the British flag. We have been nurtured in British traditions. We have been told that [in the British Empire] even a lamb is free. "The lamb can go with the lion," is a literal translation of a verse I was taught when I was a youth, when I was of school-going age. That verse has not yet been effaced from my memory. I do say here such a thing is not possible, that British Indians, because they are docile, because they are humble, because they do not want to tread upon anybody else's corns, are being spat upon, are being ill-treated, and now we have got the Asiatic Ordinance to fight, which is intended to take away the very last vestige of self-respect from us. It is because we feel these things that we have met here to honour our countrymen who have gone to gaol, that those who are here may also have that courage, may also have sufficient self-respect in them to go to gaol, to suffer the same hardships, and if you do that, as surely as I am standing here today, a day will come when we shall regain our liberty, when we shall regain the full rights attached to British citizenship, when we will be respected even in the Transvaal as men, as human beings, and will not be treated as dogs.<sup>2</sup>

*Indian Opinion*, 1-8-1908

<sup>1</sup> *Vide* "Johannesburg Letter", 2nd footnote of "Johannesburg Letter", 21-7-1908 and "Trial of Sorabji Shapurji-III", 20-7-1908.

<sup>2</sup> Following this, Gandhiji made another speech in Gujarati, the text of which is not available.

## 2. LETTER TO "INDIAN OPINION"<sup>1</sup>

JOHANNESBURG,

July 24, 1908

THE EDITOR

INDIAN OPINION

SIR,

I wish to draw public attention to the case of *R. Lalloo v. Rex*, reported in the Press.<sup>2</sup> The case, which, fortunately, has been now considered by the Supreme Court, shows most clearly that the Immigrants' Restriction Act does not prohibit the entry of those Asiatics who can comply with the education test. The summons issued against Lalloo charged him with contravening Section 25 of the Immigrants' Restriction Act, in that he, being unable to write in European characters, having insufficient means to support himself, and being the minor child of a prohibited immigrant, was himself a prohibited immigrant. Had he, then, been able to satisfy the education test, assuming that he had sufficient means to support himself, he would not have been prevented from entering the country. Sir William Solomon, in giving judgment, said:

His (Sergeant Mansfield's) evidence was that the prisoner could not write any document in a European language, and there was no denial of it. Sergeant Mansfield could only have obtained the information either by asking the accused to write or the accused telling him that he could not write, in which case, it would have been a farce to call upon him to write a document in English characters.

It will, therefore, be seen that, according to the learned Judge, the Immigrants' Restriction Act does not debar Asiatics possessing educational qualifications from entering the country. In the light of this judgment, the British Indian contention is absolutely upheld and strengthened by the incarceration of Mr. Sorabji, who lawfully entered under the Immigrants' Restriction Act, but became a criminal because he would not submit to the Asiatic Act.

There is, therefore, nothing new in the claim brought forward by the British Indian community in insisting on the retention of the right of entry on the part of educated Asiatics under the Immigrants' Res-

<sup>1</sup> This was published under the title "The Immigration Question".

<sup>2</sup> *Vide* "Johannesburg Letter", 1-8-1908.

triction Act. It is General Smuts who demands from British Indians their consent to an abrogation of that right, which Indians are in honour bound to resist.

*I am, etc.,*  
M. K. GANDHI

*Indian Opinion*, 1-8-1908

### 3. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]  
*July 24, 1908*

[THE DIRECTOR OF PRISONS  
PRETORIA  
SIR,]

Eight British Indian prisoners, who were imprisoned for hawking without licences, were discharged today, and they have reported to my Association that, at the Johannesburg Gaol, for the morning meal, they were offered mealie pap, which they did not take at all, never having been accustomed to it. Consequently, they had to be satisfied with only rice at noon, and beans, if beans were available, for supper. These men were hard labour prisoners.

My Association begs to draw your attention to the fact that British Indians, as a body, are not used to mealie pap at all, and it is most difficult for them all of a sudden to take to that diet. In view of many more Indians suffering imprisonment in connection with the Asiatic struggle, I think it is but right for my Association to ask you to change the diet scale for British Indians. My Association does not ask for any favours, but simply for a substitute which will be in keeping with the habits of British Indians. As the matter is rather urgent, my Association will be obliged if you will be good enough to give it immediate attention.

[ESSOP MIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION]

*Indian Opinion*, 1-8-1908

Also Colonial Office Records: 291/132

<sup>1</sup> This was presumably drafted by Gandhiji.

#### 4. SORABJI SHAPURJI OF ADAJAN

Mr. Sorabji Shapurji Adajania has been sentenced to a month's hard labour.<sup>1</sup> We take this to be the conferment of an honour on him. A time is coming when, to ascertain the number of titles a man holds, we shall have to inquire of him how often he has been to gaol. Sorabji's case is different from those of the others and such as brings him greater credit. Other Indians went to gaol in defence of their own rights as well as those of others. They were all, however, residents of the Transvaal. Sorabji is not domiciled in the Colony. He did not have to defend any rights of his own. Sorabji has gone to gaol exclusively for his country's sake, and in defence of educated Indians' [rights]. Other Indians were not awarded hard labour, but Sorabji has been. He and his family deserve to be complimented on all this. But the best compliment Indians can pay Sorabji will be to remain very firm, to achieve the objective which he has sought to serve by going to gaol, and to follow him there. That would be the right way of congratulating him.

We will not commiserate with him or his family. Imprisonment is our destiny. It contains the seeds of our freedom, so that there is no call to console those who are gaoled.

The hardships of gaol must be looked upon as comforts. Only when we are inspired with such courage and such ideals shall we be able to fulfil our tasks.

We print a photograph of Sorabji in this issue. Everyone will admire his courage. Few indeed are the heroes who join the fray from no Other motive than the [pleasure of] battle.

[From Gujarati]

*Indian Opinion*, 25-7-1908

#### 5. INDIAN TRADERS IN NATAL

The case Mr. Haffejee of Richmond only confirms what we wrote earlier.<sup>2</sup> Influenced by the whites, the Licensing Court has cancelled his licences. There is only one way out for Natal Indians, or for Indians in any Colony for that matter: to resort to satyagraha. As long as that is not done, Natal Indians will not be able to rest in peace.

Most of the members who took part in a recent debate in Natal

<sup>1</sup> *Vide* "Trial of Sorabji Shapurji-III", 20-7-1908.

<sup>2</sup> *Vide* "Natal Licences", 15-2-1908 and "Natal Licensing Act", 13-6-1908.



Parliament said that the Indian traders should be turned out. Mr. Wylie<sup>1</sup> also expressed the same view. To send a petition to such a Parliament will be worth while only as an act of courtesy. But the petition should be treated as the first step in satyagraha. It will be effective only if it is backed up by the power of the satyagrahic gun.

[From Gujarati]

*Indian Opinion*, 25-7-1908

## 6. LETTER TO J. J. DOKE

[JOHANNESBURG]

DEAR MR. DOKE,

The questions<sup>2</sup> you have asked me are very pertinent and very seasonable. If only the public can be induced to take sufficient interest in the Asiatic question to understand what it is that we want, half the difficulty will be over.

Speaking from a British Indian standpoint, British Indians have long since accepted the position that Asiatic immigration should be severely restricted; but, if the Colonists demand that even the most highly educated Indians shall not enter the Colony, they require not only the severe restriction of immigration, but total prohibition. What British Indians have offered is, in effect, equivalent to total prohibition, and yet it is not quite that. Underlying the total prohibition is the desire, I understand, that trade competition on the part of British Indians should be confined only to those who are domiciled in the Colony. If that be so, the desire is entirely met by confining the entry of educated Asiatics only to those possessing education of a very high order; in other words, in practice it may be limited to professional men. I need hardly point out that a free and healthy Asiatic commu-

<sup>1</sup> Wylie, K.C.; lawyer and legislator; was "part author of the Dealers' Licenses Act"; took notable part in suppressing the Zulu rebellion in Natal; as leading counsel in Goga's case ("Indians in Potchefstroom", 28-1-1905), he argued that "even an Indian is entitled to justice and fair play".

<sup>2</sup> In his letter Rev. Joseph Doke had asked three questions: (1) ". . . [most Colonists] are afraid that, should the Immigration Restriction Law be applied to Asiatics, . . . a number of educated men might still be admitted . . . is there any way in which you can meet this objection[?]" (2) "Is it true that your chief objection is . . . that by claiming your consent to the closed door before repealing the Asiatic Law Amendment Act [General Smuts] [I] is asking you to be a party to the absolute exclusion of your educated brethren [?]" (3) ". . . would it not be easy for Government to introduce legislation . . . to close the door absolutely? If so, what action would be taken by the Asiatics?"

nity in the Transvaal would be impossible without, say, a few lawyers, a few doctors, a few teachers, and, it may be, a few preachers amongst them who are their own kith and kin. These should not come to the country on sufferance, but as a matter of right. These can never enter into competition with the Europeans; but, assuming that they would be men of the right stamp, they can promote the progressive growth of the Indian community in the Transvaal, and can only be of very great assistance to it, and, indeed, to the Colonists. The only reasonable way in which this can be done is by leaving the immigration law as it is, without making the principle of the Asiatic Act applicable to such cases, for the simple reason that no identification can be necessary for men of education. To ask us to consent to an alteration of the law so as to bring about absolute exclusion of educated Indians is not only an additional objection, but, in my opinion, an insuperable one. Of course, the Parliament of the Colony can at any time bring forward prohibitory legislation independent of our consent. I should personally strain every nerve to oppose absolute prohibition, and should ask my countrymen to offer passive resistance to such law. Whether I would be able to carry them with me or not in such a case, it is difficult for me to judge at present, and passive resistance in connection with any such legislation can only mean that Indians would far rather leave the country than live in it deprived of the natural assistance of educated men such as I have described above. Passive resistance, in my opinion, means self-imposed suffering of an acute type, intended to prove the justice of the cause, and thus to bring conviction home to the minds of the Colonists. I hope that I have made the position clear.

*I am,*

*Yours truly,*

M. K. GANDHI

*Indian Opinion, 25-7-1908*

## 7. LETTER TO KHUSHALCHAND GANDHI

JOHANNESBURG,  
*July 26, 1908*

REVERED KHUSHALBHAI,

I write this letter in the middle of the night. There is no time to write at length. You ask me to look after “myself”, but we have been taught that the self<sup>1</sup> does not die, neither does it kill nor cause anyone to be killed. If you mean by “self” the body and ask me to take care

<sup>1</sup> *Atman*

of it, would then point out to you that this has been dubbed *moha*<sup>1</sup> by the Lord<sup>2</sup>. What then shall I look after? I shall take care of the self only, that is, I shall try my utmost to realize it. One must cultivate the strength to sacrifice one's body in the process if need be.

I feel obliged to write this because, after much thought, I find some of our sayings and current precepts irreligious. The very book that we consider the supreme scripture<sup>3</sup>, we reject altogether in practice. I therefore propose to use all the strength at my command against this way of living.

*Respects from*

MOHANDAS

From the Gujarati original in Gandhiji's hand: C. W. 4840. Courtesy: Chhaganlal Gandhi

## 8. *SPEECH AT MASS MEETING IN JOHANNESBURG*

*[July 26, 1908]*<sup>4</sup>

Our Chairman has correctly explained why we have assembled here today. We have gathered here to honour the gentlemen who have been to gaol. They are prepared to go to gaol again. All the others should show the same resolution. Once we show that courage and fill all the cells in the gaols, the Government will have to yield. Going to gaol is the key which will open the locks of our disabilities. It is necessary that every Indian should be prepared for this. But not everyone here is sufficiently resolute. Perhaps [further] sentences may be for longer terms of imprisonment. What we need is courage. All the traders in Vereeniging have started going the rounds hawking. The Government has served them with a written notice to the effect that those who hawk without licences will be arrested. Going to gaol is the only course by which we can avert the hardships that lie in store. We should therefore always keep our eyes fixed only on gaol. The Government's offer to exempt the voluntary registrants from the law, while enforcing it against the others, is a sort of bait. The Indian community must realize that even among the Indians the Government has created two classes. This is unjust. I would advise every Indian to

<sup>1</sup> Infatuation

<sup>2</sup> Lord Krishna of the *Gita*

<sup>3</sup> The reference is again to the *Gita*.

<sup>4</sup> This meeting was held primarily to felicitate Imam Bawazeer and others on their release which took place on Saturday, July 25, 1908; *vide* "Johannesburg Letter", 1-8-1908.

fight unto death if the Asiatic law is retained. Licences and registers have not yet been received in sufficiently large numbers from the people. These should be handed over. I would also advise people to refuse thumb-impressions at Volksrust. Now we shall be deemed to have truly honoured those who have been to gaol only if we ourselves—all of us—go to gaol.

[From Gujarati]

*Indian Opinion*, 1-8-1908

## 9. LETTER TO A. CARTWRIGHT

[JOHANNESBURG,]

July 27, 1908

DEAR MR. CARTWRIGHT,

Mr. Hosken very kindly showed me the Asiatic Voluntary Registration Bill that General Smuts intends to bring in. I need hardly say that it will never be accepted by the Indian community, if I know its temper well. It indirectly puts voluntary registrants in the same category as those who have accepted the Act. I draw your attention to the fact that it takes no note of pre-war refugees, whether holding [£]3 Dutch registration certificates or not. It rejects even the claims of those who hold Peace Preservation Ordinance permits and have thus a right to demand entry, and makes them liable to take out registration under the Asiatic Act. The Bill is, to my mind, a wanton insult to the intelligence of the Asiatics, whom it evidently assumes to be a lot of children who can be pleased by a little bit of gilding on the pill.

I know that the Progressive Party has appointed a committee to consider this Bill, and then to confer with General Smuts. This party, therefore, evidently holds the trump cards. Will it play them in keeping with the title it has arrogated to itself, or will it throw British Indians overboard? Although Sir Percy Fitzpatrick, Mr. Chaplin, and Mr. Lindsay, as you are aware, at the meeting at which you were present, admitted the justice of the contention that those who re-entered after the late compromise and had the right to do so should be treated the same as those who were in the Transvaal on that date, and that the rights of pre-war residents should be recognized. Now the Bill before me overrides all these things. It is a very subtle Bill, but it is also, I hope you will allow me to use the term, a fraudulent Bill. It will enable General Smuts to say that he does not take away the rights which he contends<sup>1</sup> are reserved by the Asiatic Act. Here lies the fraud

<sup>1</sup> The source has “have contende”.

because he knows too well that Asiatics do not wish to receive any benefits under that Act.

I am sending you a copy of a communication<sup>1</sup> which I am addressing to the chief members of the Progressive Party.

*I am,  
Yours truly,*

ALBERT CARTWRIGHT, ESQ.  
PRETORIA CLUB  
PRETORIA

From a photostat of the typewritten office copy: S. N. 4852

## *10. SUMMARY OF LETTER TO CHAPLIN<sup>2</sup>*

*July 27, 1908*

. . . Further letter from Mr. Gandhi to Mr. Chaplin. Complains of the inadequacy of the draft Validation Bill. Refers to the Immigrants' Restriction Act Amendment Bill, which he was invited to Pretoria to discuss, and which was printed by General Smuts. Urges the adoption of his original suggestion that validation should take place by amendment of the Immigration Restriction Act. . . .

India Office, Judicial and Public Records: 3722/08

## *11. TRIAL OF RAMASWAMY AND OTHERS*

[JOHANNESBURG,  
*July 27, 1908*]

In D court yesterday [July 27], Mr. P. C. Dalmahoy disposed of another batch of cases in which Indians were charged with hawking without licences. Mr. Cramer prosecuted, Mr. Gandhi appearing for the defence.

The first case to be taken was that of an Indian named Ramaswamy.

After formal evidence had been given for the prosecution, Mr. Gandhi called Mr. L. H. Jefferson, Chief Licence Inspector to the Johannesburg Municipality.

MR. GANDHI: You have received a list of exemptions?

[JEFFERSON:] Fourteen.

MR. GANDHI: Will you produce that list?

The Magistrate and the Public Prosecutor both interposed and objected to its production.

MR. CRAMER: I have no objection to Mr. Gandhi asking if the accused's name

<sup>1</sup> Not available

<sup>2</sup> This is from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

is on the list.

MR. JEFFERSON: It is not on the list.

MR. GANDHI: Does this mean that I cannot see the document?

THE MAGISTRATE (to Mr. Jefferson): Are you permitted to show the document?

[JEFFERSON:] No, Sir.

MR. GANDHI: But it must be a public document. Have you been prevented by the authorities?

THE MAGISTRATE: (interrupting) I m not going to allow it, Mr. Gandhi; that is final.

MR. GANDHI: Have you been prevented by the authorities?

THE MAGISTRATE: Mr. Gandhi, for the last time, I will not allow this. Are you disputing my authority?

MR. GANDHI: I am not disputing your authority, but my clients are poor men, and it means a loss of 10s to them every time Mr. Jefferson is subpoenaed.

THE MAGISTRATE: I'll note your objection.

In answer to the Magistrate, the witness said that he had received the list from the Town Clerk, who had received it from the Registrar of Asiatics.

Mr. Gandhi further asked whether the witness had been prevented by the authorities from giving the list.

THE WITNESS: I have been told not to publish the list. These are my general instructions.

Addressing the Court, Mr. Gandhi said that he held it was a most curious position that here they had a list which applied to the whole community, and which could not be produced. He thought it very remarkable that they were not allowed to see it. He had to subpoena Mr. Jefferson at the expense of his clients in every case, to ascertain if their names appeared on the document. He thought it within the jurisdiction of the Court to say whether Mr. Jefferson should produce the document.

THE MAGISTRATE: (to the accused) You have had plenty of warning to get a licence, and you will not do it. You are fined £1 or seven days' imprisonment with hard labour.

#### OTHER CASES

Another Indian hawker was then charged with a similar offence, and Mr. Gandhi put Mr. Jefferson in the box and made another unsuccessful endeavour to have the list put in. He asked that the Magistrate would note his request that the list should be produced.

The accused was fined £1 or seven days' imprisonment with hard labour.

A third hawker was then placed in the dock, and Mr. Gandhi again called Mr. Jefferson.

Mr. Gandhi said that he did not wish to speak disrespectfully to the Court, but

it was a matter of very serious importance and expense to his clients to call Mr. Jefferson for every case.

The Public Prosecutor suggested that the Crown might call Mr. Jefferson.

Mr. Gandhi said that, even if Mr. Jefferson was called by the Crown, it would still be very unfair to his clients, as the names of Asiatics were very frequently mixed up. He also wished to refer to the fact that the penalty had been increased although the cases were exactly on all fours with the previous cases.

The Magistrate imposed a fine of £1, or seven days' imprisonment with hard labour.

In each case the accused elected to go to prison.

*The Transvaal Leader*, 28-7-1908

## 12. TRIAL OF HARILAL GANDHI AND OTHERS

[JOHANNESBURG,

July 28, 1908]

Six more Indian hawkers<sup>1</sup> appeared in D Court before Mr. P. C. Dalmahoy yesterday [July 28], charged with hawking without licences. These included Thambi Naidoo, who went to prison in January last with Mr. Gandhi, and who was sentenced to four days' imprisonment on Tuesday of last week for hawking without a licence, and Harilal Gandhi, eldest son of Mr. M. K. Gandhi, who was arrested some days ago at Volksrust [for failing to register] and warned to appear at Pretoria to apply for a registration certificate.<sup>2</sup> Young Gandhi came to Johannesburg, and immediately commenced hawking fruit, when he was arrested.

Mr. Cramer prosecuted, Mr. Gandhi appearing for the defence.

The first to be charged was an Indian named Hera Mariji.

Formal evidence as to accused's having been hawking within the municipality without a licence was given, and the accused, who pleaded guilty, was fined £1, with the alternative of seven days' imprisonment with hard labour. The next to be placed in the dock were Harilal Mohandas Gandhi (son of Mr. M. K. Gandhi), Thambi Naidoo and Govindasamy Kistnasamy, who were all described as Indian hawkers. They pleaded guilty.

A sergeant of police gave evidence that he had arrested the accused, who were hawking fruit in Bellevue East without licence.

<sup>1</sup> Naidoo, Harilal Gandhi, Hera Mariji, (Mawji in *Indian Opinion*) Kistnasamy, Pillay and Naiker. *Indian Opinion* also mentions one Charlie Singli who was similarly charged and sentenced.

<sup>2</sup> *The Transvaal Leader*, 28-7-1908, mentions that Gandhiji had written to the Registrar of Asiatics that his son did not intend to apply for a registration certificate at Pretoria. This letter, however, is not available.

Mr. Gandhi said he did not propose to call witnesses, but wished to make a few remarks. He had been weak enough on the previous day to protest against the increase of penalty<sup>1</sup>, but in this instance he had a long conference with the prisoners at the gaol, and he had been requested to ask for the severest penalty. The accused had acted as they had done with deliberation. Naidoo had been in gaol last week, having been sentenced to four days' imprisonment for hawking without a licence.

THE MAGISTRATE: There is a previous conviction against Naidoo.

MR. GANDHI: Two previous convictions under this Act; one for hawking without a licence.

Continuing, Mr. Gandhi said that the two others had also asked him to ask for a severe sentence. If a light sentence was imposed, as soon as they came out, they intended to repeat the action. It would be a saving of time to give them a long sentence, and it would be better for the sake of their health if they had a sustained term.

Naidoo was fined £2, with the alternative of 14 days' imprisonment with hard labour, and Gandhi and Kistnasamy were fined £1 [each], or seven days' imprisonment, with hard labour.

Two other British Indians, named Sinnappa Rangasamy Pillay and Soopa Veerasamy Naiker, were then charged.

They pleaded guilty, and were fined £1, or seven days' imprisonment, with hard labour.

In each case the accused elected to go to prison.

*The Transvaal Leader*, 29-7-1908

### 13. LETTER TO MAGANLAL GANDHI

[After July 28, 1908]<sup>2</sup>

CHI. MAGANLAL,

I get no time these days to write to you or to anyone else. I know that you want to join the struggle. But you need not think as if you were doing nothing by remaining there. It was necessary for Harilal alone to come over. I think he did a very good thing by coming here and going to jail. Since I could not go, I could be happy only if Harilal went.<sup>3</sup> I think it has been a very good experience for Harilal himself.

Let me know what you did to dispose of the groundnut stock.

<sup>1</sup> *Vide* the preceding item.

<sup>2</sup> The date is inferred from the reference to Harilal Gandhi's arrest. He was sentenced to seven days' hard labour on July 28, 1908. *vide* "Trial of Harilal Gandhi and others", 28-7-1908.

<sup>3</sup> *Vide* "Letter to Indian Opinion", 8-8-1908.



It seems everything there is in confusion. Give me some idea at your convenience. You must have seen the letter to Chhaganlal.

I think your English is still very poor. It will improve with long practice. It is necessary to have your mistakes corrected from time to time. If you keep up a correspondence with Miss Schelsin<sup>1</sup> and ask her to return your letters, duly corrected, she will be glad to do so. She does have some time to spare.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati: S.N. 5911

#### *14. JOHANNESBURG LETTER*

##### RECEPTION FOR PRISONERS

Imam Abdool Kadir and other satyagrahis who had been sentenced to four days' imprisonment have now been released; some were released on Friday and the others on Saturday<sup>2</sup>. No one went to receive those released on Friday since people were under the impression that they were not being let off that day.

When people went to receive those who were being released on Saturday, they discovered that the satyagrahis had been released at 7 o'clock though according to rules they should have been released only at nine. This was done in order to forestall their reception by a procession. But Mr. Coovadia<sup>3</sup>, having set out early for the gaol, met and greeted the prisoners, and escorted them back towards the gaol. Meanwhile, the other Indians arrived. Those present included Mr. Essop Mia, Moulvi Mukhtiar Saheb, and Messrs Osman Ahmed Effendi, Kallenbach, Polak and Doke. Imam Saheb and others were garlanded, and then they all proceeded to Mr. Essop Mia's house where they were served tea and biscuits. Many complimentary speeches were made. In reply, Imam Saheb and the others said that four days' imprisonment had meant no hardship whatsoever for them. They were ready for a second, longer term of imprisonment.

##### BETTER RECEPTION ON SUNDAY

A big mass meeting was held on Sunday in front of the Hamidia Mosque to honour the prisoners. Here they were accorded greater

<sup>1</sup> Sonja Schlesin, Gandhiji's typist

<sup>2</sup> July 25, 1908

<sup>3</sup> Honorary Treasurer, Hamidia Islamic Society

honours and many more speeches were made.<sup>1</sup> A great many persons handed over their registers to the Association. All present showed themselves full of courage.

This was followed by tea and a concert organized by some Hindus. It was attended by the prisoners and some select guests. The table was laid for nearly 50 persons. The Chairman of the Chinese [Association] was also present. Mr. Essop Mia took the chair with Imam Saheb on one side of him and Mr. Quinn on the other. Speaking on the occasion Mr. Essop Mia said that such gatherings served to strengthen the bond between Hindus and Muslims. Among other things, fresh fruit, cakes, *mesul*<sup>2</sup> jelly and roasted *pauva*<sup>3</sup> were served with tea.

#### MASS MEETING ON THURSDAY

Latterly, there has been no end of mass meetings. Imam Saheb went to gaol on Wednesday and there was a mass meeting<sup>4</sup> Thursday. Telegrams were sent to all the towns to request that Indian shops be closed and business stopped [as a mark of respect to the Imam Saheb]. Telegrams were received in reply from all the towns to say that shops would be closed as required.

News was received that Mr. Khota, Mr. Gin and Mr. Aboo Mia Camroodeen of Heidelberg, Mr. Aba Varinde of Middelburg and most of the Indian businessmen of Krugersdorp did not act upon the Association's suggestions. On the other hand, even at Salisbury in far-away Rhodesia, shops were closed in honour of the Imam Saheb.

All these honours were accorded not to Mr. Bawazeer as an individual but to the position that he occupies, that is, to the Chairman of the Hamidia Islamic Society.

It is a great thing indeed that the Imam of a mosque should spend even an hour in gaol in defence of a [political] right. Even most of those who have submitted to the obnoxious law had closed their shops. This shows the unity in the community.

The same day a huge mass meeting was held at which spirited speeches were made.

#### POLICE TYRANNY

The police misbehaved on the day on which Mr. Sorabji was

<sup>1</sup> For Gandhiji's speech on the occasion, *vide* "Speech at Mass Meeting in Johannesburg", 26-7-1908.

<sup>2</sup> A sweet made from gram flour

<sup>3</sup> Rice parched and beaten flat

<sup>4</sup> Of July 23, 1908; *vide* "Speech at Mass Meeting", 23-7-1908.

sentenced. While the matter was still being pursued, Mr. Vernon used foul language while speaking to some Tamils and frightened them out of their wits. This came in for strong criticism at the mass meeting.<sup>1</sup> If the Indians remain strong, it is clear that the tyranny of the police will come to an end.

#### ARREST AGAIN

On Saturday, Messrs Ramaswamy, Ali Mian, Gor Mian and Kanji Morar were arrested. They have been sentenced to seven days' imprisonment.<sup>2</sup> The Magistrate even appeared hostile but this did not dishearten the people. On the other hand, they have only become more determined.

#### WHO ARE THOSE FOURTEEN?

In a previous case<sup>3</sup> the Licensing Inspector had deposed that he had been instructed not to demand thumb-impressions from 14 [specified] persons. Mr. Gandhi immediately pointed out that he did not even know of one such person. The Government, he said, ought not to be afraid of sending them to gaol. On the contrary, it ought to arrest all of them. Mr. Jefferson was summoned as a witness to ascertain who these 14 persons were. But the Magistrate, who was already prejudiced, ruled immediately that there was no need of producing the letter [containing the instructions].<sup>4</sup> This led to a heated exchange between the Magistrate and Mr. Gandhi. It was decided in the end to call in Mr. Jefferson as a witness in all the cases. He is asked [on each occasion] whether any of the defendants are in his list. The tempo of the campaign is thus steadily rising.

#### FRESH ARRESTS

On Monday, a large number of Indians had set out with a basket each in the hope of being arrested. Those who were not arrested were, however, disappointed, there being no one to arrest them. The Chairman of the Chinese [Association], along with a few other Chinese, had joined them in their rounds. No one arrested them.

Mr. Thambi Naidoo, who was released only last Saturday, has been re-arrested. Since he was not arrested at one spot, he went on to another. At last, he was arrested two miles [from where he had started].

<sup>1</sup> *Vide* "Speech at Mass Meeting", 23-8-1908.

<sup>2</sup> *Vide* "Trial of Ramaswamy and Others", 27-7-1908.

<sup>3</sup> *Vide* "Trial of Bawazeer, Naidoo and Others" 22-7-1908.

<sup>4</sup> This, however, happened in another case; *vide* "Trial of Ramaswamy and Others", 27-7-1908.

The persons arrested, besides Mr. Thambi Naidoo, were Charlie Singli, Veerasamy Naidoo, Kurumuttu Pillay and Harilal Gandhi. All of them have refused to accept release on bail.

#### CONDITIONS IN PRISON

The conditions in gaol described by Imam Saheb and others deserve to be noted. Every prisoner is given a pair of sandals and woollen socks. Two woollen shirts and two of coarse cloth are also issued. At night, one is given three blankets to cover oneself with, and a hard wooden bed with hessian spread on it, so that one does not feel cold. Thrice a week, rice is served at lunch, and in the evening beans, potatoes and mealie pap. Since Indians do not like mealie pap for breakfast every day, a petition<sup>1</sup> has been submitted to the Director of Prisons, and it is hoped that proper arrangements for food will be made in a few days. One does not get shoes and socks immediately on arrival in prison, and the prisoners had to suffer the cold for a few hours, with the result that the Imam Saheb and others felt benumbed in the feet. They were otherwise very comfortable. The rice was cooked by the prisoners themselves, and Mr. Naidoo attended to this. The tasks assigned to the prisoners were not excessive. The prisoner is required to carry loads of gravel from one place to another. This being so,<sup>2</sup> people [outside] remain full of courage and are not worried by [the prospect of] imprisonment. My own view is that it will be useful to accustom oneself to mealie pap. It is not at all becoming of us to ask favours from one whom we consider an enemy. However, as long as Indians are incapable of putting up with these privations, we will continue to voice our demands [to the prison authorities on their behalf].

#### SORABJI'S CONDITION

Fellow-prisoners reported that, during the first few days, Mr. Sorabji was feeling rather depressed. After the others had joined him, however, he cheered up. He is now in high spirits. Mr. Sorabji has been assigned the task of sewing buttons on to shirts.

The Governor and the Chief Warder of the prison are very kind to the prisoners.

#### WHITES' SYMPATHY

Mr. Littmann Brown contributed £10 to the Indian cause once

<sup>1</sup> *Vide* "Letter to Director of Prisons", 24-7-1908.

<sup>2</sup> As the tasks assigned to prisoners sentenced to hard labour are thus not so strenuous or exacting

before now. He has done so again. and sent a cheque for ten guineas along with a letter of sympathy wishing us success. We must be grateful to such whites. A letter of thanks has already been sent to him on behalf of the Association. He is a white businessman of Johannesburg. The Indian community should patronize him as much as possible.

A sum of £25 has been received from Vereeniging, £9.10.0 from the Khatri community here, £7.15.0 from the Indian Market and £5 from Roodepoort. There is need for more money, and it is hoped that every town will send its contribution to the Association.

#### MEETING OF KONKANIS

The mass meeting of last Sunday was preceded by a meeting of the Konkani community. It was attended by a large number of Konkanis. Mr. Abdool Gani was in the chair, and everyone evinced great spirit. Many Konkani gentlemen offered to go out hawking. It was also decided to collect licences [from those who were willing to surrender them] and to raise funds.

The Kanamia community also held a meeting and displayed much enthusiasm.

#### MUCH REGRETTED

I reported earlier that Mr. Adam Moosa of Boksburg had gone to gaol.<sup>1</sup> But it transpired that the gentleman had paid up the fine [instead]. He has thus descended to the same depths as (A)mangal singh,<sup>2</sup> Such Indians are really enemies of the community. If someone declares at the outset that he will not go to gaol, one must accept that. But it is most reprehensible not to go to gaol after having declared one's readiness to do so.

#### CASE OF RATANJI LALLOO

Ratanji Lalloo, an Indian boy, came [to the Transvaal] with his uncle.<sup>3</sup> His father held a permit but since he had a mental breakdown, he stayed behind at Mombasa. Ratanji entered [the Colony] by himself. He was arrested and sentenced. In appeal, the Court upheld the sentence. It was ruled that the boy could come in only with his father. There were other points [about the judgment] but these do not call for attention now. But the conclusion to be drawn from this case is that a boy cannot enter [the Colony] unless accompanied by his father.

<sup>1</sup> *Vide* "Johannesburg Letter", 21-7-1908.

<sup>2</sup> *ibid*

<sup>3</sup> *Vide* "Letter to *Indian Opinion*", 24-7-1908.

#### KRUGERSDORP INDIANS

Newspapers here report that the Krugersdorp hawkers held a meeting in the Location, and passed a resolution to the effect that they would abide by whatever the Government decided. It is a matter for regret that the community has such enemies. From a letter Mr. Cursetji Desai has written to me, it appears that the number of Indians who profess this view is not very large; there are only three or four [of them]. I further hope that there are not many Indians elsewhere who show the same lack of understanding.

#### WHAT WILL HAPPEN NOW?

This question is difficult to answer. Of one thing, however, we can be sure: the answer will depend on us. If we are not strong, the struggle may be a prolonged one. For the fact that it has been so long drawn out, we have ourselves to thank, for, in Johannesburg, a large number of Indians have taken out licences and the Government has already received their licence fees. The fees have not, however, been paid by about a hundred persons; the Government may well forgo the money and do nothing about these persons for six months in the hope that the Indians will have cooled off by that time. I, on the other hand, think that we shall have grown stronger. If no one is arrested for [being without] licences, there will be no cause left for anxiety. But be alone can take this view who is ever ready to resist tyranny and to defy the law.

If the Government behaves as suggested above, it may also be under the impression that refugees will not enter at all and that Permit-holders outside [the Colony] now will submit to the obnoxious law after entering.

#### KEY

The key, therefore, lies with us. Hawkers and store-keepers should do without licences. If someone comes to inspect licences, they should refuse to Produce them. If the Government introduces a Bill of which we do not approve, we should immediately proceed to burn up the certificates and licences, and those (1) who hold the Dutch passes in their own names, or (2) who can produce strong evidence to prove that they have been residents of the Transvaal from pre-war times, [or] (3) who have received a good education in English should enter the Transvaal all at a time. If 50 or 100 men enter in this manner, the Government will be obliged to send them to gaol. We know, however, that it is difficult to send so many persons to gaol. We will embark on this plan only after the Government's intentions are known for certain. Meanwhile, educated Indians and others must wait patiently.

From this very instant, no Indian should give his thumb-imp-

ression when entering the Transvaal. All Indians should bluntly refuse to give them. We should have the requisite courage; we may then take it that the law is as good as repealed.

Among those whose names I mentioned above, Mr. Ali Mian and Mr. Kanji Morar were licence-holders, yet they refused to produce their licences and chose to go to gaol. That is real courage.

*Tuesday [July 28, 1908]*

#### MORE CASES

I have already mentioned above the names of Mr. Thambi Naidoo and others. In addition to these, another Indian named Hera Majji was also arrested. They were all tried today.<sup>1</sup> Mr. Gandhi went out of his way to demand the maximum penalty on their behalf, but the Magistrate awarded only seven days' hard labour to each of them, except in the case of Mr. Thambi Naidoo. Mr. Naidoo was in gaol for the same offence but last week, and he was [therefore] awarded 14 days.

#### THAMBI NAIDOO

There are few Indians who can touch Mr. Thambi Naidoo for courage. He is so poor that he lives from hand to mouth. His wife is expecting a baby shortly. Disregarding all this, he has returned to gaol soon after his release. Also, his conduct in the gaol has been so good that all the [gaol] officials are pleased with him. He does not, however, flatter anyone. As Chief Picket, too, he worked with the utmost tact. I wish the Indian community would produce more heroes like him.

#### ROODEPOORT

In Roodepoort, Mr. Fakir Rupa has been arrested. The hearing of his case has been fixed for tomorrow (Wednesday). Mr. Polak will be present to see him off to gaol.

#### FAKE PERMITS

A Jew named Schmulian is being tried in Pretoria on a charge of printing counterfeit permits. His case is similar to jaymal's.

Here, Daya Lala is being tried.<sup>2</sup> The police allege that he entered with a faked register. Evidence has been led to prove that he bought it for £14. For the present, it appears that the case will be transferred to Pretoria, and from there it will be referred back to the Magistrate [at Johannesburg].

<sup>1</sup> *Vide* "Trial of Harilal Gandhi and Others", 28-7-1908.

<sup>2</sup> *Vide* "Trial of Daya Lala", 27-29-8-1908

Wednesday [July 29, 1908]

The person who was arrested at Roodepoort has been sentenced to seven days' imprisonment. He is in gaol. Mr. Polak had gone there to defend him.

KRUGERSDORP

An Indian is reported to have been arrested in Krugersdorp. Mr. Polak will be present to see him off to gaol.

DORABJI

Mr. Parsi Dorabji<sup>1</sup>, who was on his way from Natal [to the Transvaal,] was asked to detain at Volksrust for refusing to give his thumb-impression. Mr. Dorabji acted with great courage in so refusing. Local newspapers have discussed his case at length and have commented favourably. Mr. Dorabji is an old resident of the Transvaal, and enjoyed the respect even of President Kruger. All these facts have come to public notice [after the arrest]. In the end, Mr. Dorabji was allowed to proceed to the Transvaal.

TWELVE MORE INDIANS

Twelve more Indians have been arrested for refusing to give thumb-impressions. Most of them are poor hawkers, but it appears that they are very brave. It is reported that they will be tried. However, no news is officially available.

WARNING

Every Indian should remember not to give his thumb-impression when entering the Transvaal from Natal. Of course, Indians will have to suffer imprisonment in consequence of such resistance, but all the same it is necessary. Only then shall we become really free.

CARTOON IN "DAILY MAIL"

A cartoon has appeared in *Rand Daily Mail*. In it is quoted a remark from General Botha's letter to the Prime Minister of Canada: "There are two ways of governing—by consent or by force". General Botha implied by this remark that he himself governed by consent. The *Daily Mail* cartoonist has featured Sir George Farrar, Mr.

<sup>1</sup> Parsi Dorabji; the first Parsi to come, in 1881, to the Transvaal; established a number of hotels and stores in the Colony. When asked to detain at Volksrust while presumably returning to the Colony after a temporary absence, he refused to give his thumb-impression under Act 2 of 1907. He pointed out—according to a contemporary newspaper report—that, under the Kruger regime, Parsis were treated on par with whites and claimed on that ground the right to be treated differently from other Asiatics.



Gandhi, and a police constable, each wondering, chin in hand, whether General Botha's Government ruled with consent in the case of the miners, the Indians, and the police [as the case may be]. The expressions on all the three faces suggest that General Botha says one thing and does another, and that his Government is based exclusively on force.

#### ARRESTS IN BOOYSENS

We have just heard that in BooySENS three Indians have been arrested for being without licences.

[From Gujarati]

*Indian Opinion*, 1-8-1908

### 15. TRIAL OF DAYA LALA

[JOHANNESBURG,

*Monday-Wednesday, July 27-29, 1908]*

The much discussed Act 2 of 1907 also figured in B Court yesterday, this time, however, in a different class of criminal charge, and one having an intimate connection with the offending finger-print clauses, when Daya Lala, an Indian, appeared before Mr. Jordan, 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 authorized 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 Jaymal 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 office 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?

[VERNON:] 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?

[CHAMNEY:] 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.<sup>1</sup>

[*Tuesday, July 28, 1908*]

. . . On Tuesday William James McIntyre stated [in the remanded case of Daya Lala] that he was a book-keeper in Mr. Gandhi's employ. On the afternoon of accused's arrest, Superintendent 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 Superintendent Vernon.

Cross-examined, [he said] 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<sup>2</sup> stated that he was Record Clerk in the Criminal Investigation Department, and had examined finger-prints, purporting to belong to the accused,

<sup>1</sup> The report of the first day's trial is from *The Transvaal Leader*; for the second and third days of the trial, the *Indian Opinion* version has been used.

<sup>2</sup> *The Transvaal Leader* version has "Passmore".

handed to him by Superintendent 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.

[Wednesday, July 29, 1908]

Daya Lala was on Wednesday committed for trial by Mr. Jordan, bail being maintained at £100.<sup>1</sup>

*The Transvaal Leader*, 28-7-1908

*Indian Opinion*, 8-8-1908

### 16. IMAM ABDOOL KADIR BAWAZEER

We print a photograph of Imam Saheb in a supplement to this issue. Indian traders throughout South Africa have earned credit for themselves by closing their shops in Imam Saheb's honour.<sup>2</sup> That honour was not given to Mr. Bawazeer [as a person], but to the Chairman of the Hamidia Islamic Society, and Assistant Priest of the Hamidia Mosque. Everyone knows of the valuable work done by the Hamidia Society and Mr. Bawazeer's role in it. He assumed the office of Chairman about the time that the satyagraha campaign started in right earnest. Those familiar with [the history of] the movement know the difficulties he has had to encounter in continuing in that office. From every point of view, therefore, Mr. Bawazeer deserved the honour accorded him. He wants to go to gaol again. We hope that his wish will be fulfilled. We do not believe that it is wrong to court imprisonment but are in fact convinced that it is the best course.

Mr. Bawazeer comes from a great family of Arabia. His father left Arabia many years ago to settle in India. He is the chief Imam of the Jumma Masjid of Bombay and his<sup>3</sup> mother is a resident of Konkan. Mr. Bawazeer has been in South Africa for many years now. He has also married in this country. We pray to God that he may always be inspired with patriotic zeal and continue to work for the honour of the motherland and of the community.

[From Gujarati]

*Indian Opinion*, 1-8-1908

<sup>1</sup> No report of the further proceedings in Jordan's B Court is available.

<sup>2</sup> *The hartal* was on July 23; vide "Speech at Mass Meeting", 23-7-1908.

<sup>3</sup> Presumably Bawazeer's

## 17. SENTENCE ON THE GREAT TILAK

The sentence passed on Mr. Tilak, the great patriot, is terrible.<sup>1</sup> The few days' imprisonment which the Transvaal Indians suffer is as nothing compared to transportation for six years.

The sentence is not so much surprising as terrible. At the same time it is nothing to be unhappy about.

It is not surprising that a Government we seek to defy should inflict oppressive measures on us. Mr. Tilak is so great a man and scholar that it would be impertinent, in this country, to write of his work. He deserves to be adored for his work in the service of the motherland. His simplicity is extraordinary; but the light of his scholarship has reached even Europe.

Yet we should not blindly follow the policies of those whom we regard as great. It would be casting a reflection on Mr. Tilak's greatness to argue that his writings had no bitterness in them or to offer some such defence. Pungent, bitter and penetrating writing was his objective. He aimed at inciting Indians against British rule. To attempt to minimize this would be to detract from Mr. Tilak's greatness.

The rulers are justified, from their point of view, in taking action against such a man. We would do the same in their place. If we look at the matter thus, we realize that we need not feel bitter towards them.

Mr. Tilak, however, deserves our congratulations. He has, by his suffering, attained undying fame and laid the foundations of India's freedom.

If the people, instead of being overawed at the sentence passed on Mr. Tilak or being intimidated by it, rejoice at it and keep up their courage, the sentence will in the sequel prove to have been a blessing. What we need to consider is whether Indians should accept the views of Mr. Tilak and his party. We submit, after great deliberation, that Mr. Tilak's views should be rejected.

<sup>1</sup> Shortly after the Muzaffarpur incident (*vide* "Turmoil in India", 9-5-1908), Tilak wrote two articles in his journal, *Kesari*, praising the enthusiasm of the Bengal revolutionaries without, however, endorsing their violent methods. Self-rule, he said, was the only lasting solution to the problem. He also warned the Government against suppressing public opinion through the Newspapers Act. On June 24, he was arrested on a charge of sedition on two separate warrants, one for each of his two articles. Tilak was found guilty by the jury by a seven-to-two vote and was sentenced to six years' deportation. The majority of the jury were Anglo-Indians, the two dissentients being Indians.

India's welfare does not consist in merely uprooting British rule. It will be harmful, even useless, to use force or violence for uprooting that rule. Freedom gained through violence would not endure. And the sufferings to which the people of Europe submit would also become our lot then. As for the masses, they would merely pass from one form of slavery to another. No one will gain this way and almost everyone will lose—that is what the result will be.

We believe that the easiest way to make British rule beneficent is to adopt the way of satyagraha. If British rule becomes tyrannical, it will come to an end as soon as the British Government attempts to resist satyagraha. If the same workers who went on strike in protest against the sentence on Mr. Tilak were to become satyagrahis, they would be able to get the Government to agree to any reasonable demands.

What is our duty in this context? Though Mr. Tilak and other great Indians like him differ from us, we should continue to hold them in the highest esteem. We must emulate them in their capacity to suffer. Since they are great patriots, we must consider no honour too great for them, and act in the same spirit of patriotism. Their object is the same as ours, namely, to serve the motherland and to work for its prosperity. Compared to what they have been doing to secure that end, the course we have chosen is not in the least difficult. But we are convinced that the outcome of our exertions will be a thousand times better.

[From Gujarati]

*Indian Opinion*, 1-8-1908

## 18. TROUBLE AMONG CAPE INDIANS<sup>1</sup>

There are two public bodies in the Cape. They seem to be working at cross-purposes. From time to time we read reports of their disputes even in the English papers. We advise the two bodies to realize that we in this land have no time for mutual recriminations. The third party will exploit this to our disadvantage, and we shall be reduced to an abject state. The dispute between the two bodies probably relates to insignificant issues. It will improve matters a great deal if all Indians aspire to be known as servants of the community rather than as leaders. A servant does not insist on privileges. He is only mindful of his own duty. Similarly, it is possible for us to remain

<sup>1</sup> *Vide* "Suggestions to Cape Indians", 25-4-1908.

servants of the Indian people and do our duty. A person who seeks to do his duty will have no occasion to quarrel with others. Similarly, if both the bodies in the Cape busy themselves with their duties, all their disputes will come to an end. They should both think of serving the community without expectation of reward.

[From Gujarati]

*Indian Opinion*, 1-8-1908

### 19. PARLIAMENT FOR TURKEY

Reports have appeared in newspapers that the Young Party<sup>1</sup> in Turkey has brought about reforms in the Government. The people are pleased, a cablegram reports, because the Sultan has adopted a constitution for the governance of the country, and the occasion is being celebrated everywhere. The news agency also reports that Turkey will soon have a Parliament similar to the British Parliament.

If the report is true, it is indeed an epoch-making development. Turkey has among its common people and nobility men of such [remarkable] stature that, when she comes to have a Parliament, they can put her on par with the great European states, and indeed make her a world power. The country is so situated that it can achieve a commanding position.

Thus, the world over, we hear the cry of swarajya. However, those who demand it hardly understand what real swarajya means. The Transvaal struggle involves Turkey's honour as much as India's. It is obviously the duty of Muslims to carry on that fight till the end. It is the duty of Hindus to join it, as they are brothers of the Muslims. For they are [both] sons of the same Mother India. Also, although voteless, they have both to win swarajya in the Transvaal and they have an opportunity of doing that without much effort.

[From Gujarati]

*Indian Opinion*, 1-8-1908

<sup>1</sup> Presumably, a reference to the "Young Turks" who worked, through secret societies and publications, for resumption of parliamentary government. On July 23, 1908, Abdul Hamid II was forced to agree to the restoration of the constitution.

## 20. LETTER TO H. L. PAUL

JOHANNESBURG,  
*August 4, 1908*

DEAR MR. PAUL,

I have your note of the 30th ultimo. I have sent Joseph £20.<sup>1</sup> It is not possible for me to collect any more or to send more. Every penny is now wanted for the struggle. With kind regards all round,

*Yours sincerely,*

M. K. GANDHI

From a typewritten copy of the original: C.W. 4549. Courtesy: E. J. Paul

## 21. TRIAL OF MULJIBHAI G. PATEL - I

*[Tuesday, August 4, 1908]*

On Monday afternoon Mr. Muljibhai G. Patel, a member of the Committee of the British Indian Association, 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 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 certificates, 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<sup>2</sup>.

Cross-examined [he said] he had received instructions on Thursday to effect 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 nine 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 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 com-

<sup>1</sup> *Vide* letters to H. L. Paul, 11-6-1908 ; 1-7-1908

<sup>2</sup> *Vide* "The British Indian Association and Lord Milner", 11-6-1903.

promise, the law was to be repealed. He would take out a voluntary registration certificate, but not a compulsory one.

Cross-examined [he said] 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.

*Indian Opinion*, 8-8-1908

## 22. TRIAL OF TWELVE “HAWKERS”

[JOHANNESBURG,  
*August 4, 1908*]

In D Court, in the afternoon, before Mr. H. H. Hopkins, 12 British Indian hawkers were charged with having traded as hawkers without licences, or, alternatively, with not having their names painted on their trading receptacles.

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

In almost every case the accused stated that they had applied for licences, which were refused because they would not give thumb-impressions.

In the first case Mr. Gandhi asked Mr. Barrett, the Licence Inspector, whether he had hitherto taken any notice of the fact that hawkers did not have their names on their trading receptacles.

The witness replied that he had not. He stated that the accused told him that Mr. Gandhi had his licence.

MR. SHAW: He did not say whether he had ‘let, hired, or lent’ his licence to Mr. Gandhi?

[BARRETT:] No.

All of the accused were fined £1 [each], with the alternative of seven days’ imprisonment with hard labour, with one exception. In this case Mr. Gandhi said that there were two previous convictions.

Mr. Shaw said that the accused was one of those sentenced last month for hawking without a licence, and was sentenced to pay a fine of £1, or four days’ imprisonment with hard labour.

Mr. Gandhi said that the accused had been also sentenced in January last, and sentence was remitted because of the compromise.

The accused was fined £2, with the alternative of 14 days’ imprisonment.

*The Transvaal Leader*, 4-8-1908



## 23. JOHANNESBURG LETTER

### NAIDOO'S SACRIFICE

*Monday [August 5, 1908]*

I am pained to have to report that Mr. Thambi Naidoo's wife has had a miscarriage. The child was buried today. Mr. Naidoo does not know this. But the community's obligation to him is mounting. He left his wife's side at a difficult time and deliberately went to gaol for the sake of the community, and this is what has happened meanwhile. Mr. Naidoo is still in gaol.

It is probable that this happened because of Mr. Naidoo's having gone to gaol. I saw Mrs. Naidoo on the same day on which he went to gaol. She was, as described by Mr. Doke, in a pathetic state. There is hardly another woman so spirited who would face with courage a second term of imprisonment for her husband. In any case that cannot be expected of a woman in Mrs. Naidoo's condition.

There is no doubt that the guilt for this death must attach to the Transvaal Government. It is because of its injustices that Indians have to suffer in this fashion.

### NAIDOO'S ASSOCIATES RELEASED

The five Indians who went to gaol along with Mr. Naidoo and whose names were reported earlier have been released. Mr. Essop Mia and several other leaders were present [at the gaol gates] to receive them. Later they were treated to tea and biscuits at Mr. Essop Mia's. Fruiterers sent [gifts of] bananas and oranges for the occasion. Speeches were made by Mr. Essop Mia, the Moulvi Saheb, Imam Saheb and others.

### SYMPATHY FOR TILAK'S FAMILY

It was decided at this same meeting to send Mr. Tilak's family a telegram of sympathy.<sup>1</sup>

### RITCH'S EFFORTS

Mr. Ritch has been working hard in England. A cablegram to the effect that he has had an interview with Lord Crewe has been received. He also states that he came away satisfied with the interview. It appears from this that interest [in the Transvaal Indian problem] has now been aroused in England.

<sup>1</sup> *Vide* "Sentence on the Great Tilak", 1-8-1908.

#### LORD SELBORNE'S SPEECH

At his speech at Vereeniging, Lord Selborne said that no difficulties should be put in the way of Asiatics who were entitled to live in the Transvaal and that the Imperial Government should intervene to protect their rights. As to whether fresh immigration should be permitted or not rested entirely with the Colonial Government. It appears from this that the rights of educated persons may be difficult to safeguard. The remedy lies in their own hands. What the remedy is, we shall consider when that is the only outstanding question.

#### WHEN WILL IT END?

People go on asking when the fight will end. The Parliament here closes on the 21st. If there is no settlement before that, it may be taken that it will not come before January next. Whatever happens, it is certain that we have nothing to lose.

#### SORABJI'S MESSAGE

Mr. Sorabji is enjoying himself in gaol.<sup>1</sup> Whatever the inconveniences are, he puts up with them for the sake of the community. He has sent a message through the prisoners released today that he will return to gaol after release, but will not leave the Transvaal.

*Tuesday [August 4, 1908]*

#### MULJIBHAI GIRDHARLAL PATEL

Mr. Patel has been seized. He was arrested yesterday for failure to take out a register under the law. Only recently Muljibhai was in gaol for four days for hawking [without a licence].<sup>2</sup> He will go to gaol again. Mr. Patel refused to be bailed out, so that he had to remain in the [charge] office last night. Mr. Patel was tried today and was served with a notice to leave the Colony within seven days.<sup>3</sup>

#### POLAK IN VOLKSRUST

Mr. Polak has gone to Volksrust to help Indians who might arrive there and to defend those who might be prosecuted for not giving thumb-impressions; he will stay there for some time. I hope Indians holding permits will go to Volksrust in large numbers and court imprisonment by refusing to give thumb-impressions. Mr. Polak's address in Volksrust will be: Care of Mr. Essop Suleman, Box

<sup>1</sup> *Vide* "Johannesburg Letter", 1-8-1908.

<sup>2</sup> *Vide* "Trial of Bawazeer, Naidoo and Others", 22-8-1908.

<sup>3</sup> *Vide* "Trial of Muljibhai G. Patel-I", 4-8-1908.

45. Anyone who wants to consult him should write to him in English. Mr. Polak is unlikely to stay there for more than two weeks.

Wednesday [August 5, 1908]

FROM INDIAN COMMITTEE AT PAARL<sup>1</sup>

Mr. Osman and other Indians write as under:

What is needed most now is unity, as the task you had undertaken earlier was accomplished through unity. In satya-graha truth alone triumphs. We see from past examples that truth has always triumphed in the end. We know for instance that truthful men like Harishchandra and Haman enjoy immortal fame to this day. Can there be anyone, then, who will fail to see that the Transvaal Government has given us this opportunity to win for ourselves comparable fame and not want to join this righteous campaign on behalf of his countrymen? The chief thing necessary, therefore, is that we remain united. Once that is done, the Government will no longer stand in our way; rather, it will open the gates of its own accord. Our Committee therefore urges patience and firm adherence to truth in the face of suffering.

These are excellent sentiments which Mr. Osman and others have expressed. Their words of courage are of course welcome. I must tell them, [however,] that it is by contributing to the funds of the Association that they can show sincere sympathy. Money is needed for the campaign, and contributing funds is the least that outsiders can do.

#### USE OF WORD "COOLIE"

Mr. Naser, Member of the local Parliament, referred to the Indians as "coolies" in one of his speeches. Mr. Polak therefore sent him a letter of protest. Mr. Naser has said in reply that he did not mean the word "coolie" to be an insult. He used it because it was generally applied to Indians.

#### WHAT SHOULD BE DONE ABOUT INDIANS?

Mr. Alfred Barker is a white advocate here. He has written about us in a magazine called *The African Monthly*. He has suggested that Indians should be sent to Locations, that their trade should be restricted to these areas, that they should not be allowed to hold land outside Locations and that they should be registered throughout South Africa. That, according to Mr. Barker, is the only way to ensure the total eviction of the Indians from this country.

All these efforts of whites are in vain. They cannot go to this

<sup>1</sup> Near Cape Town

extent everywhere in South Africa. There is a lesson, however, we must learn from this, namely, that, like the whites who are tenacious in seeing through whatever they start, we should also remain unremitting in our efforts in defence of our honour and our status.

#### WELL DONE STANDERTON!

Reports have been received of the arrest of Mr. C. L. Patel, Mr. Ismail Mahomed Dindar and Mr. Ismail Bhabha in Standerton.<sup>1</sup> They were charged with trading without licences. Mr. Polak rushed over to help them. They were sentenced to a fine of £3 each, or, in default, fourteen days' hard labour. They chose to go to gaol rather than pay the fine. Mr. Abdool Haq reported over the telephone that later ten more Indians had been arrested. These have also gone to gaol.

Standerton has been wonderful. It is being severely tested. I had been told that Standerton, Potchefstroom and Klerksdorp were weak, and that we should leave them out of account for purposes of our campaign. Standerton has not only disproved this report but shown the highest courage. In the same way, I believe klerksdorp and Potchefstroom will also prove their mettle when the time comes. It has been my experience in this campaign that no one should be assumed to be weak and so left out of it, neither should anyone be assumed to be strong and therefore depended upon. This undertaking of ours is so novel that no one can be sure of himself. They alone can act bravely who feel the presence of God within inspiring them to acts of courage.

Let us all pray that everyone be given the same courage as Standerton.

#### THREE RELEASED

Mr. Govind Behchar, Mr. Lallu Ghela and Mr. Gokal Deva went to gaol last week, thereby serving both the community and themselves. They were released today. They were received by Imam Saheb Abdool Kadir Bawazeer, Mr. Gandhi and other gentlemen. They say that they are prepared to go to gaol again.

#### WHOSE LICENCES ARE ILLEGAL ?

Some Indians here own rickshaws. There must be about 70 rickshaws in their possession. These Indians were asked by the Municipality to give their thumb-impressions. A notice was served on the Municipality last Saturday to the effect that licences for [plying] vehicles could not properly be called trade licences and did not as such fall within the scope of the obnoxious law. If, therefore, the Municipality did not issue licences without demanding thumb-impressions

<sup>1</sup> *Vide* also "Brave Indians of Standerton", 8-8-1908.

sions, it would be required to pay damages. I heard today that the Municipality has accepted this contention and decided to issue licences for rickshaws, etc., without insisting upon compliance with the provisions of the obnoxious law. Those who are entitled to these licences should accept them, and contrive other means of going to gaol. At the moment, that can be done by hawking without licences.

#### GAOL DIET

No reply has yet been received to the Association's letter requesting the replacement of mealie pap by some other food in the case of Indian prisoner.<sup>1</sup> This gives rise to the suspicion that the Government wants to wear us down. Very likely, the Government is labouring under a mistaken notion that its refusal to order changes in the diet may deter us from going to gaol. But I am confident that Indians who are out to show their mettle will not retreat merely out of fear of [an uncongenial] diet. Hunger and thirst, cold and heat: all these must be endured. When a great war is on, one must not hope to have a bed of roses or delicious food. How can one expect a favour from an enemy? Indeed, we only stand to benefit from his harshness.

#### SORABJI ADAJANIA

A large number of persons are anxious to offer Mr. Sorabji their congratulations and therefore ask for his gaol address. The address, of course, is The Fort, Johannesburg. But neither a letter nor for that matter anything else can be sent to him [in gaol]. If there is anything people wish to be handed over to him on his release, they may forward it to Box 6522. I would suggest that letters of congratulation be sent to his relatives. His wife's name is Kunvarbai Sorabji. His brother's name is Mr. Cowasji Shapurji. His sister's name is Manekbai Shapurji. Their address is: care of Mr. Palanji Edalji Plumber, Khetwadi, 6th Lane, Bombay.

#### CARTOON IN "SPORTING STAR"

There is a weekly here named *Sporting Star*. It has a cartoon on the campaign. In one corner, there are the words: "Gaol in J. B. A good hotel and health resort". Below are some Indians. Underneath the gaol gate is the legend: "Mr. Gandhi asked the Magistrate to award the maximum penalty to the accused in the interests of their health".<sup>2</sup>

[From Gujarati]

*Indian Opinion*, 8-8-1908

<sup>1</sup> *Vide* "Letter to Director of Prisons", 24-7-1908

<sup>2</sup> *Vide* "Trial of Harilal Gandhi and Others", 28-7-1908

## 24. LETTER TO W. HOSKEN

[JOHANNESBURG,]  
August 5, 1908

DEAR MR. HOSKEN,

Thirteen Indian merchants were today arrested at Standerton for trading without licences. They were all sentenced to paying a fine of [£]3 or to go to gaol for fourteen days with hard labour. They all selected to go to gaol<sup>1</sup> They are all *bona-fide* residents of the Transvaal, and held, I believe, licences up to the 30th June last. On their application for renewals, they were called upon to give thumb-impressions under the Asiatic Act, which they declined to do. Hence their trading without licences and hence also the prosecutions. Whatever the Progressive Party may wish to do, do you not think that, as an independent member, you should ask General Smuts a question in the House of Assembly?

One thing more. As you know, the British Indian Association has approached the Director of Prisons for giving Indian prisoners more humane diet<sup>2</sup>. Europeans get food suitable for them, Cape Boys get European food, and Natives get their own national diet. Indians, who are classed with Natives, are therefore entirely neglected, except that, for one meal, they get a small quantity of rice and fat. For breakfast, therefore, most Indian prisoners have to starve, as they cannot accommodate themselves to mealie pap. I am afraid that perhaps the Authorities out of sheer vindictiveness will not alter the scale for Indian prisoners, if only to harass them. Even so, I think that my countrymen will not flinch but will accept the additional brutality. But can you not put questions in the House and otherwise move actively in the matter, and bring about a reform that is just[?] General Smuts, when he was anxious to have everything from Indians at the time of the compromise, smilingly told me that he would listen to me with reference to the special hardships of Indians in the Transvaal gaols.

Those days are now gone, but I hope the days are not gone, when<sup>3</sup> a man like you would simply insist on some decency being observed, or at least dissociate himself from the inhumanity practised

<sup>1</sup> Vide "Johannesburg Letter", 3-8-1908 and "Brave Indians of Standerton", 8-8-1908.

<sup>2</sup> Vide "Letter to Director of Prisons", 24-7-1908

<sup>3</sup> "gone. When" in the original

in the name of the people of the Transvaal.

*I am,  
Yours truly,*

Wm. HOSKEN, ESQ., M.L.A.  
HOUSE OF ASSEMBLY  
PRETORIA

From a photostat of the typewritten office copy: S. N. 4854

## 25. LETTER TO A. CARTWRIGHT<sup>1</sup>

[JOHANNESBURG,]  
*August 5, 1908*

DEAR MR. CARTWRIGHT,

I enclose herewith copy of my letter to Mr. [Hosken].<sup>2</sup> Comment is superfluous. I have used therein strong [expres]sions because I was unable to use stronger ones. I have written exactly as I feel. While I take pride in the fa[ct] of so many of my countrymen going to gaol, and suffering even unnecessary hardships, I cannot help feeling the situation most keenly, especially when I, who am chiefly responsible for all these things, have to remain unhurt. I do think that, subject to correction by you, it is time for you now to move editorially and give the Transvaal Press a lead.<sup>3</sup>

*Yours sincerely,*

From a photostat of the typewritten office copy: S. N. 4855

## 26. DUTY OF THE EDUCATED

Some educated Indians, or those who regard themselves as educated, are impatient to enter the Transvaal and join Mr. Sorabji in gaol. This shows their patriotism. But we cannot always express our devotion to a cause as we want to. It will not be true devotion if we insist on doing so. If everyone wants to be a soldier and die on the battle-field, that cannot happen. For some, not being at the front is an important duty. That is true of educated Indians in this case. It is

<sup>1</sup> This letter is damaged and indistinct at places.

<sup>2</sup> The note-paper is torn here. This must be the "Letter to W. Hosken", the preceding item.

<sup>3</sup> Later, Gandhiji himself wrote a letter to the editor of *The Transvaal Leader*, and an editorial on the communication appeared on the same day. *Vide* 2nd footnote of "Letter to The Transvaal Leader", 8-8-1908.

enough that there is at present one educated person who has been arrested under the immigration law—Mr Sorabji. Meanwhile, educated Indians in Natal and elsewhere should don the monk's saffron robes and also dye their hearts in that hue. They must use their education in the service of the country and educate those who are entitled to enter the Transvaal in order to prepare them [to exercise their right]. Those who hold the £3 Dutch registers, those who, though without registers, had stayed long periods in the Transvaal before the war, and those who hold permits or registers taken out after the war—these are the persons who have the right to enter. But their rights should be genuine. We do not want impostors. If people come in without a legitimate right to do so, we shall lose the battle. These Indians, especially those who belong to the last category, that is, those who hold permits or registers taken out after the war, should be encouraged to enter the Transvaal and told that, when they cross over into the Colony, they will be asked at the border to give their thumb-impressions, which they must refuse. They will then be asked to get off [the train]. They should get down, refuse to be bailed out, and remain in the police station. They should present themselves for trial. They will either be fined or imprisoned. They should not pay the fine, and cheerfully accept the imprisonment. This is what has to be explained to Indians who are entitled to enter. Indians who are ready for this should send in their names to the British Indian Association, who should be informed when any Indian with a legitimate right leaves [for the Transvaal] by train.

Educated Indians who are patriotic should watch these trains for any Indian [immigrants] travelling by them, and properly acquaint them with the position as above. The Association should then be informed.

Every Indian should realize that the Transvaal campaign involves the interests of Indians all over South Africa. If they lose the battle in the Transvaal, they will suffer a severe set-back elsewhere. In no other part of the world have Indians done anything comparable to what has happened in the Transvaal so far. Even in India a similar battle has not been fought. The Transvaal campaign is a clear and pure one and furthers the interests of both the rulers and the ruled.

That is the point of the campaign. All Indians, high or low, should understand what their freedom really consists in. Indians who feel the urge to be free and learn to have no fear of privations in gaol or of any suffering will achieve swarajya this day. They become free



from then on. As a consequence the laws [directed against them] will be repealed, the whites will respect them more, and they will not be sent off to Locations, etc. This is a point which ought to be properly grasped and carefully borne in mind.

Those who wish to serve India must give up all thought of serving their own interests.

[From Gujarati]

*Indian Opinion*, 8-8-1908

## 27. BRAVE INDIANS OF STANDERTON<sup>1</sup>

For the sake of their honour and their community and because of their pledge, 13 traders of Standerton have gone to gaol where they will serve a sentence of 14 days' hard labour. We congratulate them on this. Standerton Indians ought to be proud of what has happened. These cases are different from the earlier ones. The sentence, too, is harsh[er]. In this second phase of our struggle, it is Standerton alone which has furnished an instance of 13 simultaneous arrests. If all Transvaal Indians show as much strength as Standerton, it will not be long before we become free. Let every Indian remember that, if the Indian community, after sending so many of its members to gaol, merely looks on helplessly or surrenders to the Government, it will only invite disgrace upon itself and be visited by the curses of those who have gone to gaol.

[From Gujarati]

*Indian Opinion*, 8-8-1908

## 28. NATAL STRUGGLE<sup>2</sup>

The Natal Licensing Bill is fearful. It is essential for the Indian community to do something about it immediately. There is no reason to believe that the Bill will be approved by the Imperial Government. But, as the saying goes, those who are vigilant are ever happy, and we must wake up from today. The Bill may not go through this time. It is bound, however, to leave behind a trail of after effects. Mr. Taylor has said that, if the Bill is disallowed once, it should be sent back to England again, the process being repeated till the Bill is finally

<sup>1</sup> *Vide* "Johannesburg Letter", 3-8-1908.

<sup>2</sup> *Vide* "Natal Bills" and "New Natal Bills", 16-5-1908 & "New Natal Bills", 16-5-1908.

approved. There is only one course which can effectively prevent this from happening. And that is satyagraha. Everyone knows that [Indian] licences are dwindling in number from year to year. In the circumstances, if the Indians do not bestir themselves, they will be unable to live on in peace. It will be useless merely to go on depending on the Imperial Government without doing anything ourselves. The only way of petitioning the Imperial Government is through satyagraha; it can be followed up with actual petitions, etc. The time is approaching when we shall find out whether or not Indians have the requisite courage for this. We do hope that Indian businessmen will prepare themselves to manifest this bravery.

[From Gujarati]

*Indian Opinion*, 8-8-1908

## 29. LETTER TO “INDIAN OPINION”<sup>1</sup>

THE EDITOR

*INDIAN OPINION*

SIR,

I have received inquiries from many quarters as to why I sent Harilal, my son, to gaol.<sup>2</sup> I give some reasons below:

1. I have advised every Indian to take up hawking. I am afraid I cannot join myself since I am enrolled as an attorney. I therefore thought it right to advise my son to make his rounds as a hawker. I hesitate to ask others to do things which I cannot do myself. I think whatever my son does at my instance can be taken to have been done by me.
2. It will be a part of Harilal's education to go to gaol for the sake of the country.
3. I have always been telling people that satyagraha is easy for those who can understand it well. When I go to defend those who have been arrested, I do not, strictly speaking, defend them but only send them to gaol. If we have acquired real courage, there should be no need for me to present myself in Court. I thought it only proper that I should make this experiment in the first instance with my son. Accordingly, no arrangements were made for him at Volksrust, and he was left to fall back on his own strength. Since there were others with him in Johannesburg, I attended the Court, but asked for the maxi-

<sup>1</sup> This was published in *Indian Opinion* under the title: “Why He Sent His Son to Gaol: Mr. Gandhi's Explanation”.

<sup>2</sup> *Vide* “Trial of Harilal Gandhi and Others”, 28-7-1908

mum penalty for him and for his associates. It was their misfortune that they did not get it.

4. I have often advised that no one should give his thumb-impression on arriving at Volksrust. People have not followed this advice. I have not insisted on the point, but the time has now come for me to insist on it. Thumb-impressions are now asked for at Volksrust under the obnoxious law, and they should not, therefore, be given. This [object] also, I thought, I could easily achieve through Harilal.

I want every Indian to do what Harilal has done. Harilal is only a child. He may have merely deferred to his father's wishes in acting in this manner. It is essential that every Indian should act on his own as Harilal did [at my instance] and I wish everyone would do so. Satyagraha can be claimed to have been perfectly successful only if we do so. I repeat that

- (1) those who are prepared for imprisonment should go to gaol without depending upon a lawyer or myself. That is not to say that I go back on my promise of defending Indian satyagrahis arrested in connection with the campaign against the law. I shall go wherever I find my presence is needed. But the best way is to have no lawyer and go to gaol straight away and undergo whatever sentence is passed;
- (2) every Indian, whatever his status, must go to gaol for the sake of his country without giving much thought to what the others do;
- (3) no Indian should give his thumb-impression or finger-prints on entering the Transvaal. Not doing so will mean imprisonment for Indians. They must accept it rather than give thumb-impressions or finger-prints or even signatures as signifying [compliance with the provisions of] the law.

*I remain,  
Satyagrahi*

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]

*Indian Opinion*, 8-8-1908

### 30. LETTER TO "THE TRANSVAAL LEADER"<sup>1</sup>

[JOHANNESBURG,]

August 8, 1908

[THE EDITOR

THE TRANSVAAL LEADER]

SIR,

May I, through your columns, place before those of your readers who are interested in justice being done to all the inhabitants of the Transvaal a phase of the Asiatic question?<sup>2</sup>

I read in your impression of today's date a brief report of the two cases of Indians who were alleged to have been connected with forged certificates. One of the men secured his discharge by becoming King's evidence. The man against whom he became King's evidence has also been discharged. The public know how far one party, according to his own confession, was involved in the forgery traffic. The evidence against the other was undoubtedly, according to the newspaper reports, too weak to sustain a conviction. Thus those who are connected with the forgery are largely free. The Asiatic Law Amendment Act does not, and did not, touch them. They were not charged under it either, and I frankly admit that no Asiatic Act could deal with such cases. Wherever there is restriction on personal liberty, there will be found people ready enough to resort to a variety of practices to shirk such restriction. It is worthy of note that Indians were not the only parties connected with the traffic. Europeans are

<sup>1</sup> This was reproduced in *Indian Opinion*, 15-8-1908, under the title "The Indian Struggle in the Transvaal".

<sup>2</sup> *The Transvaal Leader* commented editorially on this letter as follows: ". . . he asserts that Asiatics sent to gaol under the present Tom-fool administration of the Asiatic Act are being half-starved, owing to their not being given the kind of food they are accustomed to, and to their inability to consume that which is supplied to them. These men are political prisoners; it is unjust if they are put to hard labour or made to wear prison clothing; it is infamously unjust if they are treated dietetically as Mr. Gandhi says they are. We thought that countries professing themselves civilized had abolished torture. We seem to be an exception. Surely the medical authorities of the prisons are recommending the prisoners food which they can take? Are the medical officials' instructions obeyed, as it is the duty of everybody connected with the Prisons Department, from the Colonial Secretary downwards, to obey them? Are the medical officers' views being set aside? It is not as if there were any cooking difficulties. There is no food more easily prepared than rice.

If Mr. Gandhi's accusation be well founded, we are acting in a way which would disgrace a Turkish province, let alone one of the British Imperial States."

also alleged to have been engaged in it.

Now, let your readers turn to the other side of the picture. Indians who have entered the Colony openly, who have proved their pre-war residence, who have always conformed to its laws, and who have recently, by universal acknowledgement, helped the Government completely to identify such persons, are being harassed on all sides, and subjected, to use Lord Milner's historic expression, to "pinpricks". Inoffensive Indians—in many instances Indians belonging to the highest strata of the Indian community—are being imprisoned, not because they have committed any heinous offence, but because their conscience does not approve of what they consider to be irritating and insulting legislation. Standerton is at present practically denuded of its chief Indian store-keepers, who are now serving a term of 14 days' imprisonment, with hard labour.

As if this were not in itself sufficient harassment, no relief has yet been granted regarding the food of these Indian prisoners. European prisoners get that food to which they are generally accustomed; Cape Boys receive European food; Natives get a diet to which they are accustomed; Indian prisoners get practically Native diet, and, therefore, are half-starved. They get mealie pap for breakfast every day and mealie pap for supper three times per week. Mealie pap, I know, to those who are accustomed to it, or who can by a long course of training habituate themselves to it, is good. Unfortunately, my countrymen do not take mealie pap. The result is that in the Transvaal gaols they have to suffer partial starvation. The authorities have been approached for relief,<sup>1</sup> but up to the time of writing there has been no response. My countrymen draw the conclusion, probably unjustifiably, that relief has been withheld in order to exasperate the Indians into submission. If so, let the authorities take care that they do not exasperate them into bitterest opposition to the Government and their measures.

Asiatics, having fulfilled their part of the contract, are now endeavouring to keep General Smuts to his part of that contract, which, according to *The Transvaal Leader*, he publicly declared to be as follows: "He had told them (the Asiatics) that the law would not be repealed so long as there was an Asiatic in the country who had not registered";<sup>2</sup> and, again, "Until every Indian in the country had registered the law would not be repealed". It is admitted that all

<sup>1</sup> *Vide* "Letter to Director of Prisons", 24-7-1908

<sup>2</sup> Smuts said this in his Richmond speech; *vide* Appendix VIII.

Asiatics who had the opportunity of making application for voluntary registration have done so. Asiatics now ask, “Why, then, has the Act not yet been repealed, and why was the offer to repeal the Act made under impossible conditions?”

*I am, etc.,*  
M. K. GANDHI

*The Transvaal Leader*, 10-8-1908

### 31. TRIAL OF HARILAL GANDHI-II<sup>1</sup>

[JOHANNESBURG,  
*August 10, 1908*]

An unusually large crowd of Indians assembled in B Court yesterday afternoon [August 10] to hear the case of Harilal Mohandas Gandhi, a son of Mr. M. K. Gandhi, aged 20, and described as a student, who was brought before Mr. H. H. Jordan on a charge of contravening the Asiatic Amendment Act by failing to be in possession of a registration certificate.

The accused pleaded guilty, and was defended by his father. Mr. A. Cramer prosecuted. Superintendent Vernon, of B Division, gave evidence of arrest, and further stated that he called upon the accused to produce his certificate of registration, who, however, failed to do so, saying that he did not possess one.

Mr. Gandhi, on behalf of the accused, said that the latter had no desire to leave the Colony, but nevertheless he was desirous that the Court should make an order for the accused to leave the Colony within 24 hours. He made the request because two other Indians whose time under the Act would expire on Wednesday would be ready to go to gaol. He (Mr. Gandhi) hoped His Worship would adopt this course, as the accused's affairs were in his hands.

Mr. Jordan ordered the accused to leave the Colony within seven days.

*The Transvaal Leader*, 11-8-1908

### 32. SPEECH AT MASS MEETING

[JOHANNESBURG,  
*August 10, 1908*]

Immediately after the case in which Harilal Gandhi was charged with being in the Colony without a registration certificate yesterday [August 10, 1908,] a mass meeting of Indians was held in an open space near the Court buildings. Mr. M. K. Gandhi addressed the meeting in English, and said that he had just received a telegram

<sup>1</sup> Harilal Gandhi was earlier tried on July 28, 1908; *vide* “Trial of Harilal Gandhi and Others”, 28-7-1908.

from Vereeniging to the effect that several Indian store-keepers who were arrested for hawking or trading without licences had been given by the Magistrate no option of imprisonment, but had been fined £2. 7s. 6d each, and had to pay the fines within 24 hours, or elect to have their goods sold by the Court. This introduced a new phase into the struggle, but he had no doubt that British Indians would not be baffled by this. He did not know whether the Magistrate had received instructions from the Law Department to put into force the provisions of the law for certain exceptional cases, or whether the Magistrate had done this on his own initiative, but it showed to them that they were going to receive no quarter from General Smuts, nor did it behove them to ask for quarter. They were carrying on a fight in order that General Smuts might be compelled to carry out his promise to repeal the Act—a promise which was published in an account of a meeting held at Richmond, when he said that when all had registered he would repeal the Act.<sup>1</sup> There was one incident in connection with the matter which he (Mr. Gandhi) wished to recall. When he was lying in Mr. Doke's house, the Registrar of Asiatics came to him and said that it appeared that the Chinese and some Indians would not come forward, as they were suspicious of the intentions of the Government, and wanted something in black and white to confirm the promises made. A notice was drafted there and then, which was to be published in all the Indian languages and in the Chinese language, stating that, if the Asiatic communities carried out their compact, the Act would be repealed during the next session.

#### “FORTUNATELY”

Unfortunately—no, he would say fortunately, because they were now in a position to know with whom they were dealing—fortunately, the next day Mr. Chamney brought the news that all the Asiatics were coming in, and that the Chinese had withdrawn their objections, and asked whether he (Mr. Gandhi) thought it necessary that the notice should be published. They had then no reason to doubt the honesty of Mr. Smuts or Mr. Chamney, and he replied that there was no reason for the publication of the notice. He would only say that when Mr. Smuts made the statement at Richmond he must have had in his thoughts some such difficulty cropping up with the Asiatics as that which Mr. Chamney spoke to him of, and it was for this reason that he made the declaration. Today they found that General Smuts had offered to repeal the Act on certain conditions, which could not be accepted—conditions which were not imposed on them when they agreed to take out voluntary registration certificates.<sup>2</sup>

#### PURE ADMINISTRATION AND THE EMPIRE'S PEACE

The Asiatics were helping the Government against themselves, and helping Mr. Smuts to keep to his word, and maintaining the purity of administration within the colony and peace within the Empire. If they found that the statesmen who were

<sup>1</sup> *Vide* Appendix VIII.

<sup>2</sup> For the conditions, *vide* “Johannesburg Letter”, 23-6-1908

controlling the Government in South Africa had no notion of ordinary honesty and that, when it suited them, they withdrew from their promises, and tried to break these promises, the British Indians should compel them to keep their promises, and by so doing they would be rendering a signal service not only to the Colony but to the Empire. It did not therefore baffle them when they stood face to face with suffering imprisonment, with being half-starved, and going barefooted in the prisons, and it did not baffle them when they stood face to face with having their goods confiscated. He could only characterize this as organized robbery—legalized robbery. They were now brought under a section of a law which was only designed for exceptional purposes.

#### DECLINE TO PAY

He hoped that his countrymen had sufficient self-sacrifice to decline to pay their fines, and have their goods sold under their noses. He had no doubt that the Colonists themselves, when they saw that the British Indians would suffer this, they would ask General Smuts to stay his hand and keep his promises, and to repeal the Act on the conditions he had agreed upon. They had to suffer in order that they might give complete identification to the compact made by General Smuts with them. The Chairman of the British Indian Association had his nose broken because he stood up for the Government in keeping his compact with them,<sup>1</sup> and the reward of the Government for this was a broken promise—a breach of faith. He had no hesitation in repeating anywhere that this was the solemn promise made by General Smuts. They found that not only was the Act not repealed, but all kinds of vexatious regulations were being passed through Parliament affecting those who came from British India.

#### PARTNERS IN SOUTH AFRICA

He said that this country was as much the British Indian's as the white man's. They were partners and the white men were predominant partners, but they were only partners. The Indians only wanted justice and fair play, and if they could not get that they should show that they were prepared to suffer. His opinion was that no man who called himself a subject of King Edward should allow his rights to be taken away from him, but should suffer if necessary in order to prevent this. In this country, because they had committed the crime of having a coloured skin, they were as nothing, their feelings should be set aside, their sentiments disregarded, and their consciences set at naught. Let them show that they had sufficient of the spirit of self-sacrifice to suffer the confiscation of their property in order to compel the Government to keep its part of a compact which the Asiatics had honourably fulfilled. Mr. Naidoo had only come out of gaol that day. He (Mr. Gandhi) had declared before that Mr. Smuts was responsible for the death of the Chinaman who had committed suicide.<sup>2</sup> Mr. Smuts was responsible for this, and he was now responsible for the murder of young Mr. Naidoo.

<sup>1</sup> *Vide* "Johannesburg Letter", 16-5-1908 and "Essop Mia", 23-5-1908

<sup>2</sup> *Vide* "Johannesburg Letter", 16-11-1907 & "Speech at Chinese Association", 27-11-1907.



Mrs. Naidoo was in pain when Mr. Naidoo went to gaol, and Mrs. Naidoo had given birth to a still-born child. Who was responsible for this if not Mr. Smuts? He (Mr. Gandhi) was certain that all these pains would have to be accounted for, if not now, then hereafter. Mr. Smuts was a Christian, and believed, as they all believed, in a hereafter, and he would have to answer for these things just as they would have to answer for their actions.

Mr. Gandhi concluded with a further appeal to British Indians to suffer whatever might be necessary for what they considered was right and just, and then proceeded to speak in Gujarati.<sup>1</sup>

*The Transvaal Leader*, 11-8-1908

### 33. TRIAL OF THREE HAWKERS

[JOHANNESBURG,  
*August 11, 1908*]

. . . Three Indian hawkers were charged before Mr. H. H. Hopkins in D Court yesterday morning [August 11] with trading as hawkers without licences, or, alternatively, with failing to produce their licences when called upon. Mr. Shaw prosecuted, Mr. Gandhi appearing for the defence.

While giving evidence in one case, Mr. French, Municipal Licence Inspector, said that one of the accused had told him that his licence was in the possession of Mr. Gandhi. Witness went to Mr. Gandhi's office, and was there told that they did not have the licence.

Mr. Gandhi went into the witness-box, and said that with reference to what the accused was alleged to have said, witness held several licences, probably two or three hundred, which had been deposited with him, and also held probably a thousand registration certificates, which had also been deposited with him by British Indians, who had made up their minds not to make use of these certificates or licences. He had not searched his records to see whether he had this particular licence or not, as the Inspector had not asked him to do so.

Two of the accused said that they had not taken out licences, as they were required to give their thumb-impressions before licences were issued.

Replying to the Magistrate, Mr. Shaw said that the extreme penalty for the offence was a fine of £20, or three months' imprisonment.

All of the accused were found guilty, and sentenced to pay a fine of £1, or go to prison for seven days with hard labour.

They all elected to go to gaol. . . .

*The Transvaal Leader*, 12-8-1908

<sup>1</sup> No report is available of the Gujarati speech.

### 34. TRIAL OF QAZI HASSAN AND OTHERS

[JOHANNESBURG,

*August 11, 1908]*

Before Mr. Cross in C Court in the afternoon, five other British Indians were charged with hawking without licences, or, alternatively, with failing to produce their licences when called upon, and also with not having their names printed on their trading receptacles.

Mr. Gandhi appeared for the accused.

Qazi Hassan, the first to be charged, pleaded not guilty, and said that he had shown his certificate to the Inspector.

Mr. French, a Municipal Licence Inspector, gave evidence as to having seen the accused exposing goods for sale. When called upon to produce his licence, he did not do so. Later on, at the Charge Office, he produced his licence.

Mr. Gandhi said that he now understood why the accused had pleaded not guilty. He had a licence, but in common with the others had declined to produce it when the Inspector spoke to him.

THE MAGISTRATE: I am satisfied that he has produced his licence.

The Magistrate found the accused not guilty on the first two counts, but guilty of not having his name painted on his basket. He was cautioned and discharged.

Ahmed Essop was then charged, and pleaded guilty to failing to produce his licence when called upon.

Mr. Gandhi remarked that it was evident the accused's licence was in good hands.

THE MAGISTRATE: Are those your hands, Mr. Gandhi?

MR. GANDHI: I am afraid so, Sir.

The accused was fined £1 or seven days' imprisonment with hard labour.

A hawker named Packiry was then charged, and was also fined £1 or seven days' imprisonment with hard labour.

The last to be charged were Ebrahim Maravin and Ismail Ahmed.

Mr. Barrett, Municipal Licence Inspector, in giving evidence, said that he wished to mention that Mr. Gandhi had some two or three hundred licences belonging to hawkers.

MR. GANDHI: I gave that in evidence this morning.<sup>1</sup>

The witness said that when hawkers were called upon to produce their licences, they said that they were in the possession of Mr. Gandhi.

<sup>1</sup> *Vide* the preceding item.

THE MAGISTRATE: If they hand their licences over to Mr. Gandhi, Mr. Gandhi can hardly be blamed for that.

Mr. Gandhi said that the hawkers had surrendered these licences because they thought they had no right to make use of licences which others could not get. They were in possession of licences when the Government issued secret instructions in regard to issuing licences, and as the other Indians could not obtain licences, these men who had them had handed them over to the British Indian Association.

The accused were fined £1, with the alternative of seven days' imprisonment with hard labour.

They elected to go to gaol.

*The Transvaal Leader*, 12-8-1908

### 35. TRIAL OF MULJIBHAI G. PATEL-II

[JOHANNESBURG,  
*August 12, 1908*]

In B Court yesterday [August 12] before Mr. H.H. Jordan, an Indian named Mulji Girdharlal Patel was charged with having failed to leave the Colony after having been ordered to do so by the Court. The accused was charged at the Court about a week ago for failing to produce a registration certificate, and was ordered to leave the Colony within seven day.<sup>1</sup>

Mr. Cramer prosecuted, and Mr. Gandhi appeared for the accused, who pleaded guilty.

Superintendent Vernon gave evidence that he arrested the accused at 6-10 yesterday morning on a charge of having failed to leave the Colony, or register, when ordered to do so.

In reply to Mr. Gandhi, the witness said that the accused had no authority to remain in the Colony.

MR. GANDHI: You say he has no authority to reside in the country. Is that so?

[VERNON:] Yes.

[GANDHI:] Does he not hold a permit under the Peace Preservation Ordinance?

Yes.

Does not that permit entitle the holder to enter and reside in the country?

Yes; but the Peace Preservation Ordinance is now repealed.

Do you suggest that the repeal of the Peace Preservation Ordinance cancels permits issued under it?

<sup>1</sup> *Vide* "Trial of Muljibhai G. Patel-I", 4-8-1908

Yes.

Do you then hold that all permits issued under the Peace Preservation Ordinance have become invalid? Yes.

MR. GANDHI: I am afraid that the Court will not hold with your contention.

The accused was sentenced to one month's imprisonment with hard labour.

The accused has been resident in the Transvaal for nearly 10 years, and is an educated man, possessing considerable influence, particularly with one section, a division of the Bombay Hindus. He possesses a Peace Preservation Ordinance certificate issued under the agreement made with Lord Milner.<sup>1</sup>

*The Transvaal Leader*, 13-8-1908

### 36. JOHANNESBURG LETTER

*Monday [August 12, 1908]*

#### NAIDOO RELEASED

Mr. Thambi Naidoo was released at nine this morning. He was received [at the gaol gate] by Mr. Essop Mia, Mr. Imam Abdool Kadir Bawazeer, Mr. Coovadia, Mr. Kunkey, Mr. Gandhi and some Chinese. Mr. Naidoo's health has suffered somewhat. His courage, however, has doubled. He says he will court a fourth term of imprisonment.

He had to see Mrs. Naidoo without delay. He and the Indians who had gone to receive him then proceeded to his house. Mr. Essop Mia and others made short speeches and the meeting came to an end after Mr. Naidoo had replied.

Mrs. Naidoo is progressing. Earlier, she had been down with fever for two days. A social gathering of Tamils is due to take place this evening in Mr. Naidoo's honour. There is also a move to fete him in public on behalf of all the [Indian] communities.

#### HARILAL GANDHI'S CASE

They swooped down on Harilal Gandhi today. He was arrested on the charge of being in the Transvaal without a register. The case was heard at 2 o'clock.<sup>2</sup> Mr. Gandhi asked for twenty-four hours' notice since he [Harilal] had no preparations to make and had made up his mind to go to gaol. But the Magistrate gave him seven days' notice. I hope that after seven days we shall find him engaged in hard

<sup>1</sup> The *Indian Opinion* (15-8-1908) report of the trial adds: "There are over 200 Indians in the same position as Patel, who are all pre-war residents of the Transvaal and holders of permits and registration certificates".

<sup>2</sup> *Vide* "Trial of Harilal Gandhi-II", 10-8-1908

physical labour in gaol. Gaol life is good education for anyone who accepts it in full knowledge of what it means. It is an important part of children's training that they should be taught to bear hardships from their earliest years.

Mr. George Godfrey, who has only recently started practice, has announced that he will not charge any fees for appearing in any case which serves the community as a whole. This offer deserves commendation and Mr. Godfrey must be given credit for putting his education to the best use.

#### HOSKEN BRINGS BAD NEWS

Mr. Hosken has brought the news that the Progressive Party will oppose the repeal of the [Asiatic] Act. [However,] no one is now likely to be alarmed by it. In January, that party was opposed [to us]<sup>1</sup>: so were the others, yet we fought and won. It would not be surprising if this were to happen again. Our opponents will be confounded by the real strength of Indians, when they behold it. Like the owl which, dazzled by the sunlight, retreats into the obscurity of the shade, the treachery in General Smuts and the opposition of the Progressive Party will flinch before the light of Indian truth. However, what is essential is that the truth of the Indians must shine forth.

#### STENT'S SPEECH

In the course of a speech in Pretoria, Mr. Stent, a Progressive and editor of *Pretoria News*, said:

General Smuts has lowered the prestige of the Colony by his handling of the Asiatic question. He introduced the unjust Asiatic law. Whatever attitude the Colonists may take up, they cannot but admit that the Government has made a mess of the whole matter. On the one hand, it incited the whites against Indians. On the other, General Smuts entered into negotiations with the Indians for a compromise. On the one hand, he held out threats against Indians. On the other, he surrendered on the Asiatics' own terms.

Mr. Smuts has started another controversy with Mr. Gandhi. I am certain he will be beaten again. The Asiatics will not always remain passive resisters. They will go further and insist actively upon equal rights; and you will have to give them equal

<sup>1</sup> For the attitude of the Progressive Party to the compromise and to voluntary registration, *vide* the Smuts-Farrar correspondence summarized in "Johannesburg Letter", 30-1-01908. Gandhiji, however, concluded at the time that "the Progressive Party is not opposed to us".

rights not because you believe they are justly entitled but because you are too weak to refuse them.

This speech of Mr. Stent deserves attention. He understands that Mr. Smuts has played foul, that he is in the wrong and that Indians are in the right. Falsehood is always weaker than truth. If the Indian community would only fulfil the one Condition of remaining truthful, it is bound to win.

*Tuesday [August 11, 1908]*

#### NAIDOO HONOURED

The Tamils held a meeting at 6 p.m. yesterday in Market Street in honour of Mr. Thambi Naidoo. Messrs Essop Mia, Imam Abdool Kadir, Coovadia and others were present. A number of speeches praising Mr. Naidoo's courage were made, and he was garlanded and cheered. The meeting went on up to 8 o'clock.

#### HAWKERS ARRESTED

The following Indians have been arrested for trading without licences: Mr. Ahmed Essop, Mr. Valli Hoosen<sup>1</sup>, Mr. Kara Odhav, Mr. Ebrahim Maravia, Mr. Ismail Ahmed, Mr. Jivan Bhikha, and Mr. Suleman Moosa. Among these, Mr. Valli Hoosen held a licence but refused to produce it. It was stated in the course of the evidence that he was later found to be in possession of a licence; he was then released. All the others were sentenced to a fine of £1, or, in default, seven days' imprisonment. They have chosen to undergo imprisonment rather than pay the fine. In this case, there was some difficulty in obtaining the sentence of imprisonment, for, in view of the bail money [that had been paid], it was feared that only a fine might be imposed as at Vereeniging. But before this could happen, Mr. Gandhi had withdrawn the bail on behalf of those accused in whose cases there was reason to fear some such development.

#### WARNING

One must heed this warning and not pay bail money. If it is at all necessary to offer bail-money, it must be done by other persons. The police cannot demand [payment of] bail-money. Even those who have money in their pockets must courageously refuse to offer bail.

#### PATEL AND NAIDOO

Mr. Patel and Mr. P. K. Naidoo, who had received seven days' notice [to leave the Colony], may be arrested any day.<sup>2</sup>

<sup>1</sup> Qazi Hassan? *Vide* "Trial of Qazi Hassan and Others", 11-8-1908

<sup>2</sup> *Vide* "Johannesburg Letter", 3-8-1908

#### SORABJI

Mr. Sorabji will be released on Wednesday next, the 18th. I hope that there will be hundreds of Indians to greet and welcome him. There is a move to accord fitting honours to Mr. Sorabji.

*Wednesday [August 12, 1908]*

#### MULJIBHAI PATEL

Mr. Patel was arrested today at 6 a.m. The case came up at ten o'clock.<sup>1</sup> Mr. Gandhi attended. Mr. Patel offered no evidence. There was a mild exchange between Mr. Vernon [and Mr. Gandhi] in the course of [the former's] cross-examination. Mr. Patel was sentenced to a month's hard labour. He is full of courage, and was quite cheerful. As more and more of these men go to gaol, the community's responsibility increases correspondingly. Having thus sent them off to gaol, the community ought not to yield.

#### TWO HAWKERS

Mr. Odhav Bhikha and Mr. M. Sivalingam Pillay were tried for trading without [a] hawking [licence]. Each was sentenced to a fine of £1 or [in default] seven days' imprisonment. Both these brave men chose to go to gaol rather than pay the fine.

#### IN GERMISTON

An Indian named Nana was to be tried. He did not attend [the Court at the appointed time], and so his bail was estreated. Mr. Godfrey was to go to defend him. Such men do a great deal of harm to the community.

#### IN KLERKSDORP

There was a similar case against an Indian named Abdool Ahmed. He courageously defended himself and stated in evidence that he would not give a thumb-impression under any circumstances. He was sentenced to four days' imprisonment or a fine of £1. To be sure, the gentleman went to gaol, but the next day he paid the fine! This incident was reported in the newspapers here, but for which we could not even have known about it.

#### HOW TO PUT UP A FIGHT

Mr. Imam Abdool Kadir Bawazeer, Mr. Fancy, Mr. Ibrahim Coovadia, Mr. Omarji Sale, Mr. Dildar Khan, Mr. Ahmed Moosaji and

<sup>1</sup> *Vide* the preceding item.

Mr. Mohanlal Goshalia—all these Indians left for Charlestown today. They will return and refuse to give their finger-prints [at the border while re-entering]. They will also refuse to produce their registers and thus go to gaol.

[From Gujarati]

*Indian Opinion*, 15-8-1908

### 37. LETTER TO “THE STAR”<sup>1</sup>

[JOHANNESBURG,  
*August 12, 1908*]

[THE EDITOR  
*THE STAR*]

SIR,

You will, I hope, allow me to correct you with regard to the question of educated Indians, touched upon in your leader of yesterday on the Asiatic struggle.<sup>2</sup> British Indians do not ask for the opening of the door to educated Indians. They ask that the door should be left open as it is at present under the Immigrants’ Restriction Act. You assume that a demand is being made for admitting English-speaking lads. The truth is that Indians have declared that they would be satisfied with an education test, no matter how severe, so long as the door is kept open (not now to be opened) for those possessing the highest educational attainments.

You say that General Smuts will be justified in withdrawing from any promise he may have made, in view of the above alleged fresh demand. From the facts stated by me, you can verify for yourself that

<sup>1</sup> This was republished in *Indian Opinion* under the title “The Indian Struggle in the Transvaal”.

<sup>2</sup> *The Star*, 11-8-1908, had commented editorially as follows: “.. Mr. Gandhi accuses the Colonial Secretary of a flagrant breach of promise in that he declines to repeal the Asiatic Act, while on the other hand Mr. Smuts insists that the Asiatic leader now demands new concessions....But his [Mr. Gandhi’s] testimony...is certainly not conclusive....When Mr. Gandhi goes so far as to accuse Mr. Smuts of ‘murder’ and ‘organized robbery’, even those who are not unsympathetic must feel sceptical of his trustworthiness in questions of fact....Mr. Smuts is the servant of Parliament and any promise he may have made to Mr. Gandhi was necessarily subject to the ratification of the legislature.... [Accepting Mr. Gandhi’s proposal would involve] the unrestricted admission...of the thousands of Indian lads who have been or are being educated in the schools of Natal [or India]....Whatever hardships the Asiatics have suffered they owe entirely to the recalcitrancy and folly of their leaders...they cannot complain when they are called upon to bear the consequences....”



no fresh demand has been made. But, supposing that it was made, would it justify General Smuts in breaking a promise which was to be fulfilled on the condition of voluntary registration being gone through by Asiatics, even though that condition had been fulfilled? Moreover, if Asiatics ask for anything new, he has undoubtedly a right to refuse it, but surely not on that account to break his promise. What Asiatics grieve over is the fact of the General making the acceptance of educational disqualification a condition of repeal of the Asiatic Act. Will it not be an honourable course for him to give what he has promised, and then throw the onus on the Asiatics of accepting or rejecting it?

You seem to imagine that, by repeal of the Act, Asiatics desire that there should be nothing of the Asiatic Act retained in any shape or form. So far is this from being true, that, in the draft Immigration Bill repealing the Act and shown to me by the Colonial Secretary, such provisions of the Asiatic Act as were necessary for properly checking certificates already issued and such other things were taken over from it. Asiatics do not oppose supervision, but they do oppose an Act which is based on charges of fraud and which contains many clauses of an objectionable character.

As to the promise of repeal, you reported General Smuts to have stated on the 6th day of February last that "he had told the Asiatics that he would not repeal the Act until every Asiatic was registered". I interpret this to amount to a public confirmation of the promise made by him to me on the 30th day of January and repeated on the 3rd day of February last. If the declaration has any other meaning, I confess I do not understand it.

You resent my having accused General Smuts of the murder of Mr. Naidoo's child and my having used the expression "legalized robbery" in connection with the Magistrate's order at Vereeniging to seize the goods of the Indians charged, in lieu of the payment of the fines imposed upon them,<sup>1</sup> I witnessed the scene enacted in Mrs. Naidoo's room immediately after her husband's third incarceration. I cannot forget it. Six days after, I heard that she had a still-born son. Mr. Naidoo had committed no offence save that, first, of helping General Smuts out of an awkward dilemma, and then of preferring his conscience to everything else. Although you may wonder, I must repeat that the death of the child must be laid at the door of General Smuts. Lastly, if a private individual were to take away my goods by violence, the law would call it robbery. When the legal machinery itself is utilized to confiscate my goods and thus to compel me to

<sup>1</sup> *Vide* "Speech at Mass Meeting", 10-8-1908

surrender my conscience, I may be pardoned for calling the process “legalized robbery”. And yet that is what a forced sale of the goods of those who have done no wrong means to most Indians.

[Yours etc.,

M. K. GANDHI]

*Indian Opinion*, 22-8- 1 908

### 38. INTERVIEW TO “THE TRANSVAAL LEADER”

[JOHANNESBURG,

*August 12, 1908*]

A number of the leading Transvaal Indian<sup>1</sup> left for Charlestown yesterday [August 12] with the intention of crossing the border into the Transvaal without giving evidence of identity....All of these are domiciled in the Transvaal, and all but one possess voluntary registration certificates. They will decline to produce their registration certificates, which must be demanded in accordance with the Asiatic Act.... On their refusal to supply particulars required by the Government, these men will be arrested. In that event they will plead guilty to the charge of refusing to comply with the provisions of the Asiatic Act in order that they may be imprisoned....

A number of other Indians who are qualified to enter the Transvaal under the Immigrants' Restriction Act, but not under the Asiatic Amendment Act, will also probably try to enter the Transvaal within the next few days....

Mr. Gandhi said that the Bill will not satisfy the Asiatic communities, because they hold that it breaks the terms of the promises made by General Smuts when the compromise was arrived at, and that it sets up two kinds of legislation for the same class of people. The Bill does not protect Asiatics who they hold are entitled to enter the country, and have entered after the expiry of the three months appointed for voluntary registration, and also those Asiatics who were resident in the Transvaal on the date of the compromise, but did not take out voluntary registration certificates. These Asiatics have, in accordance with the new Bill, to be registered under the Asiatic Act. The result in some cases would be peculiar for the Asiatics. There are cases in which sons have taken out voluntary registration certificates, and fathers who were not in the Colony during the three months have not done so, and would therefore be called upon to register under the old Act. The Bill, they hold, only nominally exempts Asiatics who have voluntarily registered from the provisions of the Act. The Asiatics hold that there are two conditions to be fulfilled by the Government under the compromise. The one is that to all those who registered voluntarily the Act should not be applied. The other is that the voluntary mode of registration should apply to those who entered the Transvaal under the terms of the compromise. Both of

<sup>1</sup> For the names, vide “Johannesburg Letter”, 15-8-1906

these conditions, they say, are disregarded. Again, no provision has been made for prewar Asiatic residents who have not yet returned to the Transvaal; such old residents, if they chose to accept the old Asiatic Act, could, under the discretionary clause, take out certificates of registration. As such Asiatics will not comply with the terms of the old Act, they will be debarred from entering. The same remarks apply to educated Indians who could enter the Colony under the Immigrants' Restriction Act, but who would become "unregistered" by reason of their non-compliance with the Asiatic Act. "This," remarked Mr. Gandhi, "is an adroit move, but hardly an honourable one." The new Bill the Indians hold to provide separate legislation for one class of people, as it regulates the movements of those Indians who have taken out voluntary registration certificates and the old Asiatic Act, the movements of the others.

*The Transvaal Leader*, 13-8-1908

### 39. PETITION TO TRANSVAAL LEGISLATIVE ASSEMBLY<sup>1</sup>

TO

THE HON'BLE THE SPEAKER AND MEMBERS OF THE  
HON'BLE THE LEGISLATIVE ASSEMBLY OF THE TRANSVAAL  
PRETORIA

JOHANNESBURG,  
*August 13, 1908*<sup>2</sup>

THE PETITION OF ESSOP ISMAIL MIA, IN HIS CAPACITY AS CHAIRMAN,  
AND M. K. GANDHI, IN HIS CAPACITY AS HONORARY SECRETARY  
OF THE BRITISH INDIAN ASSOCIATION

HUMBLY SHEWETH THAT

1. The British Indian Association represents the British Indian residents of the Transvaal.
2. The members of the Association have read with much concern the Bill published in the *Government Gazette*, entitled "to validate the voluntary registration of certain Asiatics who failed to comply with the provisions of the Asiatic Law Amendment Act, 1907".
3. When British Indians undertook to take out voluntary registration, they never had any intention of submitting to the Asiatic Law Amendment Act of 1907.
4. Whilst, nominally, the Bill before this Hon'ble House does not make British Indians submit to the said Act, in reality, there is no

<sup>1</sup> This was published in *Indian Opinion*, 22-8-1908, under the title, "A Petition to Parliament".

<sup>2</sup> Although the petition was drafted on this date, it was not submitted until after August 14; *vide* the following item, "Letter to General Smuts", 14-8-1908

distinction between the incidents of voluntary registration to be legalized under the said Bill and registration under the Asiatic Act.

5. The terms of the compromise as embodied in the letters that passed between the Hon'ble the Colonial Secretary and the Honorary Secretary of the British Indian Association and the other co-signatories were:

- (a) all Asiatics resident in the Colony at the time of the compromise should take out voluntary registration certificates "say within three months" from the date of the compromise.
- (b) Children under 16 years were to be exempt from any registration.
- (c) Such mode of registration was to be applicable to those who were entitled to enter the Transvaal but who were not in the Transvaal at the time of the compromise.
- (d) To those who submitted to voluntary registration, Act No. 2 of 1907 was not to be applied.
- (e) The voluntary registration was to be legalized in any other manner that the Government considered proper.<sup>1</sup>

6. These were supplemented by conversations that took place at interviews granted by the Hon'ble the Colonial Secretary to the Honorary Secretary of the British Indian Association.

7. At these interviews, the question of mode of legalization was discussed, and the Hon'ble the Colonial Secretary definitely promised that, if all the Asiatics in the Transvaal submitted to voluntary registration, the said Act would be repealed.

8. The said promise was referred to by the Hon'ble the Colonial Secretary in one of his speeches<sup>2</sup> delivered at Richmond soon after the compromise.

9. The Petitioners respectfully invite the attention of this Hon'ble House to the fact that all the Asiatics who had an opportunity of submitting to voluntary registration have done so, and that the others have been always ready to do so, but voluntary registration after the 9th of May has been refused.

10. The Bill before this Hon'ble House, therefore, is in conflict with the compromise in the following particulars:

- (a) It does not repeal the said Act No. 2 of 1907.
- (b) Whilst it seemingly validates voluntary registration under a

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 28-1-1908

<sup>2</sup> *Vide* Appendix VIII.

separate measure, it does not definitely and unequivocally except voluntary registrants from the operation of the said Act.

- (c) It does not exempt from registration the children under the age of 16 years of holders of voluntary registration certificates.
- (d) It does not leave any opportunity for voluntary registration for Asiatics referred to in Sub-Paragraph (c) of Paragraph 5 hereof.

11. The Bill is, therefore, in the humble opinion of the Petitioning Association, in breach of the terms that were to be fulfilled by the Government.

12. The community represented by the Petitioning Association has no desire to take advantage of the voluntary registration certificates that were taken out by it in good faith.

13. The Petitioning Association respectfully invites the attention of this Hon'ble House to the fact that, at much personal sacrifice and even at the risk of their lives,<sup>1</sup> leading members of the Indian community fulfilled their part of the compromise.

14. The Petitioning Association feels that the Bill before this Hon'ble House disregards the admittedly valuable help rendered to the Government of the Colony by the Association in connection with the compromise.

15. Your Petitioners, therefore, humbly pray that this Hon'ble House will reject the Bill, or grant such other relief as to it may seem fit and proper. And for this act of justice and mercy, etc., etc.

ESSOP ISMAIL MIA

CHAIRMAN

M. K. GANDHI

HONORARY SECRETARY

Archives of Legislative Assembly, Pretoria; also Colonial Office Records: 291/132

<sup>1</sup> The reference is to the assault on Gandhiji and Essop Mia. *Vide* "My Reward", 22-2-1908, "Johannesburg Letter", 23-5-1908 and "Essop Mia", 23-5-1908.

#### 40. LETTER TO GENERAL SMUTS<sup>1</sup>

[JOHANNESBURG,]  
August 14, 1908

DEAR SIR,

I deem it to be my duty to approach you, at the eve of what promises, for Indians, to be an interminable struggle. Nearly sixty Indians are now undergoing imprisonment with hard labour at the Johannesburg Gaol. Over thirty have suffered imprisonment and been discharged since the renewal of the struggle. Thirteen Indian merchants are at present undergoing imprisonment at Standerton.

On Sunday<sup>2</sup>, we meet to burn registration certificates. The return of these certificates up to the time of writing is about<sup>3</sup>. . . . They are still pouring in, and, by Sunday, it is highly probable that we will have at least fifteen hundred. I do not know that all those are true men [who] would fight to the last and suffer every form of hardship. The giving of their certificates is an earnest.

The Chairman<sup>4</sup> the Natal Indian Congress Durban, the Chairman<sup>5</sup> of the British Indian League, Cape Town, the Vice President<sup>6</sup> of the Natal Indian Congress and the Joint Secretary<sup>7</sup> of the Natal Indian Congress, each representing a different faith or clan of India, accompanied by a few indentured Indian and a few who claim pre-war residence are today at the border either to be arrested and imprisoned, or to be passed unchallenged.

In my opinion, these facts represent strong, [gen]uine and invincible opposition to the Asiatic Act, and I am right in assuming that you do not intend to deal unjustly by those who are entitled to reside in the Transvaal. The<sup>8</sup> difference between you, as representing the Government, and the British Indians is very small indeed. I appeal to you once more, therefore, to revert to the draft Immigrants'

<sup>1</sup> This letter is damaged and indistinct at places.

<sup>2</sup> 3 August 16. The date earlier fixed for burning these certificates was Sunday, July 12, but it was postponed in deference to Cartwright's suggestion; *vide* "Letter to A. Cartwright", 9-7-1908 The certificates were ultimately burnt at the mass meeting of August 16.

<sup>3</sup> A word is missing here.

<sup>4</sup> Dawad Mahomed

<sup>5</sup> Adam Hajee Gool Mahomed

<sup>6</sup> Parsee Rustomjee

<sup>7</sup> M.C. Anglia

<sup>8</sup> The source has "...Transvaal, the...".

Restriction Bill that was shown to me, and to accept the amendments suggested by me, leaving the question of educated Indians open, unless you can bring yourself to so amend the Act as to keep the door open for educated Indians being professional or University men. I ask you to study carefully the petition<sup>1</sup> to be presented to the House, and to answer to yourself whether the Bill published does not break the compromise in almost every particular. I ask you, then, to go back to the interviews we had before voluntary registration started, and to what you used to say. I ask you further to accept my assurance that there is absolutely no wish on my part or on the part of the leaders of the Indian community to seek for anything more than fair treatment of those who are *bona-fide* residents of the country.

If the proposal above made by me is not acceptable to you, I venture to suggest that you see a few Indian leaders and come to an acceptable arrangement which will carry out the spirit of the compromise and end a painful situation. If you cannot do either, I am afraid that the resolve to burn the certificates at the Mass Meeting on Sunday must be carried out. The sole responsibility for the advice rests on my shoulders.

*I am,  
Yours faithfully,*

GENERAL J.C. SMUTS  
PRETORIA

From the typewritten office copy: S.N. 4857

#### *41. SUMMARY OF LETTER TO SIR GEORGE FARRAR<sup>2</sup>*

*August 14, 1908*

Mr. Gandhi to Sir George Farrar writes, on the eve of another opening of a very fierce struggle, because he considers it his duty to lay before the leader of the Opposition, the gravity of the position; to set out the points of his objection to the Validation Bill, and requests consideration of them.

India Office, Judicial and Public Records: 3722/08

<sup>1</sup> *Vide* the preceding item.

<sup>2</sup> This is from a precis of events in the Transvaal sent by Ritch along with his letter of October 6, 1908 to the Colonial Office.

## *42. WHAT IF GOODS ARE AUCTIONED*

Vereeniging Indians were not sentenced to imprisonment but were only asked to pay a fine. The Magistrate ordered the recovery of the fine, if not paid, by the auctioning of their goods. There is no provision in the Licences Act for this [procedure] but the Magistrate has this power under another law.

What pleases one is that Indians have not been alarmed by this order; on the contrary, they have been able to see that what has happened is better.

This suggests that real wealth consists in poverty, for the rich cannot hold out against the Government as well as the poor can. The rich will be afraid. We congratulate the Vereeniging Indians on their informing the Magistrate that they would rather have their goods auctioned than pay the fine. We do not think the slightest harm will befall them if their goods are auctioned. To be sure, the goods of some traders will be so auctioned. But we certainly cannot argue that there will be no loss of money in case of imprisonment. We should not therefore be afraid of similar loss through auctioning of goods. The fact is that, as hundreds of men cannot be imprisoned, equally, the goods of hundreds of traders cannot be auctioned. The Government does not have the requisite facilities. It would lose its prestige if it did so and might even be ousted from power.

Moreover, there is nothing that the Government can get out of hawkers. No Indian is bound to produce his goods for auction. The Government may, if it wants, search for a person's goods. It will grow tired of doing so and then hawkers will be absolutely free to go about their business without licences. The Government will find itself in the position of the woman who went out in search of her son and lost her husband. Coveting the goods, the Government will even miss the opportunity of sending people to gaol, with the result that Indians will grow more determined. This being the case, no Indian need be alarmed. When the Government seeks a settlement, Indians, if they have the courage, can demand compensation for those whose goods were auctioned.

This campaign in the Transvaal is of the greatest importance to Indians. Natal should watch it carefully. The Natal Act does not provide for imprisonment in the matter of licences. Only goods can be auctioned. From [the events in] the Transvaal, Natal Indians will see that the campaign has been made much easier by the auctioning of goods. If hawkers really hold out against the Government, they can



compel it to yield. That is why true poverty means true wealth. What true poverty is, we shall consider on another occasion. For the present, Indians must bear in mind the need to endure the hardships, whatever they be.

[From Gujarati]

*Indian Opinion*, 15-8-1908

### 43. NEW BILL

The following Bill has been published in the Transvaal *Government Gazette* of August 11:<sup>1</sup>

BILL TO VALIDATE VOLUNTARY REGISTRATION OF CERTAIN  
ASIATICS WHO FAILED TO COMPLY WITH PROVISIONS OF  
ASIATIC LAW AMENDMENT ACT, 1907

1. Every person
  - (a) who is an Asiatic as defined by the Asiatic Law Amendment Act [2 of] 1907; and
  - (b) by whom an application for such voluntary registration as aforesaid was on the tenth day of February [1908], or on any day subsequent thereto up till the tenth day of May 1908, made to the Registrar of Asiatics or other duly authorized officials; and
  - (c) to whom a certificate in the form set forth in the Schedule to this Act was issued by such Registrar

shall be deemed to be the lawful holder of a certificate entitling him to enter and reside in the Colony.

2. Every Asiatic as is described in section 1 who enters or is residing in this Colony shall, upon demand made upon him by any member of the police force or by any other official authorized thereto, shall produce his certificate [of registration] and shall also on like demand supply such particulars and furnish such means of identification as the Colonial Secretary may by notice in the Gazette prescribe. Any Asiatic who fails to produce [such certificate] shall be liable to be dealt with under Act 2 of 1907—the obnoxious Act—in the manner provided by section 8 thereof. Any Asiatic who fails to supply such particulars and furnish such means of identification as may be prescribed shall be liable to a fine not exceeding £10, or in default of payment, to imprisonment with or without hard labour for a

<sup>1</sup> The translation has been collated with the English text of the Act found in *Indian Opinion*, 5-9-1908.

period not exceeding 14 days.

3. Any person who has lost his certificate shall apply to the Registrar for a new certificate and supply him such particulars and furnish such means of identification as may be prescribed. Any person into whose hands shall have come any such certificate shall, unless he is the person to whom it was issued, forthwith deliver or transmit the same as soon as may be to the Registrar of Asiatics, failing which he shall be liable to a fine not exceeding £50 or in default of payment to imprisonment with or without hard labour for a period not exceeding 14 days.

4. No Asiatic shall obtain any trading licence under the Revenue Licences Ordinance of 1905, unless he is the [lawful] holder of a certificate [of registration] issued under the Asiatic [Law] Amendment Act of 1907 or under section 1 of this Act and supplies such particulars and furnishes such means of identification as the Colonial Secretary may prescribe. Any [trading] licence issued .

5. Any person who forges or attempts to forge any document in the form set forth in the Schedule to this Act, or aids another person in doing the same shall be liable to a fine not exceeding 500 or in default of payment to imprisonment with or without hard labour for a period not exceeding two years, or both.

6. This Act shall be known as the “Asitic Voluntary Registration Validation Act”<sup>1</sup>, and shall not come into force till such time as it receives Royal assent and such assent is notified in the *Gazette*.

The registration certificate under this Act requires the following particulars: name, race, description, name of wife, place of residence, right thumb-impression, Registrar’s signature, date and signature of the person to whom the certificate is issued; in the case of a child under sixteen or a ward, the name, age, address and relationship to the guardian.

[From Gujarati]

*Indian Opinion*, 15-8-1908

<sup>1</sup> “Asitics” Voluntary Registration Validation Bill”, withdrawn and replaced by Smuts, introducing Asiatics Registration Amendment Bill on August 21, recommended by a Select Committee of the Transvaal Legislative Assembly as an alternative.

#### 44. SPEECH AT MASS MEETING<sup>1</sup>

[JOHANNESBURG,  
August 16, 1908]

Last Sunday [August 16] afternoon witnessed such a scene as, it is to be hoped, may never need to be re-enacted in this country. Some three thousand British Indians gathered together purposefully. . . intent only upon consigning [the registration certificates] to the flames. . . The whole of the space looking westwards from the Fordsburg Mosque within the fence was packed with members of the Indian community. . . . It was a wonderful display of national unity, and one that the mother country might well be proud of....

On the platform were the Congress leaders. . . various prominent Transvaal Indians . . . . Mr. Leung Quinn, Chairman of the Chinese Association, and Mr. Gandhi . . . Mr. Essop Ismail Mia presided over this vast gathering. . . beyond that, a sea of upturned and expectant faces, with determination and a bitter merriment stamped deep. . . . In the front row a dozen representative Chinese leaders grimly sat, awaiting the fateful moment. Briefly, the Chairman, first in Gujarati, and then, through the medium of Mr. N.A. Cama, detailed in measured accents the reason for calling the meeting together . . . . Then Mr. Gandhi addressed the gathering, after which the voluntary registration certificates were thrown into a large cauldron, saturated with paraffin, and set ablaze by Mr. Essop Mia in the name of the community.<sup>2</sup> Mr. S. Haloo who, it will be remembered, registered under the Act, now publicly burnt his badge of slavery, and poured oil upon the flames. . . .

##### MR. GANDHI'S SPEECH

The responsibility that devolves upon me this afternoon is a very serious responsibility. I have been taken to task, in connection with the advice that I have been giving to my fellow-countrymen for some length of time, by friends. I have been ridiculed by those who do not profess to be friends, and, yet, after due consideration, and, shall I say,

<sup>1</sup> This report has been collated with another from *The Transvaal Leader*, 17-8-1908, and any additional information from it has been suitably incorporated in this item. For the resolutions passed at this meeting, *vide* Appendix IX.

<sup>2</sup> *The Transvaal Leader* describes this stage of the proceedings as follows: "A large three-legged pot was then filled with the registration certificates, about 1,300 in all, and about 500 trading licences. Paraffin was then poured in, and the certificates set on fire, amid a scene of the wildest enthusiasm. The crowd hurrahd and shouted themselves hoarse; hats were thrown in the air, and whistles blown. One Indian, said to have been a leading blackleg, walked on to the platform, and, setting alight his certificate, held it aloft. The Chinese then mounted the platform, and put their certificates in with the others. . . ."

prayer also, the advice that I ventured to give to my fellow-countrymen I am going to repeat this afternoon, and that advice is that, as events have taken the turn that you know in connection with our struggle, we must burn our certificates. [Applause.] I am told that I may be instrumental in imposing on my countrymen untold suffering because of the advice that I have given, if they follow that advice. I know that well, but I do know this also, that, if the burning of the certificates will impose untold suffering on you, the keeping of these certificates and submission to the Asiatic Act or to the Validation Bill that is to be read a second time tomorrow will impose on my countrymen untold indignity, and I say with the greatest emphasis at my command that I would far rather that my countrymen suffered all they have to suffer than that they imposed on themselves indignity. Further, my countrymen here in the Transvaal have taken a solemn oath not to submit to the Asiatic Act. The solemn oath was taken not merely to be fulfilled to the letter but in spirit also, and if you were so ill advised by me, or by anybody else, that you may accept the Voluntary Asiatic Registration Validation Bill and flatter yourselves with the belief that you have escaped the Asiatic Act, I should call myself a traitor to my countrymen, a traitor to God, a traitor to my oath. I shall do no such thing, no matter what suffering may be imposed on you by reason of burning your certificates, but, if you do burn your certificates, please bear in mind that you are not to take advantage of the certificates at any time whatsoever until a proper and just and honourable settlement has been arrived at. It is open to you to take copies tomorrow of the certificates that may be burned to ashes today by paying 5 s, I dare say that the Government will give you copies of these certificates even free of charge because the Bill has not yet become law, but, if there is any Indian in this vast assemblage who wants to take out a copy of that certificate, and today wishes to burn the certificate either out of shame or false modesty or any other reason of a similar nature, then I say emphatically let him step forward and say he does not want his certificate to be burned, but if it is your solemn resolution that you will not go to the Government to ask for a copy of the certificate, then I say, you have well done. Before this resolution was arrived at at the Committee meeting of the British Indian Association, you had already sent to gaol several Indians. Mr. Sorabjee, all honour to him, came from Charlestown to fight your battle. ('Hear! hear!') Several Indians, humble folks amongst us, went to Johannesburg Fort in order that they might serve their countrymen, in order that their suffering might appeal to the Government, in order that we might be able to live in this Colony with self-respect and dignity. Does it behove any of us to keep the voluntary registration

certificates, to sit tight on those certificates, and allow our poorer countrymen or those of our countrymen who happened to enter the country after the expiry of the three months to go to gaol or to expect them to accept the Asiatic Act? I say emphatically, no. I did not come out of the gaol before my time was up in order that I might leave the hardships that I was suffering there—personally, I was not undergoing any hardships whatever. It would be a far greater hardship to me to have to submit to indignity or to see a fellow-countryman trampled underfoot or his bread, to which he is justly entitled, taken away from him. I would pass the whole of my lifetime in gaol, and I say that in the House of God, in the House of Prayer, and I repeat it that I would far rather pass the whole of my lifetime in gaol and be perfectly happy than see my fellow-countrymen subjected to indignity and I should come out of the gaol. No, gentlemen, the servant who stands before you this afternoon is not made of that stuff, and it is because I ask you to suffer everything that may be necessary than break your oath, it is because I expect this of my country-men, that they will be, above all, true to their God, that I ask you this afternoon to burn all these certificates. (Cries of ‘we are ready to burn them’.) I have been told that the statement I have made lately with reference to the position of British Indians in this Colony has been misconstrued. I have read some remarks that have been passed upon that statement, and it is this: that I claim that this country belongs to British Indians just as much as it belongs to the Europeans—and I claim that claim, but what does that claim mean? I do not, therefore, mean that it is open to us to have an unchecked influx of Asiatics into this country. No, I claim to be a Colonist, I claim to have passed a fair measure of my life in this country, and if this country, the welfare of this country, demands that Asiatic immigration should not proceed unchecked, then I should be the first man to say, let that be so. If the majority of the inhabitants of this country demand that Asiatic immigration should cease—mind, I lay stress upon the term immigration—if Asiatic immigration should be under well-ordered control, then I say that I should also accept that position, but having accepted that position, I should claim that this country is just as much mine as any other Colonist’s, and it is in that sense that I put forward that claim on behalf of my countrymen and I say also that it behoves the Colonists to recognize that claim. It cannot benefit the Colonists to have British Indians in the Transvaal who are not men but who may be treated as cattle even though it may be showcattle. It will not do the Colonists any good, it will not do British Indians any good, and if that is the position that the Colonists or the British Indians take in this Colony, it will be far better that Indians are hunted out of this Colony and sent to

India to carry their tale of woe to India rather than that they should remain in this Colony in the most humiliating position. It is in that sense that I claim that this country is just as much the British Indian's as it is the European's. What is this fight that we are engaged upon? What is its significance? To my mind, its significance did not commence with a demand for the repeal of the Asiatic Act, nor does it end with the repeal of the Asiatic Act. I know full well that it is open to the Government of the Colony to give a repeal of this legislation today, to throw dust into our eyes and then embark upon other legislation, far harsher, far more humiliating, but the lesson that I wanted to learn myself, the lesson I would have my countrymen to learn from this struggle is this: that unenfranchised though we are, unrepresented though we are in the Transvaal, it is open to us to clothe ourselves with an undying franchise, and this consists in recognizing our humanity, in recognizing that we are part and parcel of the great universal whole, that there is the Maker of us all ruling over the destinies of mankind and that our trust should be in Him rather than in earthly kings, and if my countrymen recognize that position I say that no matter what legislation is passed over our heads, if that legislation is in conflict with our ideas of right and wrong, if it is in conflict with our conscience, if it is in conflict with our religion, then we can say we shall not submit to that legislation. We use no physical force, but we accept the sanction that the legislature provides, we accept the penalties that the legislature provides. I refuse to call this defiance, but I consider that it is a perfectly respectful attitude, for a man, for a human being who calls himself man. And it is because it was necessary that British Indians should learn that lesson that the heads of the community gathered together and assembled together and said to themselves that this is the struggle, this is the method of struggle that they would place before their countrymen. It can do no harm whatsoever to the Government of the Colony, it can do no harm to those who are engaged in this struggle; it simply tests them and, if they are true, then they can only win; if they are not true, then they simply get what they deserve. One thing more and I shall soon ask you whether you propose that Mr. Essop Mia, your Chairman, should set fire to these registration certificates; and it is this: I have been hitherto refraining from making any personal attack whatsoever. I did make a slight attack at the time of the trial of Ram Sundar, and that was in connection with the head of the Registration Department, Mr. Chamney.<sup>1</sup> I feel bound in the interests of the Colonists, in the interests of the Indian community, and for the honour of the Colony,

<sup>1</sup> Vide "*Letter to Indian Opinion*", 15-11-1907.

to make this remark, that, so long as Mr. Chamney reigns supreme in the Registration Department, there will be no peace so far as the Asiatics are concerned.<sup>1</sup> I accused Mr. Chamney of hopeless incompetence and ignorance after so much experience. Again, after the charge was made, I repeat it. When I come to contrast what he has been doing with what Captain Hamilton Fowle<sup>2</sup> did I can only say that, had Captain Hamilton Fowle been at the helm of affairs, we would not be face to face with a difficulty of this nature which not only stares the Indian community in the face but which stares the Government also in the face. Mr. Chamney is an estimable man, as I have often stated. He is above suspicion, but that is not all that is required in the head of a Department. The head of a Department has to know his work, he has to know the law that he wishes to administer, or the administration of which is given to him, and he has also to keep a cool head, and he has to be competent in the proper discharge of his duties. Mr. Chamney has been tried, and has been found wanting, and no matter how much attached General Smuts may be to Mr. Chamney, this is the charge that I can bring against him after very close acquaintance with the working of his Department. I cannot go into the illustration of the proposition that I lay down, but I do say that, unless Mr. Chamney is removed from that Department—I have no desire that anybody's bread should be taken away from his mouth—but, unless he is removed from this Department, there will be no peace. But what is more, Mr. Chamney has been less than a man in putting his signature before a justice of the Peace to an affidavit that was made on oath to the effect that he was present on the interview on the 3rd day of February and General Smuts never promised repeal of the Act. I say that that affidavit is untrue. He not only listened to the promise made by General Smuts as to the repeal of the Act, but he repeated that promise to me; he mentioned that promise to me, if once, twelve times, and each time he said that General Smuts was going to play the game, that he was going to repeal the Act. There was once an occasion when I believe there was a fellow-countryman of mine in my company and he said, 'But remember that General Smuts also said that so long as there is a single Asiatic in the Colony who has not made a voluntary registration application that Act will be enforced against him'. Today the position is that there is no Asiatic, so far as I know, none to talk of, who has not made his application for voluntary registration. I now ask

<sup>1</sup> The criticism appeared to be directed against Montford Chamney's appointment as Chief Immigration Restriction Officer under the Immigrants' Restriction Act which was gazetted on January 27, 1908.

<sup>2</sup> Permit Officer

for a fulfilment of that promise, and if Mr. Chamney has made that affidavit, as he has made it, why, he has added some other disqualification to the disqualifications I have named, and I say again that unless Mr. Chamney is removed from that Department there cannot be any peace whatsoever. [Applause.]<sup>1</sup>

*Indian Opinion*, 22-8-1908

#### 45. JOHANNESBURG LETTER

*Wednesday [August 19, 1908]*

##### NEGOTIATIONS FOR SETTLEMENT

I apologize to the readers for writing a short letter this time. There is plenty to say, but I cannot spare even a moment. I, therefore, give the latest news first.

Mr. Gandhi was informed at 11 p.m. on Monday that he was wanted by General Smuts. He accordingly went to see the General on Tuesday morning. Mr. Cartwright and Mr. Quinn were also called. There was a discussion for three hours with General Botha, General Smuts, Sir Percy Fitzpatrick, Sir George Farrar, Mr. Lindsay, Mr. Hosken and Mr. Chaplin participating. In the end the Government agreed to the following terms.

1. The Act shall not be applicable to Turkish Mahomedans.
2. Those who can prove that they had resided in the Transvaal for three years before the [Boer] War shall be permitted to enter.
3. For children under sixteen years registration shall not be necessary.
4. When taking out a licence, either a well-formed signature or a thumb-impression shall be given.
5. An appeal can be made to a magistrate [against the decision of the Registrar of Asiatics] and to the Supreme Court against the magistrate's decision.
6. The Section<sup>2</sup> relating to intoxicating drinks shall be deleted.
7. The obnoxious law will be retained, but only as a dead letter and it shall not apply to voluntary registrants or to those who may register

<sup>1</sup> Gandhiji then addressed the meeting in Gujarati. The text of this speech is, however, not available.

<sup>2</sup> Section 17(4) of the Asiatic Law Amendment Act; *vide* "The Asiatic Law Amendment Act", (Appendix -I).



of their own accord in future.

8. The deficiency<sup>1</sup> in section 21 shall be rectified.

9. Those who have taken out registers under the obnoxious law shall be allowed to apply for new ones.

A meeting was held on Tuesday evening to consider these points.

A large number of persons were present. It was decided in the end to convene a meeting<sup>2</sup> on Thursday, and invite persons from all parts [of the Colony] to it.

#### STANDERTON HEROES

They were released this morning. Mr. Essop Mia, Mr. Bawazeer and others went from here to receive them [at the gaol gate]. A meeting was held after their release. Resolutions were passed at the meeting to the effect that the campaign should be continued to the bitter end, whatever the cost. A large number of certificates were collected at the meeting and sent to the Association for being burnt. Leaders from Heidelberg, Vereeni-ging, Krugersdorp and other places also took part in the proceedings.

[From Gujarati]

*Indian Opinion*, 22-8-1908

<sup>1</sup> The reference is to the Church Street property of Aboobaker Ahmed which was held in trust by H. S. L. Polak. This section of the Asiatic Law Amendment Act recognizes the right of an Asiatic to transmit to another Asiatic, by testamentary or other inheritance, any fixed property acquired by him and registered in his name before Law No. 3 of 1885 came into force. *Vide* "Johannesburg Letter", 14-12-1907 & "Letter to Colonial Secretary".

<sup>2</sup> No report of this meeting is available. *Vide*, however, the following item.

## 46. LETTER TO E. F.C. LANE<sup>1</sup>

PRIVATE

JOHANNESBURG,  
August 20, 1908

DEAR MR. LANE,

Mr. Cartwright told me that I should write to you what I told

<sup>1</sup> This letter was published with the following introduction: "Owing to the manner in which the Transvaal Colonial Secretary made public use of a private letter in such a way as to induce in the minds of members of the Assembly a belief that the Indian community had forwarded an ultimatum on the question of a settlement, Mr. Gandhi, in his speech last Sunday, explained the circumstances fully. In view of General Smuts' breach of etiquette, we publish below the full text of Mr. Gandhi's letter, of which unauthorized extracts have already appeared."

Writing of these events from Yeravda jail some 15 years later, Gandhiji perhaps mistook his letter of August 14, 1908 to General Smuts ("Letter to General Smuts", 14-8-1908) for this letter, and the mass meeting of August 16 ("Speech at Mass Meeting", 16-8-1908) for that held on August 23 ("Speech at Mass Meeting", 23-8-1908). The following excerpts from Chapters XXVI and XXVII of *Satyagraha in South Africa* compared with extracts from contemporary statements or reports (in square brackets below), may throw some light on the genesis of this confusion.

"The weekly diary in *Indian Opinion*, asked [Indians] to hold themselves in readiness to burn the certificates if the Black Act was not repealed. [cf. "Johannesburg Letter", 18-7-1908. "A mass meeting will be held on Sunday" (July 19, 1908). "Registers will not be burnt, not yet...the wisest course will be to wait till General Smuts publishes his draft bill". The draft bill was published on August 11; *vide* "New Bill", 15-8-1908]. The bill was about to pass through the Legislature to which a petition [dated August 13, 1908, "Petition to Transvaal Legislative Assembly", 13-8-1908] was presented...in vain. At last an ultimatum was sent to the Government by the satyagrahis. The word was not the satyagrahis' but of General Smuts who thus chose to style the letter. . . [Gandhiji himself preferred to call it an "Asiatic submission" rather than an "Asiatic ultimatum"] ("Interview to "The Transvaal Leader", 21-8-1908). The word "ultimatum" is not found in the text of General Smuts' speech in the Transvaal Legislative Assembly of August 21 as reported in *Indian Opinion*. He did, however, mention the letter which, he said, disappointed his hopes of a settlement. For an abbreviated text of speech, *vide* Appendix X. This word was used in *Indian Opinion* as a title for Essop Mia's letter to the Colonial Secretary of July 6, 1908 ("Letter to Colonial Secretary", 6-7-1908) and later to describe this letter of August 20.] One reason why this letter was held to be an ultimatum was that it prescribed a time-limit for a reply. [Neither the letter of August 14 ("Letter to General Smuts", 14-8-1908) which Gandhi speaks as the "ultimatum", nor the letter of August 20 which appeared in *Indian Opinion* under the title "What Is an Ultimatum?"

him as to the decision of the meeting today, and to give my impressions also.

I placed before the meeting<sup>1</sup>, for the third time today, the terms that I told them the Government were prepared to offer, and I told them further that these would form an acceptable compromise, if some provision was made for highly educated Indians and Mr. Sorabjee's re-instatement; but the meeting would not listen to anything short of repeal of the Asiatic Act and the recognition of highly educated Indians under the general clause of the Immigrants' Restriction Act. All I could persuade them to accept was that, the statutory right being recognized, there would be no objection to an administrative discrimination against educated Indians so that only the most highly educated Indians could enter. The meeting was most enthusiastic, and what was intended to be a meeting for a few delegates only became a general mass meeting. It was attended by three of the most eminent Indians<sup>2</sup> in South Africa, who have, as you know, come over from Natal, but who were pre-war residents and who had a large stake in the country before the war. Most of the influential Indians from Pretoria who have submitted to the Act also came and sympathized. After much difficulty, I was able to persuade the meeting to unanimously agree to the following:

1. Mr. Sorabjee to be re-instated, with full residential rights.
2. All prisoners to be discharged.
3. The Asiatic Act to be repealed.
4. A general education test, with discretionary power as to its severity regarding educated Indians.

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prescribes any time-limit. Was there a further letter by the satyagrahis, which has not been traced?]....The ultimatum was to expire on the same day the bill was to be carried through the Legislature. [The first reading of the Asiatics' Voluntary Registration Validation Bill in the Legislative Assembly was on August 13. This Bill was, according to *Indian Opinion*, subsequently dropped and an amended Bill, which made further concessions to the Asiatics, was passed finally by the Legislative Council on August 22.] A meeting had been called some two hours after the expiry of the time-limit to hold the public ceremony of burning the certificates. [Registration certificates were burnt at both the mass meetings of August 16 and 23, 1908.] We had all reached the place of meeting early and arranged for the Government's reply by wire... the meeting was held at 4 o'clock on the grounds of the Hamidia Mosque at Johannesburg (August 16, 1908) .... A volunteer arrived with a telegram from the Government in which they... announced their inability to change their line of action."

<sup>1</sup> No report of this meeting is available. The proceedings, like this letter, may well have been intended to be private.

<sup>2</sup> Dawad Mahomed, Parsee Rustomjee and M. C. Anglia

5. The terms as per [Sir] Percy's<sup>1</sup> notes to be embodied with the necessary changes in the new Bill.

6. Free re-issue of burnt certificates.

7. The essential clauses of the Asiatic Act, in so far as they may be necessary for a proper check over the Asiatic population and for prevention of fraud, to be re-enacted in the new Bill.

8. The draft Bill to be shown to the Committee of the Association for suggestions as to details.

It will be seen that this submission does not materially alter the terms as per Sir Percy's notes. I cannot see any difficulty in showing the Parliament and the country that repeal of the Act is simply a graceful act to soothe an unrepresented community in the Colony, without in any way relaxing the hold of the legislature on that class.

The Sorabjee incident raised the enthusiasm of the people to a white heat. It caused intense irritation. I assure you that the meeting as a whole went much further than I should ever care to go under the present circumstances, but it was by my deliberate promise to lead them in passive resistance if the promised repeal was not granted that I could persuade them to restrict the community to the above terms. I was disinclined to impose on my countrymen further suffering and was, therefore, prepared to waive a substantial repeal of the Act, so far as it became inoperative against all save those who had accepted it; but I am glad to say they would not listen to it, and they said they were prepared to suffer to the uttermost. I hope, therefore, that the Government will be pleased to accept the above terms and close the controversy. If they do, I, for one, shall refuse to go any further so far as the Asiatic Act is concerned.

One thing more one speaker actually got up and suggested that the terms should include a clause asking for Mr. Chamney's removal. It was, however, not embodied in the terms; but I cannot help recording my opinion that Mr. Chamney is ignorant and hopelessly incompetent. This I say in the interests of the Colony at large. I have personally nothing against him. I have always received courtesy from him, but in spite of all my efforts to the contrary, I have not been able to see any competence in him for the office he holds. I am sure that he never knows from one hour to another what his decision should be, and the largest amount of irritation was caused in the initial stages of the working of voluntary registration purely through his vacillation and ill-considered decisions. I could give several instances, but I do

<sup>1</sup> Sir Percy Fitzpatrick

not think it is necessary. In my opinion, what is required is a man of judicial talent and wide sympathies. If this suggestion is not accepted, I fear that there will always be irritation and consequent difficulty in the administration of any Act however well devised.

I am sending copies to the Progressive leaders.

*I remain,  
Yours truly,*

ERNEST F. C. LANE, ESQ.  
PRIVATE SECRETARY TO GENERAL SMUTS  
COLONIAL OFFICE  
PRETORIA

*Indian Opinion*, 29-8-1908

Also a photostat of the typewritten office copy: S. N. 4859

#### 47. *SPEECH AT CLOSER UNION SOCIETY*

[JOHANNESBURG,  
*August 20, 1908*]

The first meeting of the Transvaal Closer Union Society was held in the Congre-gational Church Hall, Bree Street, last night [August 20], Mr. Edward Nathan presiding. The subject of debate was "The Asiatic Question in Relation to Closer Union", Mr. Alfred Barker's papers, which appeared in the *Leader* on Monday and Tuesday last, forming the basis of discussion.

After Mr. Barker had read his papers, Mr. M. K. Gandhi said he thought it was com-mon ground between both Europeans and Asiatics in South Africa that Asiatic immigration should be controlled or restricted, and it was so controlled or restricted. In the Gape Colony and in Natal there was a law with this object, and in the Transvaal, too, there was a closed door. Rhodesia had already an Immigration Restriction Law, and her legislators were now endeavouring to place an Asiatic Registration law on the Statute-book.<sup>1</sup> Personally, he did not think they needed that law at all; they had achieved their object by passing the immigration law. That narrowed the question down very materially, and one had now to consider the effect of the residence of Asiatics on Closer Union, and not the effect of the immigration of Asiatics.

#### THE IMMIGRATION LAW

The immigration law of the Cape and of Natal allowed the entry of Asiatics who could pass the same education test that was imposed on others who might enter the country. The object of that legislation was principally to guard against the influx of Asiatics. In 1896, the late Mr. Escombe first approached Mr. Chamberlain for

<sup>1</sup> *Vide* "Rhodesia Indians", 30-5-1908; 4-7-1908.

permiss-ion to pass an Asiatic Exclusion Bill, and Mr. Chamberlain laid down the policy, for the guidance of all the Colonies, that the basis of distinction should not be colour, but education or some such qualification. That policy had been hitherto followed. At the Conference of Prime Ministers, Mr. Chamberlain placed that view before them for their acceptance. Very few Asiatics had been able to enter Natal under the education test, not because India did not possess a large number of educated Indians, but because the educated Asiatics had ample scope for their abilities in India, China, and Japan; but there were some who undoubtedly must follow the traders, hawkers, and other classes of Asiatics. If they could not come to South Africa, and if the door was effectually shut even against them, the solution of the question would be far more difficult than it would otherwise be. If it were admitted that those Asiatics who had been domiciled in South Africa should remain in South Africa and should obtain fair treatment, it was natural that those who could lead them and who could act as interpreters between the races must also be allowed to come. What was to be the position of those Asiatics who were allowed to remain in South Africa? The people who had settled in South Africa had laid down certain conditions under which the nation that was now forming had to live. Was it possible, then, to eradicate from one's mind the problem of Asiatic residence? It was a very interesting and instructive study; but it passed his comprehension that in all the papers he had read from the pens of those who had made South Africa their home they had never taken into consideration what the feelings of the Asiatics or of the Natives themselves might be. What would they have to say to any solution that was suggested for their acceptance? Was it suggested that the Asiatics or the Coloured races must perforce accept any solution which was found for their treatment by the predominant race—the European race? He ventured to suggest that if they ever adopted that policy it was doomed to failure. It was possible, perhaps, for one, two, or three years to follow a policy of that nature; but he was certain they would find that both the Asiatics and the Natives would demand to be consulted with reference to their disposition. It was impossible to conceive that those races would ever allow the predominant race to dispose of them just as they chose.

#### INDENTURED LABOUR

Mr. Barker had first of all discussed the question of indentured immigration. The speaker observed:

There we are absolutely on common ground. I have said in season and out of season, whenever I have had the opportunity, that it is undoubtedly the introduction of indentured labour into Natal that has made the Asiatic question in South Africa possible at all. It was the introduction of indentured labour that was followed by free emigration of Asiatics from India. It was because Natal committed a very serious blunder in admitting indentured labour that posterity has to suffer, if it has to suffer. But the solution does not lie in compulsory repatriation. To my mind, it offends the feelings of

humanity to suggest that a body of people should be allowed to enter a particular Colony to which they should give the best years of their then be sent back to a place which has become comparatively strange to them. The people who have been invited to go to Natal under indenture are drawn from the poorer classes. They break off all connection with India when they emigrate to Natal. They are told that they will have all comforts and convenience; they believe that they will be able to pass their time in comparative ease, that they will be able, after slaving away for the Colonies for five years, to work for themselves independently. If those men were invited, or were even told in India that at the end of five years they should go back to India, it is possible that they, not knowing the conditions, might accept those conditions, but I do not call that an equitable contract. If those men, knowing the conditions, came to Natal, I would even suggest that it would be inhuman to expect them to go back, or to repatriate them.

#### FOR THE PLANTERS' BENEFIT

The better policy would be to stop indentured labour entirely; and three years should be the period fixed. If I were an autocrat in Natal, I would fix not even three years, but stop it entirely. This kind of labour has not done any good whatsoever to the Indians who have emigrated under those conditions to Natal, or to the Colonies themselves. It has undoubtedly benefited a few planters but they have benefited at the expense of the Colonists, and in the Colonists I venture to include my own countrymen also. If the Colony persists in that policy, I should admire General Smuts or anyone else using the steamroller<sup>1</sup> (Laughter.) and compelling Natal to stop indentured immigration. That is a question of practical politics, a question of humanity, and a question upon which you will have a consensus of opinion not only among Europeans, but you will have every assistance possible from the Indians themselves. The question of traders who are domiciled in South Africa and the question of industrial Indians who have risen to the training point become comparatively easy of solution. The bugbear of an Asiatic influence will then have vanished.

Continuing, Mr. Gandhi alluded to Mr. Barker's proposal to confine Asiatic traders to Bazaars, and maintained that that would not solve the difficulty. If the Asiatics would not consent to have their trading activity thus restricted, what remedy could Mr. Barker suggest? He was certain that the people of South Africa had no desire to treat British Indians as if they were less than human beings. They must take the Indians into their confidence. As to the franchise, personally he did not wish to

<sup>1</sup> The allusion is presumably to the cartoons.

receive it until the barrier of prejudice was broken down. The solution of the difficulty, to his mind, lay in the fact that the Indians should first of all be recognized as human beings, as fellow-subjects. Europeans should consider it their duty to raise those men and not level them down. (Applause.) It was not fair to treat South Africa as a white South Africa. There could be no question of segregation or restriction of their trading activities if they were to be treated as a Christian nation would treat them. The only solution was the one he had suggested.

Other speakers followed.

*The Transvaal Leader*, 21-8-1908

#### 48. SPEECH AT MEETING OF INDIANS<sup>1</sup>

JOHANNESBURG,

*August 20, 1908*

Mr. Gandhi addressed the conference briefly in English. He detailed what had happened to Sorabji,<sup>2</sup> and also announced that another Indian had been sentenced to one month's hard labour at Christiania for trading without a licence.

Mr. Gandhi mentioned that Sorabji had telegraphed as follows: "Had solitary confinement yesterday." (Cries of "Shame".) "Pushed out by Vernon on the Natal border."

He stated that he could not divulge anything regarding the compromise.<sup>3</sup>

*The Natal Mercury*, 21-8-1908

<sup>1</sup> A meeting of about 200 representative Indians from all over the Transvaal was held to consider the modified version of the Asiatics Registration Validation Bill as proposed at a meeting with General Smuts, General Botha and others on August 18, 1908. For the provisions of the Bill, *vide* "New Bill", 15-8-1908 & "Petition to Transvaal Legislative Assembly", 13-8-1908.

<sup>2</sup> Sorabji Shapurji Adajania had entered the Transvaal on June 24, claiming right of residence under the Transvaal Immigrants Restriction Act, being an educated Asiatic. He was sentenced to one month's rigorous imprisonment for not registering under the Asiatic Act. He was released on the night of August 19 and deported to the Volksrust border; *vide* also "Trial of Sorabji Shapurji—I", 8-7-1908, "Trial of Sorabji Shapurji—II", 10-7-1908 & "Sorabji Shapurji of Adajan", 25-7-1908.

<sup>3</sup> For the terms of the compromise, *vide* "Letter to E.F.C. Lane", 20-8-1908. The proceedings were then conducted in Hindi, no report of which is available.



#### 49. INTERVIEW TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,

Before August 21, 1908]<sup>1</sup>

There is a great deal of misunderstanding regarding the Indian position on the question of the admission of educated Indians. We contend that the Immigrants' Restriction Law, as it stands, does not debar educated Indians from entering the country, but nothing can be further from the Indian thought[sic] than that hundreds of Indian youth should be able to come into the country. All that we want is that the colour of the skin should not act as a 'bar sinister', and that professional Indians, who are necessarily required for the organic growth of the community, should be allowed to enter. This may not be even at the rate of one per year, because there will be no scope for many such men. They certainly cannot compete in trade, and, after all is said and done, the Asiatic question is very largely a trade question. What is, however, lost sight of is that it is not the Indians who have raised the education question, but it is General Smuts who wishes them to accept his reading of the law. He does not care to consult Indians when he wishes to pass any offensive legislation concerning them, but when it is a matter of fulfilling the Government's part of the compromise he, in effect, says, 'I shall fulfil the compromise if you accept this additional disability in the shape of a prohibition of the entry of educated Indians, no matter what their qualifications may be.' It is quite open to him to fulfil the promise of repeal of the Act, and at the same time in disregard of our sentiments to bring in the educational disqualification, and we will fight that question on its own merits. He has not consulted us with reference to the present Bill, which, to my mind, is a breach of the compromise on the part of the government, and yet he refuses to pass a Bill which he had actually drafted repealing the Act because we object to a clause in it which, among others, disqualifies educated Indians.

*Indian Opinion*, 22-8-1908

<sup>1</sup> This interview to *The Transvaal Leader*, of which the original source is not available and which was republished in *Indian Opinion*, 22-8-1908, must clearly come before "Interview to *The Transvaal Leader*" of August 21 ("Interview to "The Transvaal Leader", 21-8-1908) which was republished in *Indian Opinion*, 29-8-1908.

## 50. INTERVIEW TO “THE STAR”<sup>1</sup>

[JOHANNESBURG,  
August 21, 1908]

The Asiatic community of the Transvaal will not accept the new Bill concerning voluntary registration introduced by the Colonial Secretary yesterday. Passive resistance must, therefore, continue.

This policy was laid down in a statement made by Mr. M. K. Gandhi, the spokesman of the community, in an interview with a representative of *The Star* today.

The new Bill, save for two things, would have been considered fairly satisfactory to my countrymen, but the non-repeal of the Asiatic Act of 1907 and the absence of provision for highly educated Asiatics to reside in the Transvaal are vital to its acceptance by the Asiatics. The question of the repeal is a very important one from the Indians' standpoint. They claim that repeal was promised and that a point of honour should have been granted. As a question of practical politics, having studied the new Bill, I can see no reason for keeping on the Statute-book the Asiatic Act as a perfect dead letter. It will give rise to many a humorous situation. If my reading of the Bill is correct, an Asiatic has the option of applying under the old Act or under the new Bill. If he wishes to take advantage—if advantage it be—of the old Act and enter the Colony before making his application, no one can prevent him. But under the new Bill he cannot apply for registration except from a place outside the Transvaal in South Africa. This strikes me as being ludicrous, and it opens the door to fraudulent practices which all parties want to prevent.

### A SUPREME QUESTION

The question of the introduction of highly educated Indians is also of supreme importance to us but, as far as I can see, of none to the Europeans. It must not be forgotten that British Indians were absolutely free to enter the Colony before the war. After the war the entry of educated Asiatics was not prohibited, but they were subject to the Peace Preservation Ordinance just as any European was. The Asiatic Act of 1907 dealt only with domiciled Asiatics. It did not regulate Asiatic immigration, as General Smuts himself admitted. The Immigration Act does not, even now, prohibit the entry of Asiatics who can pass the education test. Prohibition, therefore, has been

<sup>1</sup> This was republished in *Indian Opinion* under the title “No Surrender” and the sub-titles “The Asiatic Attitude: Submission, Not Ultimatum: Passive Resistance to Continue”.

brought about by the presence of the Asiatic Act to which British Indians will not submit.

Surely then if we are restricting ourselves to the entry of highly educated Indians, it is we who give up something and not the legislature that will give us a new privilege. It is, therefore, preposterous to say that we are setting forth a new demand. The other points, in what has been called the Asiatic Ultimatum<sup>1</sup>, and what I would call the Asiatic submission, are really not matters of law but of administrative act. The recall of Sorabjee, we have humbly maintained, is a matter on which the Government should have yielded. The other points are too insignificant to be dealt with. All I feel is that for these small matters an otherwise admirable Bill will be wrecked, so far as I can judge. My countrymen will not accept the benefit of the provisions of the new Bill until the wrong I have referred to has been redressed and passive resistance will, therefore, unfortunately, have to go on. I have been advised not to lead the passive resistance trouble, but I cannot possibly as one who prefers, or tries to prefer, his conscience to everything else-accept the advice, no matter what the consequences may be.

*Indian Opinion*, 29-8-1908

## 51. INTERVIEW TO “THE TRANSVAAL LEADER”

[JOHANNESBURG,  
*August 21, 1908*]

Interviewed yesterday [August 21] in regard to the new Bill, Mr. Gandhi said:

The Bill, I must admit, is a vast improvement on the Validating Bill, which would undoubtedly have been a violation of almost all the terms of the compromise. It embodies, from a cursory glance at the summary published in *The Star*, the points which were discussed at the interview with the meeting of Het Volk and Progressive leaders. I am afraid, however, that it falls short of the terms proposed by the Asiatic Conference. It is a most unfortunate thing that the Government have not seen their way to grant the very limited concessions asked for by the Conference-namely, repeal of the Asiatic Amendment Act, and admission of highly educated Indians. The two points are most important for British Indians, but in my opinion of little importance from the Colonists’ standpoint. Personally, knowing the law and its effect, I could reconcile myself to the present Bill standing side by

<sup>1</sup> Vide “Letter to-General Smuts”, 14-8-1908 “Letter to E.F.C. Lane”, 20-8-1908 and 1st footnote of “Letter to E.F.C. Lane”, 20-8-1908.

side with the Asiatic Act of 1907 as a mere dead letter, but my countrymen cannot understand the intricate distinction. To them no law is a dead letter, and the fervour with which they spoke on the point at the Conference on Thursday last demonstrated to me the depth of feeling regarding the Bill. When, therefore, we offer that the essential clauses of the Asiatic Law Amendment Act so far as they might be necessary for a proper check on the Asiatic population might be re-enacted, I certainly cannot see any reason for not granting the repeal of the Act. It is true that as there has been so much controversy over the Act the Colonists may demand its retention on the Statute-book with just as much pressure as my countrymen demand its repeal, but the representatives of the European Colonists are enlightened enough to see without difficulty that, if the purposes of the Colony can be served equally well by repeal of the Act, they should have no objection to such repeal.

The question of recognizing the rights of highly educated Indians is also equally simple. There is no demand for an unrestricted influx even of educated Indians. British Indians think that fullest discretionary powers should be reserved to the Colonial Secretary as to the administration of the Act, but do say, and I think with perfect justice, that between Europeans and Asiatics of high attainments there should be no distinction.

It would be a thousand pities to wreck an otherwise good Bill and to keep up Asiatic discontent for the sake of these minor points.

The other matters are really matters of detail and not touching the Bill itself. It would be, in my opinion, highly unjust to expect my countrymen to sacrifice Mr. Sorabji, who has suffered for his country, but the Government have made it a matter of principle that Mr. Sorabji, having entered in defiance of the law, should suffer the penalty. He has suffered the penalty by being imprisoned for a month, but—to follow it up with a deportation—if Mr. Sorabji should be sent out of the country because he was under a removal order, so was I and many another Indian, but the Government have been pleased not to touch us.

I notice a statement to the effect that we are daily growing more and more impudent in our requests. This is rather a nice way of emphasizing what is contrary to fact. The request for repeal of the Act is as old as the Act itself, and if I personally was prepared to place before my countrymen the question of another Bill provided that the Act became a dead letter, surely that cannot be described as impudent; for my countrymen's rejection of any such proposal was in that they have all through fought for repeal of the Act. A general education test

has become necessary, because of the interpretation placed upon the Immigration Restriction Act by the Colonial Secretary, and he knows well that repeal of the Asiatic Act makes the entry of educated Indians perfectly possible under the Immigrants' Restriction Act. I therefore fail to see any impudence at all. On the contrary, I make bold to say that the legislature have first of all stripped us naked, and then propose to dole out what they call concessions little by little, still refusing to return what to us is the main thing, and then exclaim, 'How magnanimous!' If, therefore, the very moderate request of my country[men] is not embodied in the new Bill, I very much fear, though I am very sorry, that the passive resistance will be resumed. General Smuts calls it a state of anarchy, lawlessness, and a declaration of war.<sup>1</sup> We call it a state of suffering, and pray to our Maker, our reliance being entirely on Him. It is indeed a declaration of war on the part of General Smuts against British Indians.

*The Transvaal Leader*, 22-8-1908

## 52. NATAL'S BRAVERY

Whom shall we single out for praise now? The Indians' star appears to be in the ascendant as they have been excelling one another. Natal has reached the apogee. The sight of Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. M. C. Anglia setting out for gaol, followed by young Indians, and of hundreds of persons going to the station to see them off, will strike terror in the heart of the enemy. How can anyone bear those ill-will, who come forward to act in this manner? Mr. Dawad Mahomed is an old man. He left his wife in the later stages of her pregnancy and went off in the service of the motherland. Mr. Parsee Rustomjee took only a few hours [to make up his mind] and then indicated his readiness to go to gaol. Mr. Anglia gave up his business to go to gaol. Which of them shall we praise? Which of them shall we congratulate on his courage? When all of them are brave, Indians are beginning to wonder if there is any need to compliment [any individual]. Let us hope things will always go on in this fashion.

[From Gujarati]

*Indian Opinion*, 22-8-1908

<sup>1</sup> "It is a movement which is really tantamount to an act of war and really amounts to a state of anarchy," said Smuts, moving the first reading of the Asiatics' Registration Amendment Bill on August 21.

### 53. SPEECH AT MASS MEETING<sup>1</sup>

[JOHANNESBURG,  
August 23, 1908]

Last Sunday [August 23], unfortunately, as the Chairman of the Association sorrow-fully remarked, found it necessary to hold another large Mass Meeting of protest. The members, if anything, exceeded those of the crowd that massed within the Mosque grounds the week before. General Smuts had brought forward his new Bill, but as it did not repeal the Asiatic Act, and as it made no provision for the freedom and rights of highly educated Asiatics, it was not possible to accept the new measure. Hence Sunday's Meeting. A dramatic note was struck when the Pathan leaders admitted their previous errors<sup>2</sup> and declared their intentions of joining the fight until the end. Amongst those present who gave encouragement to the people, were the Durban leaders, anxious only for the time when they should be summoned before the Court to pay the penalty of their patriotism ... It is only necessary to add that the meeting broke up when some 525 more certificates had been consigned to the flames amidst loud cheers, Mr. S. Haloo and Mr. U.M. Shelat assuming the role of stokers....

#### MR. GANDHI'S SPEECH<sup>3</sup>

[Gandhiji, who spoke after Mr. Essop Mia, said:]

I think that it is necessary for me to make a few remarks in connection with what has happened during the last few days in connection with the Asiatic community resident in the Transvaal. I have had to take the responsibility again, in spite of the Validation Bill having gone through both Houses practically unanimously, of advising my country-men still to continue to burn their registration certificates, and to show to the Government that they are as determined as ever to suffer until full redress is given with reference to the demands made by the British Indian community. Mr. Chairman<sup>4</sup> has explained to you that we have made no new demand. We have never shifted the

<sup>1</sup> The introductory remarks in small type are taken from *Indian Opinion*, 29-8-1908, while Gandhiji's speech itself is from the issue of 12-9-1908.

<sup>2</sup> The reference is presumably to Mir Alam and his fellow-Pathans. Evidently, Gandhiji's advice to the Pathan community (*vide* "Johannesburg Letter", 16-5-1908) had had effect. Gandhiji, however, recalls that it was in the meeting of August 16 that Mir Alam confessed to having done wrong in assaulting Gandhiji and gave up his certificate for being burnt. *Vide satyagraha in South Africa* Ch. XXVII.

<sup>3</sup> The following has been collated with the report of Gandhiji's speech which appeared in *The Transvaal Leader*, 24-8-1908.

<sup>4</sup> Essop Mia

ground, but we have been com-pelled, inch by inch, to regain the whole of the lost ground by undergoing sufferings heaped one upon another. It required the incarceration of over 200 Indians before we could gain the admission from General Smuts that his law was bad, that it was unworkable, and that it would be removed from the Statute-book. It again required the incarceration of nearly 100 Indians before we could gain what we have through the Validation Bill, and I have no hesitation in making this admission, that the Validation Bill, is a vast improvement on the old Asiatic Act, much of the irritating clauses have been removed, the great religious objection has been removed, our oath has been preserved, and, for this, all honour to the Government, all honour to the Progressive Party, and I am now in a position to tell my countrymen, that if they do not choose to fight for a principle but if they have wished to demonstrate to the world that they were fighting only that they might be able to keep their solemn obligation but not that they might be able to keep their own status in the country, I can freely advise them to accept the Validation Act, but if it is their desire, as I hope it ever was their desire, that we have undertaken this battle not merely for our personal benefits, but in order to fight for a principle or a bundle of principles, then I have no hesitation in asking my countrymen to undergo further suffering, but, whether they do so or not in a body, whether the majority of the Asiatics choose to accept the benefits that the Government have so liberally given, as they put it, it is open to them to do so; but so long as I remain in this country, it is my desire to oppose the measures of the Government until we get the redress to which we are entitled, until the promise that I still declare General Smuts made in connection with the repeal of the Act is fulfilled, and until the status of highly educated Asiatics is placed on a firm footing. These are no new demands. The Colonists or the Government, by giving us a little, inch by inch, make the Colonists believe that they are conceding what they need not have conceded, but I deny that position absolutely. I take the position that the Chairman has taken, and it is only when these two things have been fulfilled that we shall have got what was our own or what should have been our own. I draw your attention to this fact, that General Smuts himself has told us now and told the world that the natives of South Africa, the Zulus and Bantus, get treated the same as the Europeans, if they possess the same educational qualifications as the Europeans, but the poor Indian and the poor Chinaman cannot do that. [Cries of "shame!"] If the natives

of South Africa may not have the colour bar, why should the British Indian, why should the Chinaman, have the colour bar? Why should the Indian and Chinaman be subjected to the colour bar, have to labour under this colour disability? It is quite enough that we consent to the influx from British India being stopped entirely; but the stopping of that influx does not mean—it never meant—that educated Indians were to be shut out of this country or that they could enter it only on a permit granted by the Governor-in-Council and which might be revoked at pleasure. That is not the position for which we have been fighting so long, and that is not a position which can ever be accepted by us if we wish to be called men. When we take up this position, it is not a position of defiance; and I am very sorry indeed that Sir Percy has thought it desirable to hint, although very distantly, that there might be in this Colony a racial conflict. A racial conflict is now going on. I do not know what the meaning of any further racial conflict may be, but I do know this, that if it covers any threat of physical violence, I standing here before this multitude of my countrymen shall ask you to suffer even that physical injury. I see before me today my fellow-countrymen, the Tamil gentlemen. Their sore backs I have seen. They have never been used to carry[ing] sandbags, but they were called upon to carry sandbags in the gaol [“Shame !” and groans.]—these were the Gaol Regulations, but they have suffered, all the same, physical injury under the Gaol Regulations. It has not pleased General Smuts in fighting this battle with a weak people, with a people who have no voice, it has not pleased General Smuts to order the gaol authorities to give no hard labour to these prisoners or to give them hard labour which they could bear; but, no, we have to drink the cup of difficulty up to the brim, and I ask my countrymen to drink that cup if they wish to fight for a principle. I do declare that our fight, my fight, has always been for a principle, and it shall be for a principle. General Smuts has been saying that we claim partnership.<sup>1</sup> We do claim partnership I claim it now, but I claim it as a younger brother. Their Christianity teaches them that every human being is a brother. The British Constitution teaches us, it taught me when yet a child, that every British subject was to be treated on a footing of equality in the eye of the law, and I do demand that equality in the eye of the law in the Transvaal also. So

<sup>1</sup> For the relevant portion of General Smuts’ speech of August 21 in the Transvaal Legislative Assembly, *vide* Appendix X.



may be allowed to remain in this Colony, so long must I continue that agitation until British Indians have equality in the eye of the law; it is purely and simply a question of time, but that equality must be given. It may not be given, then we may be driven out of the country and I should be quite content. If that is the position that the British Government have taken up, if that is the position that the Transvaal Government also have taken up, I am quite willing to take up the position that Parliament has taken up, namely, that the white Colonists, that Parliament should occupy the fiduciary position, because we are vassals, because we have no representation in Parliament. I accept that position. What is the duty of a trustee, if not to make his ward fit for everything that the trustee has been doing for the ward? Are the Government fitting us, their wards, for full citizenship? Do they hold out any such hope at all? And if they do why is there so much resentment, why should there be sustained cheering in the House of Parliament when General Smuts derides the idea of partnership? Yes, partnership undoubtedly. British Indians will not remain in this country or in any country under the British flag as slaves. They will demand to remain in this country, as also in any part of the British Dominions, as men, and so long as we do not claim this, I think that we do not deserve British citizenship, and, seeing that it is my intense prayer to the Almighty that my countrymen live as full British citizens, so long must we continue to work that we may have given to us these rights. (Applause.)<sup>1</sup>

General Smuts had called what was really a private letter “an ultimatum”. (laughter.) It was nonsense; there was no such intention. He [Gandhiji] asked the Government and the Colonists to trust them [the Indians]; to believe that “we shall play the game”, and to recognize the very just demands of the Indian community with reference to the repeal of the Act and the status of the highly educated Indians should be preserved. Let them not be called upon to wear the bar sinister. He believed that Sorabji was entitled to remain in the country under the Immigration Restriction Act, for the point was still unchallenged. Those who remained in this country and those who would come after must be treated as men and not as dogs.

*Indian Opinion*, 29-8-1908

*The Transvaal Leader*, 24-8-1908

<sup>1</sup> The following paragraph, which is not found in *Indian Opinion*, is from *The Transvaal Leader*.

## 54. LETTER TO COLONIAL SECRETARY<sup>1</sup>

JOHANNESBURG,  
*August 24, 1908*

THE COLONIAL SECRETARY  
PRETORIA

SIR,

I have the honour to enclose herewith a report of the proceedings that took place yesterday, and the Resolutions passed at the Mass Meeting<sup>2</sup>. The Meeting was attended by over 3,000 Indians. The feeling of those who were present at the Meeting, so far as I have been able to gauge it, is unmistakable.

I venture to submit that, in the very humble prayer of the Meeting, there is nothing new. What the Meeting requests is, moreover, reasonable, and, on the eve of what promises to be a fierce struggle, I once more ask for the relief sought by the Meeting. I beg to assure the Government that there is no desire, on the part of the Indian community, to wilfully embarrass the Government or to place ourselves outside the laws of the country.

My Association, therefore, respectfully trusts that Colonial statesmanship will still find a way out of the difficulty, and close the struggle that has now gone on for nearly two years, and has cost the community represented by my Association very heavily in every respect.

*[I have the honour to be,  
Sir,*

*Your obedient servant,*

ESSOP ISMAIL MIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION]

*Indian Opinion, 29-8-1908*

<sup>1</sup> This was published under the title "A Last Appeal".

<sup>2</sup> Of August 23, 1908; *vide* the preceding item. For Resolutions, *vide* Appendix

## 55. LETTER TO "RAND DAILY MAIL"<sup>1</sup>

[JOHANNESBURG,]  
August 25, 1908

THE EDITOR  
[RAND DAILY MAIL]

SIR,

It is wonderful how every demand made by British Indians is being misunderstood. When my countrymen recognize that the Bill<sup>2</sup> just passed by the local Parliament is better than the Asiatic Act, they do not admit that their position of serfs is removed. The very fact that the status of educated Indians hangs fire shows that there is no desire to treat them otherwise. Was not my claim to partnership resented? Was not its repudiation by General Smuts received with sustained cheers in the popular House? And, yet, what is strange in the claim put forward by me? You, Sir, know well that we are taught in the public schools in India the doctrine of partnership and equality in the eye of the law, and yet, these are expressions one may not even whisper in the Colony without being laughed out of court.

You have drawn a parallel between Mr. Sauer's remarks on the Dealers' Act at the Cape and a general education test in an immigration Act, which would have the effect of preventing an unrestricted influx of Asiatics into a British Colony. May I remind you that Mr. Sauer has dealt with a farcical Court of Appeal consisting of prejudiced persons? I, too, should agree with the hon'ble Member, and even go further than he has done, when fellow-traders are appointed a Court of Appeal for the question of a licence being granted to one of themselves. It is not only hypocrisy<sup>3</sup> and humbug<sup>4</sup> but downright injustice. I, however, see nothing wrong in an Immigration Act which provides against an indiscriminate entry of a class of people, the distinction being based not on their race or colour but on an educational qualification. If what my countrymen claim is a quibble, surely the Parliament of the Colony should have sufficient magnanimity to concede a quibble. The fact is that it is not a quibble. The Colony wishes to establish a new principle and to draw a sharp colour line. It wishes to override the late Mr. Rhodes' formula of equal rights for all civilized men south of the Zambesi, and it wishes

<sup>1</sup> This appeared in *Indian Opinion* under the title "Mr. Gandhi and the Mail".

<sup>2</sup> Asiatics' Registration Amendment Bill

<sup>3</sup> These words were used by Sauer in the Cape Legislative Assembly.

<sup>4</sup> *ibid*

also to fundamentally change the British policy. We would be less than men if, after having suffered for nearly two years, we were to quietly accept such a violent departure from British traditions, without making a supreme effort and without showing to the world that, although our own status can be made a little more bearable under the new Bill, we would reject the benefits thereunder, if we cannot successfully oppose the new departure.

You seem to think that Mr. Sorabjee's deportation is the last word on the interpretation of the Immigrants' Restriction Act. The future will show whether it is so. In the meanwhile, may I remind you that Mr. Sorabjee was convicted not under the Immigrants' Restriction Act as a "prohibited immigrant" but under the Asiatic Act for being an unregistered Indian. He entered under the Immigrants' Restriction Act, but he came under the disability imposed on him by the Asiatic Act, which Mr. Sorabjee would not accept.<sup>1</sup>

[I am, etc.,

M. K. GANDHI]

*Rand Daily Mail*, 26-8-1908

## 56. LETTER TO CHHAGANLAL GANDHI<sup>2</sup>

JOHANNESBURG,  
*August 25, 1908*

[MY DEAR CHHAGANLAL,]

I have your letter. I am not affected by what is happening there regarding educated Indians. I shall deal with the thing, I hope, in the Gujarati columns.<sup>3</sup>

Mr. Cordes<sup>4</sup> writes to me saying that you are unbusinesslike. He has not given me any concrete instances. I, therefore, do not know on what he bases his conclusion. However, you should talk to him, listen to him, and do exactly as he may suggest. You should give him all the help you can, so that he may do justice to the position he is now occupying. He is very methodical, and it may be that you will learn a great deal from him.

<sup>1</sup> Vide "Trial of Sorabji Shapurji-II", 10-7-1908 and "Trial of Sorabji Shapurji-III", 20-7-1908.

<sup>2</sup> The document being torn, the addressee's name is missing. As the letter deals with affairs at Phoenix, it is taken to have been addressed to Chhaganlal Gandhi.

<sup>3</sup> Vide "Johannesburg Letter", 26-8-1908

<sup>4</sup> A German Theosophist in charge of the Phoenix School; came to India and joined Gandhiji at Sevagram, where he died in 1960.

Some Indians saw Harilal yesterday. They tell me that he was looking perfectly healthy. He walked with a firm step, and, on seeing them, he smiled several times which shows that he is not languishing.

*Yours sincerely,*

From a photostat of the typewritten office copy: S.N. 4864

### *57. TRIAL OF BHIKHABHAI D. MALIHA<sup>1</sup>*

[JOHANNESBURG,

*August 26, 1908]*

n B Court, Johannesburg, on Wednesday, before Mr. H.H. Jordan, Mr. Bhikhabhai D. Maliha was charged under section 8, sub-section 3 of the Asiatic Law Amendment Act No. 2 of 1907 for failing to produce a registration certificate issued under the Act on demand. Mr. Gandhi defended. Superintendent Vernon, who gave evidence as to the arrest, stated that he had arrested the accused on instructions. He knew that there were many Indians today in Johannesburg who had permits and old registration certificates, but he was not instructed to take action against them. The accused, giving evidence on his own behalf, stated that he was an old resident of the Transvaal and that he had a Peace Preservation Ordinance Permit and a registration certificate under Law 3 of 1885, both of which documents were produced before the Court.

Addressing the Court, Mr. Gandhi remarked upon the strangeness of the proceedings. Here was a man arrested and convicted under the Asiatic Act, whose rights were fully safeguarded under the Act<sup>2</sup> that had just been passed. Either the Government intended to stick to their new measure or they did not. In view of the delicate relations that existed at the present time he had specially asked that this case should be remanded until next Monday, but whilst the Prosecution was willing to meet him in this, instructions had been received by the latter from Pretoria to proceed. It certainly reflected upon Pretoria methods of administration.<sup>3</sup>

*Indian Opinion, 29-8-1908*

<sup>1</sup> This appeared in *Indian Opinion* under the title "A Tactless Prosecution".

<sup>2</sup> Asiatics' Registration Amendment Act, 1908

<sup>3</sup> A report of the subsequent proceedings is not available; *vide* "Johannesburg Letter", 26-8-1908,

## 58. JOHANNESBURG LETTER

*Wednesday [August 26, 1908]*

### WHAT HAVE WE GAINED THROUGH NEW BILL?

Again, this time, I will have to discuss the latest news first. The new Bill was passed by both the Houses within 24 hours. This only shows that they still do not give our feelings due consideration.

The Bill contains almost everything [we wanted]. I have no time for a detailed explanation. But the Bill obviates the objections regarding the Turkish Muslims. Voluntary registrants will not come within the scope of the Act as also others who may [voluntarily] register themselves in future. This will enable the community to keep its pledge inviolate. But there are two things which the Bill does not contain. The obnoxious law will be repealed in effect; but it will remain as a dead letter. The Indian community has every right to oppose this [proposal]. Mr. Smuts made a promise [to repeal it]. But, what is more important, [the rights of] the educated have not been safeguarded. I am afraid that there is going to be a long-drawn-out struggle over this issue. It is the duty of the Indian community to put up a fight.

### WHO SHOULD BE TREATED AS EDUCATED?

This question is often discussed. What the Indian community wants is that all educated persons should have equal rights under the law. But though rights may remain equal in theory, Indians may in practice be subjected to a more severe test than the whites. This is what happens in Natal and the Cape. The test for Indians [in these Colonies] is very severe. We have said that we shall not object to an even severer test in the Transvaal. In consequence, only barristers and others of equal [attainments] will be able to enter the Transvaal. I do not see that we can do anything more. What is important is that the educated should not be kept out altogether. As for those with a lower standard of education who may want to come in for business or professional reasons, the section which allows them to come in with a temporary permit remains. In fact, there is no real difficulty about these persons.

### SNAG

There is, however, a snag in this Bill. Those who enter the Transvaal henceforth must, if they do not have a permit, prove that they had resided in the Colony for at least three years before the [Boer] War.

This section will also apply to those who are already in the Transvaal. I feel it may be possible to find a way out of this. [That is,] if there is a settlement, a solution does appear possible.

#### RESIDENTS OF NATAL

Mr. Dawad Mahomed, Mr. Parsee Rustomjee, Mr. M. C. Anglia and Mr. Randeria have been on a round of visits to Krugersdorp, Potche-fstroom and Klerksdorp. They were received with honours at all the towns, and people readily handed over their registers to them [for being burnt]. They were first given a party by Mr. Essop Mia and later another by Mr. Fancy<sup>1</sup>. They are putting up with Mr. Cama. These worthy gentlemen have put the Indian community under a deepdebt of obligation.

At Volksrust and Charles town, Mr. Essop Suleman and Mr. Mullan are shouldering the burden of the community's affairs. They have a large number of Indians staying with them, but undeterred by this, they continue to help. All this augurs well for India.

Mr. Shelat has collected certificates from Pretoria. Here, Mr. Joshi, Mr. Medh and Mr. Killawala go round [collecting them].

#### BHIKHUBHAI MALIHA

Mr. Bhikhubhai Dayalji Maliha's case was heard today.<sup>2</sup> Though he held a permit, he has been given seven days' notice [to leave the Colony] for not submitting to the new law. This case conclusively shows that the obnoxious Act must be repealed.

#### OTHER NEWS

Mr. Ibrahim and Mr. Hassan Mia, both butchers, went to gaol on Tuesday to serve a sentence of eight days' imprisonment for trading without a licence.

Mr. Ahmed Motara, who has been thrice imprisoned for offering satyagraha, was released today (Wednesday). His courage deserves to be followed by everyone.

In Pietersburg, Mr. Taiyab Moosa Memon has gone to gaol.

In Pretoria, a large number of Indians have gone to gaol. I hope to be able to mention their names later. They all deserve to be congratulated. A telegram says that one of them was manhandled by the police in Court. The matter is being inquired into. Even if one has to

<sup>1</sup> Honorary Secretary, Hamidia Islamic Society

<sup>2</sup> *Vide* the preceding item.

suffer violence to one's person, that must be borne for the sake of one's country.

Mr. Nadirsha Cama is likely to lose his job for having spoken at the last meeting. But this does not bother him. He had made up his mind to fight for the community. I

Mr. Sorabji Shapurji Adajania has been wanting to enter the Transvaal again. It is only because the Association has restrained him that he has not done so already.

An unsatisfactory reply has been received from the Government about food [in gaol]. The matter is being pursued further.

I must tell the large number of persons who are impatient to come in that, for the present, only those who hold genuine permits may do so. Others may not come. They should not become restive about this.

The Chinese Association had asked the Durban gentlemen over yesterday (Tuesday). They have a very fine club of their own. The Indians are without one. Altogether there are probably only a thousand Chinese [in the Transvaal]. We are here in our thousands. It is humiliating that even so we do not have a comparable club of our own.

In England, Mr. Ritch has been taking great pains<sup>1</sup>. A large meeting of Indians has been called in London to protest against the deportation of Sorabji.

[From Gujarati]

*Indian Opinion*, 29-8-1908

## 59. LETTER TO ATTORNEY GENERAL<sup>2</sup>

[JOHANNESBURG,  
*August 28, 1908*]

THE HON'BLE THE ATTORNEY GENERAL  
PRETORIA

SIR,

My Association has been informed that, at the trial of an Indian named Gopal Chhiba, on the 25th instant, for trading without a licence, immediately after the sentence was pronounced against him, Constable No. 50 violently dragged him from the dock.

<sup>1</sup> Keeping sympathizers and the Imperial authorities informed of the problems of Trans-vaal Indians

<sup>2</sup> These were presumably drafted by Gandhiji.



My Association is informed that this was witnessed by several British Indians. My Association will be obliged if you will kindly investigate this matter and take such steps as may be necessary in order to protect British Indian prisoners from molestation.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ESSOP ISMAIL MIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion, 12-9-1908*

## 60. LETTER TO DIRECTOR OF PRISONS<sup>2</sup>

[JOHANNESBURG,]  
*August 28, 1908*

THE DIRECTOR OF PRISONS

PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter of the 24th instant with reference to the diet scale laid down for British Indian prisoners in the Transvaal Gaols.

My Association begs to point out that a change in the diet scale has been asked for not because the food supplied is medically improper but because it is not suited to the habits of British Indian prisoners. My Association, therefore, ventures to submit that it is hardly a question for medical opinion, but it is one for investigating the habits of British Indians as to food.

My Association admits that mealie meal forms part of the diet scale for Indian prisoners in the Natal gaols, but my Association does not agree with the inference drawn therefrom that mealie meal is suitable for Indian prisoners. Happily, throughout South Africa, very few Indians are incarcerated and, therefore, the question of the diet scale has not hitherto occupied the attention of Indian public bodies, but now, in view of the unusual position that has been created in the Transvaal, the question has become one of very great importance, and, unless the authorities intend to disregard Indian habits and sentiments entirely, my Association submits that an investigation in the manner suggested by me is absolutely necessary.

I venture also to point out to you that you have omitted to mention that the Natal scale, whilst it retains mealie meal as part of the

diet for British Indians, provides for bread also, thus enabling Indians at least to fall back upon four ounces of bread. I beg also to point out that, according to the Natal scale, for prisoners undergoing a sentence beyond 42 days, treacle is added to the ration of mealie meal, and that for others the scale is fairly liberal, much more so than the Transvaal scale. My Association, therefore, respectfully trusts that the matter will be reconsidered.

*I have the honour to be,*

*Sir,*

*Your obedient servant,*

ESSOP ISMAIL MIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 12-9-1908

## 61. COMMENTS ON TRANSVAAL INDIAN CAMPAIGN

[August 29, 1908]<sup>1</sup>

“THE TRANSVAAL LEADER”

Under an article entitled “Mistakes”, the *Leader* points out that, perhaps due to heavy pressure of work, the Colonial Secretary is unaware of how the law is being administered in relation to the Asiatics. An Indian, who could not register voluntarily, as he happened to be away in a remote district, was arrested last Wednesday. He had not taken any part in the campaign. He was arrested even though protection for such Indians is ensured in the new Bill. It is thus clear that the obnoxious Act lives on. It is easy to see that such incidents make it difficult for us to explain to the innocent and illiterate people that the old law has really become a dead letter and that the repeal of the Act is therefore unnecessary. This is a grave error. The place (Anjuman Islam) where some leading Muslims were arrested yesterday is sacred to Muslims. They had not the least intention of evading arrest. The incidents in Turkey have angered the majority of Muslims. They form a considerable part of the population of the British Empire. Tilak and many others like him may exploit these incidents to embarrass the British administration and unite

<sup>1</sup> Dawad Mahomed and the other Natal businessmen were arrested on August 27; *The Transvaal Leader* commented on this event in its issue of August 28. From what follows it is clear that Gandhiji’s summary of the Press comments on the campaign was made soon after.

Hindus and Muslims into an “Extremist Party”.

“PRETORIA NEWS”

In its editorial of the 25th instant, *Pretoria News* writes that, as it had earlier called upon General Smuts to carry out the terms of the compromise, so does it now urge that the Asiatics who have not registered should do so. The Government has fulfilled its promise and it is now for the Asiatics also to fulfil theirs. It will not be unreasonable [to insist] that the immigration issue should be taken up for consideration after this has been done.

In another article following this, under the heading “Immigration”, the paper says that Asiatics are shabbily treated and that it fully sympathizes with them. According to existing laws, low-class Russians or Poles or other [Europeans] who speak Greek or have a smattering of one of the Levantine languages can enter the country at will and enjoy full citizenship rights. For this purpose, Yiddish and European languages are treated on par, though Yiddish is not a European language. Justice demands that there should be an equally difficult qualifying test for all those who enter the Colony. The officials of the Immigration Department should be armed with wide powers, and they should be persons of intelligence and integrity. They should be paid good salaries so that they are not tempted into taking bribes. They should have a clear idea as to [the category of persons] who may not enter the colony. In short, we suggest that the door which is now closed on the Asiatics should be closed lawfully. This country cannot accommodate any more Asiatics. We wholly agree with this. But we go further and assert that some of the Europeans who are entering the country [unlawfully] may prove more dangerous than Asiatics. The Asiatics’ standard of living is very low and they are [thus] able to compete to their advantage [with Europeans] in trade. But they do not add to the crime in the country, whereas the Europeans roam the country for their bread. Latterly, their number has increased markedly. Their coming in has added to the incidence of theft and the smuggling of gold and diamonds, has encouraged [the growth of ] liquor shops. [Because of them,] panders and money-lenders flourish and other similar crimes are on the increase. We have decisively closed the door on the Asiatics but it should be closed also to this refuse [from Europe]. By doing so we will make it clear that in the matter of entry into this country, we do not discriminate against the black and the yellow traces] because of their colour. Those who want to make this country truly “European” will agree that our Natives and law-abiding Asiatics are preferable to this garbage [from Europe]. We want peasants who will raise crops,

diligent workers who will man the industries and thereby add to the Colony's prosperity. There are already too many traders and speculators in this Colony.

#### REPLY

Mr. Gandhi has addressed a long letter<sup>1</sup> to the editor of *Pretoria News* in reply to the above, arguing that the Government cannot be held to have fulfilled its promise. It is true that the new Bill grants some measure of relief, and the obnoxious Act is reduced to a dead letter. But the Government has not allowed his [Indian] brethren to derive any satisfaction from this. Prosecutions have been going on under the obnoxious Act. It was promised that the Act would be repealed, and the promise must be carried out. On the issue of immigration also, he [Mr. Gandhi] said that educated Asiatics should have equal rights with others.

[From Gujarati]

*Indian Opinion*, 5-9-1908

#### 62. SPEECH AT MEETING IN HAMIDIA MOSQUE

[JOHANNESBURG,  
*August 30, 1908*]

Mr. Gandhi addressed a meeting of Indians at the Mosque, Fordsburg, yesterday afternoon, when he made special reference to the deportation of the Natal leaders. The audience expressed whole-hearted approval of the plan of campaign and the announcement that the deported leaders would cross the borders on their return journey probably that night was received with great enthusiasm. Mr. Gandhi also announced that five more Natal Indians would be arrested at nine o'clock this morning, and would be deported.

*The Transvaal Leader*, 31-8-1908

<sup>1</sup> Not available

### 63. JOHANNESBURG LETTER<sup>1</sup>

Monday [August 31, 1908]

#### HOW TO WAGE CAMPAIGN?

Things will become clearer to the reader if we answer this question before reporting the news. Considering all the circumstances, we feel that the coming struggle may be a bitter and extended one. The Government will adopt sterner measures. It does not appear probable that the Indians will make a concerted effort. We have not received an adequate number of certificates for being burnt. All told, 2,300 certificates have been burnt. The number is not insignificant. But it is too small if we look forward to an early end of the movement.

We also learn that people have been visiting the Registration Office to apply for certificates. In Johannesburg 25 Indians went there on Friday last. The Government will now be justified in concluding that a large number of Indians will submit to the Act.

There can be no question now of obeying the obnoxious Act<sup>2</sup>, but the success of this last phase of the struggle depends on our refusal to submit to the new law<sup>3</sup>. The new Bill has not yet become law. It has not yet received Royal assent. But it is necessary to disobey it even if it receives it.

We may assume that those who have not handed over their registers to be burnt will not join the movement, so that it is only on the 2,300 Indians that it must depend. We may take it that some of these will back out. We can also assume that those who have not got their certificates will join the movement. We can therefore assume that 2,000 Indians will continue to fight. The Tamil-speaking people alone make up a fourth of this number. They have been most commendable. We need not be depressed by these figures. In fact, 2,000 Indians can achieve momentous results. But I cannot believe that all the two thousand of them will turn out to be true fighters. Burning a certificate really means that the Indian who throws it into the flames does not care to keep it. He is willing to forgo the benefits

<sup>1</sup> Literally, the title reads: "News-letter". These despatches were published weekly in *Indian Opinion* as "From Our Johannesburg Representative". The first despatch appeared on March 3, 1906; *vide* "Johannesburg Letter", 26-2-1906.

<sup>2</sup> The Asiatic Law Amendment Act, also known as the Transvaal Asiatic Registration Act; *vide* "New Obnoxious Law", 8-6-1907, "Obnoxious Law", 6-7-1907, "Obnoxious Law & Regulations made under it", 30-11-1907 and Appendix I.

<sup>3</sup> The Transvaal Asiatic Registration Amendment Act (1908); for the text, *vide* Appendix I.

which a certificate confers. He will not produce his licence or take out one. He will not respect the Government's law in any way and will, on the contrary, do his best to get him-self imprisoned.

Now, I know that these 2,000 Indians are not all such brave men. Some of them have already taken out licences, which they have been using. They produce them whenever demanded by an official. I think these men might as well not have burnt their certificates. I consider it necessary therefore further to reduce the 2,000 by a thousand. Let us now consider what the remaining thousand can do. The answer is that they can frighten the Government into doing justice. Their campaign will ensure the repeal of the obnoxious Act. The doors will remain open for the well-educated. The rights of those who are already in the Transvaal but possess no certificates will be preserved, provided their claims are genuine. But will the one thousand hold out till the last even after the others have yielded ? I believe they will. Those who fight to the bitter end are always a few in number. They are not influenced by what others do. They fight on, staking their all, without taking thought as to what others do, because they believe their cause to be just and therefore think it their duty to fight.

These thousand persons will have to be prepared for much suffering indeed. What does it matter if there is loss of money, if people are imprisoned or deported, or even if they are assaulted ? They may lose everything, but not their honour. They may be forsaken by everyone, but will not be forsaken by God.

The annoying practice of auctioning the goods of those who refuse to pay the fine is becoming common. It was adopted in Pretoria, in Heidelberg, and also in Vereeniging. If all the storekeepers did without licences, there would have been no difficulty, no need for concern about the auctioning of goods. But Indians have not yet developed the strength to face losses as isolated individuals. Admittedly this strength cannot be acquired all at once. Many Indians hold licences for the whole year. We have therefore only to consider a few cases. The best course for these persons is to sell their shops nominally—but through a proper legal transaction—to whites and carry on trade in the name of these whites. Mr. Gabriel Isaac is prepared for this.<sup>1</sup> The auctioning of goods can be prevented in this manner. It may be argued that there will then be hardly any fighting left to be done by Indian traders. They will escape the privations and it will be the poor hawkers who will be ruined. In order to forestall this

<sup>1</sup> That is, to hold the shops in his name

charge, those storekeepers who trade in the name of whites should go out hawking and thus court imprisonment. Those who hold licences in their own names should prepare a servant or a relative to go to gaol. It is only right that the storekeepers should do this. But it would, however, be improper for hawkers to argue in this fashion. For it should not be supposed that a person who goes to gaol is like one dead. On the contrary he is very much alive. He should think himself fortunate that he is in gaol. Indeed, one who cannot go to gaol is an unfortunate person. Moreover, a storekeeper can help the movement through contributions. Our object is to tire out the Government. This is to be achieved by going to gaol, which can be done in two ways. The first is for the hawkers to get arrested by going on their rounds without a licence. Since there can be no question of a hawker's goods being auctioned, he will only be fined. The second is to court arrest and imprisonment by refusing to give thumb-impressions or fingerprints or signatures at the border. No one should go about with a lot of money in his pocket. One should not even carry jewellery on one's person. They [the authorities] have started prosecutions against those who refuse to give thumb-impressions. It is easy therefore to get arrested. Only those who hold genuine permits may, however, enter the Transvaal now. Holders of Dutch passes, etc., must not come in for the present. Educated persons may not come in either—not just yet.

If we carry on the fight in this manner, the climax may be reached in October. The end may come even earlier if we pull with all our strength. If not, it may come in October. By then, the hawking licences of many Indians will have expired. We may expect that a large number of Indians will refuse to apply for the renewal of their licences. The Government will then have no option but to arrest them. Those persons whose certificates have been burnt will not get licences at all. I hope that these Indians accordingly will choose to go without licences.

#### NATAL BUSINESSMEN

Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. Anglia have been extremely active. They were not arrested in Johannesburg on Thursday<sup>1</sup> the 26th [August], so they proceeded to Pretoria by the 12 o'clock train after sending a wire. They were accompanied by Mr. Randeria. They were in the Anjuman-e-Islam Hall discussing arrangements for collecting certificates when Superintendent Betts served a

<sup>1</sup> This should be Wednesday.

warrant on them and arrested all the four.<sup>1</sup> They were refused bail. News was received later that a warrant had been issued for their deportation. Mr. Gandhi went to Pretoria by the last train. Through Advocate Blake the police were served with a notice to the effect that the Government had no authority thus to issue a warrant for their deportation.<sup>2</sup> The intention in serving this notice was not to take the case to the supreme Court, but only to expose the high-handedness of the Government. The notice, by the morning however, appeared to have had no effect. The men were taken to Natal train. Nothing was kept secret. Anyone who wished to see them was allowed to do so. Many Indians were present at the station to see them off.

A meeting was held in the Anjuman-e-Islam Hall at midnight when the question of collecting the certificates was discussed. Mr. Hajee Cassim said that whether or not the Memons were willing to hand over their certificates would be announced on Sunday after due consideration. The others resolved to hand them over immediately.

#### MASS MEETING

A mass meeting was held in Pretoria on Friday. Mr. Bagas was in the chair. The meeting was very well attended and great enthusiasm was evinced. Though a large number of certificates were burnt, I must say that the number received was not so large as it should have been. In Pretoria, only 60 certificates were received—this number is exclusive of those from the Madrasis—and this is not nearly enough. A report of the meeting will appear elsewhere and so I do not give it here.

#### MEETING OF MADRASIS

A separate meeting of Tamil Indians was held on Sunday, to which Mr. Gandhi was invited. Madrasis have surpassed all expectations. We find that nearly a fourth of them have been to gaol. They were extremely enthusiastic and declared that, whatever the others did, they would carry on the fight. They also resolved to collect funds.

#### TWO KONKANIS RELEASED

Both the Konkani butchers who were gaoled last week have been released. From their reports it would appear that the gaol warders do not harass prisoners any longer. They say Mulji Patel and Harilal

<sup>1</sup> *Vide* "Comments on Transvaal Indian Campaign", 28-8-1908.

<sup>2</sup> For the order of deportation, *vide* Appendix II.



Gandhi<sup>1</sup> are in good health.

#### ZAVER RANDERI

Mr. Zaver Randeri Soni, who, though his temporary permit has expired, did not leave the Transvaal, has been awarded a month's imprisonment. He deposed that he had Intended on the expiry of his term to leave the Colony and re-enter afterwards as an educated person, but that, meanwhile, he had been arrested. "This is my good fortune," Mr. Randeri said is his evidence.

#### DEPORTATION OF TWELVE MEN

Mr. Shelat, Mr. Joshi, Mr. Killawala, Mr. Medh, Mr. Ibrahim Hussein and others have been arrested and ordered to be deported. All of them will re-enter. They do not get any food [in gaol] from members of the community or friends. they themselves asked to be given gaol food. They get bread, potatoes, etc. They will be taken to Volksrust tonight.

#### EBRAHIM OSMAN

People here are glad that Mr. Ebrahim Osman has gone to gaol. He can be regarded as one of the leaders of the Memon community. His courageous act does that community great credit. He had plainly refused to give his thumb-impression on the train as also at the Charge Office. The policeman admitted while giving evidence that he knew Ebrahim. Mr. Polak gave evidence that it was through him that Ebrahim had obtained a permit. Ebrahim's identity therefore was not in question. The only offence was his refusal to give his thumb-impression. This is no ordinary tyranny. But I hope that, in view of cases like these, no Indian will give his thumb-impression till a settlement is reached.

#### NADIRSHA CAMA

Mr. Nadirsha Cama has been dismissed by the Government. On reflection, we shall see that this is no common occurrence. Mr. Cama felt so strongly on the subject that he attended the last mass meeting. The Government then asked him for an explanation. Since it was a fact that Mr. Cama had taken part in the proceedings, he was dismissed. And he has welcomed his dismissal. He acted as he did mainly for the sake of the campaign for the rights of the educated. Mr. Cama having been sacrificed in this manner, the educated should

<sup>1</sup> Gandhiji's eldest son. *Vide* "Trial of Harilal Gandhi & Others", 28-7-1908, also "Trial of Harilal Gandhi & Others", 28-7-1908, Trial of Harilal Gandhi—II", 10-8-1908 & "Johannesburg Letter", 10-8-1908.

feel inspired tenfold. The community as a whole has been a party to Mr. Cama's dismissal, and it cannot therefore back out. Let me congratulate Mr. Cama. He sets little store by the pittance he was earning by slaving for the Government. This is an example worthy of emulation.

#### MESSAGE FROM NATAL

Mr. Dawad Mahomed and his companions, on reaching Charlestown after their deportation, sent the following telegram to various towns:

Spent last night in prisoners' cell Pretoria with full trust in God. Sooner or later we shall be in gaol-palace in Transvaal thus doing our duty to motherland in some measure.<sup>1</sup> Hope every Indian will do his duty at all costs. We send this message to our brethren before we go to gaol.

We hope every Indian will remember this advice.

#### MEMORABLE TELEGRAM

When Mr. Dawad Mahomed and other Natal leaders reached Volksrust, Mr. Osman Ahmed sent them the following telegram:<sup>2</sup>

Congratulate you all. Trust in God. Pray to Him. Obey Him who saved Noah from deluge, Moosa from Pharaohs, Abraham from fire, Joseph from the well, Ayoob from sickness, Enoos inside a whale, and our Prophet when he was in the cave. He is with us and He is ever just.

This is a very inspiring telegram. I urge Mr. Osman Ahmed himself to have the same heroic courage which he wants the businessmen to be infused with. Examples similar to the above will be found in all the scriptures. This is an age in which we treat the teachings of the scriptures as mere platitudes which do not have to be acted upon. We only pay lip service to such examples. We feel God to be so far away from us that we hardly allow these teachings to influence our conduct. This is an occasion for Indians to act rather than talk. If all the Indians were to fight with sincere faith in God, freedom would be won within 24 hours.

#### PRISONERS ON FRONT

I have not so far been able to give the names of the Madrasis who went to gaol on August 14 for the sake of their country. I give them below:

<sup>1</sup> That is, their intention was to re-enter the Colony in defiance of the deportation order and thus court imprisonment.

<sup>2</sup> The English text reproduced here is from *Indian Opinion*, 5-9-1908.

Messrs Kangasami Pillay, Saveri Pillay, R. Packrey Moodaley, Rajoo Naidoo, Subrayaloo Naidoo, S. Pavaday Naidoo, Muthramoothoo Pather, M. Nadason, Candasami, Moonsami Naidoo, V. Vurthen, S. Rangasami Naidoo, Venkatsami Appoodoo, Ranga Padiachy, R. Jameson, S. Vallu Padiachy, S. Moothramoothoo Pillay, V. Govindsami Padiachy, C. Canda Moodaley, Narasoomulloo, Ranga Padiachy, Nayana Naidoo, Rama, Nagappan Naidoo.

Most of these persons held licences, yet they went out hawking without using them.

Some of them were treated cruelly by the gaolers, who worked them so hard that they had inflammation on their backs. Regardless of this, they are ready to go to gaol again. Six affidavits in this connection have been forwarded to the Chief Gaoler. Probably the gaolers will not behave in the same way again. Even if they do, what does it matter ? The more we suffer, the earlier we shall be free.

#### IN CHRISTIANA

Mr. Ismail Essop Belim was sentenced to a fine of £15 for trading without a licence or, in default of payment, to a month's imprisonment. Mr. Belim chose to go to gaol. As if this was not enough, they have now arrested Mr. Ibrahim Adamji Limda, his servant. It does not appear likely that he will be convicted, for it has been ruled by the Court that a servant cannot be prosecuted on a charge of trading without a licence.

#### E. M. PATEL

His goods were auctioned in Vereeniging. He was fined £17.6, to recover which they sold goods worth £20, and awarded £6.5.6 to the messenger<sup>1</sup> as his expenses. Here is an instance of a crone not worth a pice whose head it costs two pice to shave.<sup>2</sup> I congratulate Mr. Patel. We shall be free only when people everywhere accept such losses. Who can now assert that General Smuts is not the leader of a band of robbers ?<sup>3</sup>

*Tuesday [September 1, 1908]*

<sup>1</sup> Bailiff

<sup>2</sup> A Gujarati saying

<sup>3</sup> Gandhiji had described the Court's attachment of the goods of Vereeniging Indian traders as "legalized robbery"; *vide* "Speech at Mass Meeting", 10-8-1908, "Letter to "The Star", 12-8-1908 & "What if goods are auctioned", 15-8-1908.

## ELEVEN MORE FROM NATAL

Further reports have been received about the gentlemen from Natal. Those eleven persons who were to set out last night were taken away by Mr. Vernon. They were seen off at the Park Station by a few persons. Others went to Jeppe. These persons would not accept any food from outside. They only took gaol food. All of them had left Charlestown early in the morning and walked to the Charge Office at Volksrust, where they were arrested. Traders and educated persons have now joined hands again. All of them have resolved to stay on in gaol. Even in the matter of food, they eat what is given to them in gaol. My advice is that they should ask for the gaol uniform also. It has not yet been decided when they will be tried. The Government has yet to consider what they should be charged with. True fighters will not offer bail money, will not ask for food from outside and will submit to any harassment by the Government. I would also advise my brethren not to ask for anything to be brought to them surreptitiously. If they are addicted to smoking, they must give up the habit. Freedom from such addiction will benefit the body as well as the mind. Even if we do not take that into account, it is only proper to give up these addictions for the sake of one's country.

## MEETING OF HAMIDIA ISLAMIC SOCIETY

His Majesty the Sultan [of Turkey] completed 32 years of his reign on August 31, and on the same day the Al Madina<sup>1</sup> Hejaz Railway was inaugurated. The [Hamidia] Islamic Society held a mass meeting to celebrate the event. A large number of Muslims were present. Invitations had been sent out to some whites. Among those present were Mr. Wolfgang, the Turkish Consul, and his friend, Mr. P. F. Crown, who has served in Turkey and was awarded the Order of Turkey, Class II. Mr. Kallenbach and Mr. Isaac were also present. Among the others present were Mr. Godfrey, Mr. Vyas, Mr. Cama, Mr. Naidoo and Mr. Gandhi.

The proceedings were conducted with the utmost efficiency amidst great enthusiasm. Six resolutions were passed. A fund for the Hejaz Railway was started on the spot. Mr. Hajee Habib put his name down for £10. The barbers collected more than £9 from amongst themselves. Mr. Nawab Khan paid one pound on the spot, and a cabman paid, amid applause, his earnings for the day—five shillings. Telegrams were received from many towns. Everywhere Muslim shops were closed [for the day]. Among these telegrams Mr. Nagadi's deserves mention. It reported that sweets and gifts were distributed

<sup>1</sup>The original has "Hamidia".

among white and Zulu children. This was an excellent idea; it shows the nobility of the Indian people, rather, of all Eastern peoples. The action of Warmbaths Indians in distributing sweets to white children, though the whites always behave like enemies, is noteworthy and ought to be emulated. In this town, Osman Ahmed led a procession. There were children's sports at which prizes were awarded. In the evening, there were fireworks. Everyone felt that the Hamidia Society's hall was rather small. I hope the Muslims will add more storeys and build a hall so big and fine that it will be both pleasing and useful.

*Wednesday [September 2, 1908]*

### GOD'S WILL BE DONE

Mr. Dawad Mahomed and other gentlemen were deported but, as ordained, they have re-entered. Further, Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. Anglia have reached Johannesburg and started work again. Other friends are enjoying the fine air of the Volksrust gaol, which only means that they need not come to Johannesburg. They were all to be tried on Tuesday. But the Government itself fixed Tuesday next, the 7th, for their trial. Taking advantage of this opportunity, the three businessmen have come down to Johannesburg. Everyone is doing his duty. The businessmen's presence is needed in Johannesburg. Others are doing their duty by staying in gaol.

### WHAT ABOUT SORABJI?

It is being asked why Sorabji, who was due to return, has not yet done so. I must point out that he himself is anxious to re-enter. But his duty consists in staying on in Charlestown for the present. This way he renders greater service. It is the Association which has restrained him. There has been no reply from the Government to the Association's resolution about him. This is one reason, among others, why he is not being called back. He will also enter when his time comes. Everyone cannot have the same duty to perform. Everyone[, however,] must attend to his or her duty. Sorabji's duty consists in restraining his enthusiasm and waiting.

### MOOSA ESSOP ADIA

Mr. Moosa Essop Adia was fined £1 in Pretoria; While attaching his goods, the messenger also closed down his store. This is illegal. He had no authority to do this. The Association has therefore advised Mr. Adia to reopen the store and serve a notice on the messenger.

## DILDAR KHAN

Mr. Dildar Khan who was employed as a servant by a white has been dismissed for taking part in the movement against the law. Yesterday, moreover, he had asked for leave to attend the Hejaz Railway [celebrations]. I congratulate Mr. Dildar Khan on his courage.

## COLLECTIONS

Mr. Dawad Mahomed, Mr. Rustomjee and Mr. Anglia have been active from the moment they arrived. They went round soliciting contributions. I hope to give next week the names of those who have promised to pay.

[From Gujarati]

*Indian Opinion*, 5-9-1908

## 64. IMPERIAL GOVERNMENT'S VIEWS

Among the speeches in the Imperial Parliament reported in our English section, the one by Colonel Seely, Deputy Secretary of State for the Colonies, is particularly worth reading. He says that negotiations are in progress with the Transvaal Government. The speech also indicates that those who have a right to be in the Colonies should be accorded equal rights with the whites, and must be accepted as full-fledged citizens. We can argue from this that, in the interests of those already in the Colony, educated Indians must be allowed to enter. We can also see from Colonel Seely's speech that, if we exert ourselves enough, the Imperial Government may help us. The key [to the situation] is with us. Satyagraha is all that is required of us.

[From Gujarati]

*Indian Opinion*, 5-9-1908

## 65. RITCH'S CONDITION

We continue to receive letters from Mr. Ritch<sup>1</sup> which make us very sad. There is much else the community does, but nothing to show its appreciation [of Ritch's work]. Few whites or Indians can do what Mr. Ritch has been doing. He does not care for the salary, It is a

<sup>1</sup> L. W. Ritch, Secretary, South Africa British Indian Committee, London, founded in 1906 "to secure fair and just treatment to British Indian settlers in South Africa"; *vide* "Letter to Lord Reay", 24-11-1906. Also *vide* "South Africa British Indian Committee", 12-10-1907, "Ritch's Services", 7-12-1907 and "Ritch's Great Achievements", 8-2-1908 & "Ritch's work : An Appreciation", 29-2-1908.

shame to keep such a person always in want.

There was a proposal earlier to send £300 to Mr. Ritch, of which only £100 have so far been sent. Now, even the money for his household expenses is not being remitted, let alone the balance of £200. What is more, it is becoming difficult for him even to meet the office expenses. In postponing things, as we are inclined to do, we are not being thoughtful about the difficulties of others. It is impossible for the Committee to continue its work under these conditions. It is therefore the duty of every Indian to do the most he can. Those who imagine that a great struggle like ours can be carried on without money are mistaken. We hope the community will make the necessary provision for Mr. Ritch. Else the Committee will collapse before long and we shall have reason to regret our helplessness afterwards.

[From Gujarati]

*Indian Opinion*, 5-9-1908

#### 66. THE G. O. M. 'S BIRTHDAY<sup>1</sup>

It is again our privilege to join with our brethren throughout India and the Colonies on the occasion of the birthday of Mr. Dadabhai Naoroji, the greatest living Indian. Yesterday<sup>2</sup> he entered upon his eighty-fourth year. His life has been a strenuous one, devoted to his people and his beloved country. Now the aged patriot is living in quiet retire-ment in India, enjoying the rest which he has so nobly earned. Indians in South Africa, and especially those in Transvaal, may take courage for the fight by remembering that Mr. Dadabhai has spent practically the whole of his life fighting for the rights and freedom of his fellow-countrymen. Therefore, the greatest honour we in South Africa can do him is to follow his example, never flinching from the struggle until we have gained for ourselves, and for the generations to follow, that complete freedom which is the right of every subject of the King-Emperor.

*Indian Opinion*, 5-9-1908

<sup>1</sup> *Vide* also the succeeding item.

<sup>2</sup> September 4

## 67. DADABHAI'S BIRTHDAY

Yesterday was the birthday of the Grand Old Man of India, Dadabhai Naoroji. He has entered on his eighty-fourth year. In India, his birthday is an occasion of public celebrations all over the country. Enthusiastic meetings are held by the public bodies in the country and messages are sent wishing him a long life. The messages sent to him by associations in South Africa have been given elsewhere in this issue. They have done their duty in sending these. We wish him a long life and pray to our Maker to grant us, and others associated with this journal, hearts as pure as his. We urge our readers to emulate the spirit of patriotism of this Dada<sup>1</sup> —he is indeed a veritable grandfather— which is the right way of cherishing his name. The Transvaal Indians must see to it that they honour their pledge as the immortal Dadabhai has honoured his for our sake. Our present campaign in South Africa is such that it would not be enough even if hundreds of heroes like Dadabhai were to come forward to join it. And so long as they do not come forward, we can make no progress in our political life or in any other field of activity.

As announced last year,<sup>2</sup> we give in this issue a photograph of the Grand Old Man.

[From Gujarati]

*Indian Opinion*, 5-9-1908

## 68. JOHANNESBURG LETTER

*Monday [September 7, 1908]*

### DUNCAN'S SPEECH

Mr. Duncan, former Colonial Secretary<sup>3</sup> expressed the view in the course of a speech that in the long run there was no option but to allow the Coloured races a share in the Government. If this was not done, both the whites and the Coloured races would suffer. That such views are expressed by whites who have held high posts points to the

<sup>1</sup> "Dada" in Gujarati means a grandfather.

<sup>2</sup> *Vide* "Need for Great Caution", 31-8-1907.

<sup>3</sup> Patrick Duncan held this office from 1903 to 1906. For the text of his speech, *vide* Appendix III.



coming of far-reaching changes in South Africa in a few years.

#### STALLARD'S VIEWS

Mr. Stallard is reputed to be a very able lawyer. Though he has no particular regard for us, he said that every time General Smuts had entered into a controversy with the Indian community, he had lost. And that is, in fact, what has happened. He is bound to lose again in this last phase of the struggle if we exert ourselves to our utmost.

#### BHANA RAMJI

Mr. Bhana Ramji was arrested on Saturday for not complying with the notice to leave the Colony. No one had any news about his case. He therefore conducted his own defence. He simply refused to leave the Colony and accepted the sentence of a month's hard labour which the Magistrate awarded him. He is now installed in gaol. It is our good fortune that Indians have learnt to go to gaol with such ease.

#### GOSHALIA'S TELEGRAM

Mr. Goshalia, who is imprisoned in Volksrust along with other Indians, has sent a telegram to say that Indian prisoners there have been going without breakfast, since they find mealie pap disagreeable. That Mr. Goshalia, as also others, should nonetheless not think of leaving the gaol but stay on where they are is some indication of their patriotism. The question of diet is still the subject of correspondence with the Government. Those who cannot bear these privations should call to mind Mr. Tilak's case.<sup>1</sup> How will he spend six years on a plain fare? He is old. Had he been a European, he would now be occupying a position of authority. I say this without any ill-will towards the whites. Rather than perpetrate evil as they have done in order to hold political power, it is far better that the Indians should make do with a crust of bread. Anyway, the point is, what we are going through is nothing when compared to the great Mr. Tilak's sufferings.

*Tuesday [September 8, 1908]*

#### NATAL BUSINESSMEN'S ACTIVITIES

Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. Anglia have not been idle since their return from Volksrust. They started collecting contributions in Johannesburg, and raised more than £ 200. They went round to all the places and were everywhere given contributions by every-one. They were accompanied by Imam Saheb Abdool Kadir Bawazeer, Mr. Cachalia, Mr. Vyas, Mr. Cama and

<sup>1</sup> The reference is to Bal Gangadhar Tilak, *vide* "Sentence on the Great Tilak", 1-8-1908.

others. On Friday after *namaz*, they went to Krugersdorp, and Mr. Cama was with them. Within three hours, they obtained promises of contributions to the value of £ 64 and collected another £ 60 in cash. They returned from Krugersdorp at night.

On Saturday, they left for Heidelberg by the morning train. There Mr. Bhayat gave a bold lead by [contributing] £ 16, with the result that a sum of £ 45 was soon raised. They left Heidelberg the same night by train for Standerton. The party included Mr. Cachalia and Mr. Bhayat, Mr. Cama also joined them on the same train. Though the train arrived at Standerton at two in the morning, a large number of citizens were present to receive them. My referring to Indians as citizens should not cause surprise. Indians are no longer slaves, but citizens. We have a right to be treated as partners [in the governance of the Colony], and have been fighting for that right.<sup>1</sup> A sum of about £ 53 was raised in Standerton.

Having done all this, these men had a right to rest before the trial began. However, they decided to take the plunge in Pretoria. They left for Pretoria on Sunday by the night train. Having arrived there they lost no time and started collecting contributions on Monday morning. They were looked after by Mr. A. M. Suleman. After breakfast, they went to the city from the Location, and started the collections among the Memons first. Mr. Hajee Cassim gave £ 5. Mr. Gandhi went to Pretoria at 2 p.m. and the work of collection continued till evening. Mr. Hajee Cassim and others also joined the party.

At four, there was a meeting in the Location with Mr. Bagas in the chair. His welcome address was followed by a suitable reply from the businessmen. There was no time [left] for collections in the Location. But local Indians have promised to take up the work. More than £ 26 were collected in Pretoria.

Considering Pretoria's resources, this is too small a sum. But the fact that Memon gentlemen contributed funds and extended their co-operation shows that to that extent they, too, are with the community in its opposition to the law. Their help is bound to produce some

<sup>1</sup> Indians were not citizens since they had no right of franchise. Their representation, such as it was, in the Transvaal legislature was in the nature of "trusteeship". Gandhiji had earlier been at pains to emphasize that the Transvaal Indians did not want political rights; *vide* "Deputation to Morley", 22-11-1906. He did, however, demand what he called civil rights by which he meant the right to property, locomotion and trade; *vide* "Letter to the Press", 30-11-1906.

effect on the Government as well. It will realize that a mass of water cannot be cloven asunder by the stroke of a stick, and that Indians are like a mass of water—they are of the same blood.

The businessmen took the evening train for Durban from the Location. Imam Saheb, Mr. Coovadia, Mr. Fancy, Jivanji, Mr. Omarji Sale, Mr. Vyas and others were present to receive them at Germiston, and to see them off as well. There is a halt of nearly 45 minutes at Germiston. Advantage was taken of this to entertain them at a party arranged in the restaurant. The restaurant-keeper was a good man, and made no trouble. The blinds in the room were lowered so that others outside might not notice the proceedings. The Volksrust train started amid shouts of “hurrah”, and the businessmen left to embrace imprisonment. Is it conceivable that a community, the leaders of which evince such courage, patriotism and enthusiasm, can ever be defeated?

#### STORY OF KRUGERSDORP

Among the Krugersdorp Indians there appears to be a trivial rift, which the authorities intend to exploit. Local newspapers have reported that Indian traders in Krugersdorp used violence to compel the hawkers to surrender their certificates. The victims have lodged complaints and the offending traders will now be prosecuted.

This incident is said to have occurred when the Natal businessmen visited Krugersdorp before their deportation. The businessmen, when asked about it, said that no Indian had been harassed or treated violently. An altercation was all that took place and that—on one occasion. If that is so, why do Indians show themselves to be so shortsighted as to become a tool in the hands of the Government to be used against them-selves? Since the case is without any basis, the Government will lose.

But such rumours may serve to prolong the sufferings of the Indians somewhat. Let every Indian imprint it on his mind that this campaign does not depend on the use of force. There should be neither violence nor threats of violence. Force may be used neither against the Government nor against one's own fellows.

This campaign is based on spiritual force. Hence it has a divine sanction. We know that intellectual force is superior to physical force, and spiritual force superior to intellectual force. That is the highest force. We accept this view but do not act upon it. Only to the extent that we are unaware of the soul can there be misery and suffering for us.

## STANDERTON LICENCES

The Licensing Officer asked the Indian traders at Standerton why they had refused to give their thumb-impressions. In reply, the Committee has said that

(i) since thumb-impressions are demanded under the obnoxious Act, the Indians will not give them;

(ii) the Act is obnoxious because it offends religious susceptibilities and is a symbol of the Indian's inferior status;

(iii) even if thumb-impressions were demanded—for licensing purposes—outside the Act, they would be refused by those who could sign their names. For, giving one's thumb-impression when one can easily sign one's name will amount to a stigma on oneself for the colour of one's skin. There is a difference between a thumb impression given in lieu of a signature and that given when the person can sign his name.

At 3 p.m.

We have just received a telegram to say that the three businessmen and Mr. Randeria have been awarded three months' hard labour each. The remaining eleven received a sentence of six weeks' imprisonment each with hard labour. I am glad over this report, yet it brings tears to my eyes. I am glad because the greater the suffering inflicted on Indians, the happier they will be in the end and the sooner will come the day of deliverance. I shed tears because they are elderly Indians who are thus made to suffer.

## MORE PRISONERS

Suleman Hassan, a Krugersdorp hawker, has been sentenced to a fine of 5s or a day's imprisonment for hawking without a licence. He has elected to go to gaol.

Mr. Ali Essopji has been arrested for being found in the Colony without a permit. His case will be heard on the 11th.

In Christiana, Mr. Ibrahim Linda<sup>1</sup> has been sentenced to a fine of £ 15 or six weeks' imprisonment for carrying on trade [without a licence], and Mr. Cassim to a fine of £ 3 or six weeks' imprisonment for hawking [without a licence]. Both these brave men have chosen gaol. They have both been sentenced to simple imprisonment.

## MEETING OF BRITISH INDIAN ASSOCIATION COMMITTEE

A special meeting of the Committee was held on Monday. Mr.

<sup>1</sup> The original has "Limbado".

Essop Mia being absent, Mr. Coovadia took the chair. Mr. Fancy, Imam Saheb, Mr. Chettiar, Mr. Naidoo, Mr. Godfrey, Mr. Vyas, Mr. Omarji Sale, Mr. Adam Moosaji, Mr. Kunake and others were present. It was resolved to go round soliciting contributions from people and many names were put down on the list. A resolution was passed that £ 100 should be remitted to Mr. Ritch. Since Mr. Gandhi has suspended his practice for the time being, he asked for provision to be made for the payment of rent for the Association's office, for permission to defray Mr. Polak's expenses and to spend £ 10 per month, for the duration of the crisis, to meet the deficit on *Indian Opinion* resulting from the heavy increase in the quantity of printed matter. No decision was reached on Monday on this item and its consideration was postponed.

On receipt of information about the imprisonment of the Natal businessmen, another meeting of the Committee was held on Tuesday which was attended by Mr. Essop Mia. Most of those who had attended the previous meeting were present. It was resolved to hold a mass meeting on the following Thursday and to close shops and suspend business on that day out of regard for the Natal leaders. It was also decided to send cables to England, India, Zanzibar, Aden, etc.

Mr. Essop Mia has announced his intention to resign [from the chairmanship of the British Indian Association] as he wishes to go on a pilgrimage to Mecca. He will take the chair at the mass meeting for the last time—for the present at any rate.

The meeting has resolved to entrust the chairmanship to Mr. Adam Mahomed Cachalia in succession to Mr. Essop Mia.

There is no time now to speak at length about this. Mr. Essop Mia's services to the community have been massive. We owe so much to his courage. The community cannot honour him enough. It is hoped that the community will do its duty [by him] before he boards the ship and leaves on his pilgrimage on the 6th.

The position that has been offered to Cachalia is a very important one. He has of course done his utmost for the community. He is popular. Also, he has been to gaol. He is thus very well qualified. He was at first extremely reluctant to accept the chairmanship, but accepted the office under great pressure. Mr. Ibrahim Coovadia's name was also suggested, but he expressed his preference for Mr. Cachalia, who, he thought, could serve better.

Mr. Cachalia's responsibilities are great. It is not an easy thing to take on the captaincy of a ship in mid-ocean. But Mr. Cachalia is

sure to do full justice to the office he has accepted if he always acts with faith in God.

I hope to write at greater length next week of Mr. Essop Mia and Mr. Cachalia.

#### VOLUNTEERS

Since Mr. Gandhi has practically suspended his legal practice and Mr. Mahomed Khan has joined business, Mr. James Dorasamy has started attending the Association office to do honorary work. I hope others, too, following Mr. Dorasamy's example, will come forward to offer their services and thus help the Association's work. If the community is determined to secure the early release of the Natal heroes, there will be work for as many volunteers as may be forthcoming.

#### NYLSTROOM

Mr. Moti Ragha Patel of Nylstroom has been sentenced to four days' hard labour for hawking without a licence. A summons is about to be served on Mr. Nagadi.

#### ARRESTS IN KRUGERSDORP

In Krugersdorp warrants have been issued against Mr. Ismail Kazi, Mr. Pandor, Mr. Vaja, Mr. Vania, Mr. Khurshedji Desai, Mr. Dadlani, Mr. Mahomed Mamuji Dadoo and Mr. Parsee Rustomjee on the aforementioned charges.<sup>1</sup> All of them, except Mr. Rustomjee, have been released on bail. Since Mr. Rustomjee is already installed in the gaol-palace, it remains to be seen what happens to him.

*Wednesday [September 9, 1908]*

#### SORABJI

He [Mr. Sorabji] entered the Transvaal yesterday (Tuesday) evening. His case will come up on the 15th. Mr. Sorabji has already left for Johannesburg in the company of Mr. Cama.

#### ABDOOL GANI

A telegram has been received saying that Mr. Abdool Gani gave his thumb-impression on his return to Volksrust. If true, that is extremely regrettable.

[From Gujarati]

*Indian Opinion*, 12-9-1908

<sup>1</sup> These have not been mentioned before. *vide* "Johannesburg Letter", 7-9-1908.

## 69. PETITION TO SECRETARY OF STATE FOR COLONIES<sup>1</sup>

JOHANNESBURG,  
*September 9, 1908*

TO

THE RT. HON<sup>BLE</sup> THE SECRETARY OF STATE FOR THE COLONIES  
LONDON

### THE PETITION OF THE BRITISH INDIAN ASSOCIATION OF THE TRANSVAAL

HUMBLY SHEWETH THAT

#### PRELIMINARY

1. The British Indian Association approach His Majesty's Government in connection with the British Indian struggle that has now gone on for the past two years in the Transvaal, more particularly in connection with the Asiatic Registration Amendment Act, gazetted in the Transvaal *Gazette*, dated the 2nd instant.

2. The Association represent the British Indian community residing in the Transvaal.

3 As His Majesty's Government are well aware, the Asiatic Law Amendment Act passed last year by the Transvaal legislature has caused much misery to the British Indians in the Transvaal, and has involved loss of money and the incarceration of over 350 Indians, who have suffered imprisonment for conscience' sake.

#### HASTY LEGISLATION

4. The Act that has now been gazetted was, in the form of a Bill, read a first time on the 20th August, and it passed all the stages through both the Legislative Assembly and the Legislative Council on the 21st August. The bill was never published in the *Gazette* and it was only after it was gazetted as an Act that it was available to the community represented by the petitioning Association. By the courtesy of a member of the Legislative Assembly, a few Indians were able to see the Bill after it had passed through all the stages and the other members of the community had, up to the 2nd instant, to remain satisfied with a summary published in the Transvaal Press.

<sup>1</sup> This was published in *Indian Opinion*, 19-9-1908, under the title "Transvaal Indians' Petition: To The Imperial Government: The Full Text".

## THE ACT GENERALLY ACCEPTABLE

5. The petitioning Association are free to admit that the Act under discussion is a very great advance upon the Asiatic Law Amendment Act No. 2 of 1907, though it is defective, in that it requires proof of pre-war residence for 3 years from those Asiatics who are in the Transvaal but who have not yet received registration certificates. Most of these men have entered the country in *bona fide* manner, and have acquired vested rights. There are instances of Asiatics having already received registration certificates, although their residence in the Transvaal before the war did not go beyond even one year. It is respectfully contended that the Asiatics who have not yet received registration certificates but who are in the Transvaal should not be treated according to the arbitrary and inflexible limit of three years' pre-war residence, which is applicable to Asiatics who are still outside the Transvaal.

6. The clause as to the granting of licences will depend for smooth working only on a liberal administration as to thumb-print requirements.

## FINGER-PRINTS

7. In moving the second reading of the Bill, the Colonial Secretary was pleased to say that finger-impressions or thumb-impressions were not a matter of objection. In the humble opinion of the petitioning Association, in making this statement, the Hon'ble Minister was less than fair to the Indian community; for he knew well that a very violent agitation was raised against finger-prints by many Asiatics, after the compromise of last January. Whilst it is true that finger-prints were never treated as a fundamental objection by the leading members of the Indian community, they undoubtedly formed, as they even now do, an insuperable objection to many Asiatics, especially the Pathans, of whom there are probably over 150 residing in the Colony. Finger-impressions or thumb-impressions were given voluntarily under the compromise, only in order to enable the Government to have a scientific classification, and to show the *bona fides* of the community, as also its willingness to help the Government. This voluntary act has cost the community very dear. Both the Chairman and the Secretary had to suffer grievous bodily harm at the hands of their fellow-countrymen,<sup>1</sup> by reason of the above help given to the Government. After considerable experience, the petitioning Association assure His Majesty's Government that the compulsory

<sup>1</sup> Gandhiji was assaulted on February 10, 1908; *vide* "Letter to Friends", 10-2-1908 & "My Reward", 22-2-1908.



taking of finger-impressions on any large scale from Asiatics only is bound to give rise to such trouble. Nor are they to any extent necessary, the majority of British Indians having once given them to the authorities. In any case, a very great amount of latitude will be necessary for the smooth working of that part of the administrative machinery.

#### ON REPEAL OF ACT 2 OF 1907

8. However acceptable the measure may be in comparison with the Asiatic Act of 1907, as has already been submitted to the local Government, the community represented by the petitioning Association is unable to accept the benefits of the measure until Act 2 to 1907 is removed from the Statute-book, and the status of educated Asiatics properly and equitably defined. In the humble opinion of the petitioning Association, repeal of the Act is necessary, if only for the honour of the Government.

#### PROMISE OF REPEAL

9. It is respectfully contended that the Hon'ble the Colonial Secretary had definitely promised repeal on condition that the Asiatic part of the compromise was carried out by the Asiatic communities. It is admitted that the Asiatics have more than fulfilled their obligation under the compromise.

10. But it has been argued that Justice Solomon, in the course of his judgement<sup>1</sup> on the application for the return of a voluntary registration application, stated that promise of repeal was not proved, and that, therefore, it was not given. The petitioning Association venture to draw the attention of His Majesty's Government to the fact that the question of repeal was not before the Court and the decision did not turn upon that question at all. It was definitely stated before the Court that all the evidence in the possession of the applicant with reference to the repeal was not brought before the Court. Sufficient was stated on that subject in the affidavits<sup>2</sup> supporting the application, in order to provide a moral basis, the applicant intending to show that his desire to withdraw his application for voluntary registration was not based on caprice but on what he believed to be a breach of faith by the local Government.

11. That repeal of the Act was the goal of the signatories to the letter<sup>3</sup> addressed to the Colonial Secretary, and dated the 29th January, can be inferred from the letter itself, [a] portion of which reads as

<sup>1</sup> *Vide* 4th footnote of "Johannesburg Letter", 7-7-1908.

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

follows:

Under these circumstances, we would once more respectfully suggest to the Government that all Asiatics over the age of 16 should be allowed within a certain limited period, say three months, to register themselves, and that to all who so register *the Act be not applied*.

The original draft placed before the signatories had the expression “the penalties of” before the words “the Act”. This was struck out, the idea being that, if the Act did not apply to all who voluntarily registered, and if all Asiatics voluntarily registered, there would be no occasion to retain the Act on the Statute-book, the necessary provision for separating authorized Asiatic residents from unauthorized residents being taken over in any legalizing Bill that might be passed.

12. This, however, was not all. The second signatory hereto, who was also one of the signatories to the letter in question, was summoned to Pretoria, and had an interview with the Hon’ble the Colonial Secretary and at the interview he was given to understand that, if the Asiatics honourably fulfilled their obligation, the Act would be repealed.<sup>1</sup> This was on the 30th January. On discussion with the Registrar of Asiatics which took place after the interview with the Colonial Secretary, the second signatory’s suspicion was aroused as to the Asiatic Act being repealed. He, therefore, addressed to the Colonial Secretary, on the 1st February last, a letter showing his suspicion.<sup>2</sup>

On the 3rd February, upon receipt of a telegraphic message asking him to wait on the Colonial Secretary, he did so, and, in the presence of the Registrar of Asiatics, as he has already stated in his affidavit before the Supreme Court, the Colonial Secretary made the promise of repeal; and, within the knowledge of the first signatory to this petition, this promise was brought to the notice of vast audiences of British Indians, at several meetings just after the interviews hereinbefore referred to.

13. On the 5th day of February last, the Colonial Secretary spoke as follows at a meeting at Richmond: “He had told them that the law could not be repealed so long as there was an Asiatic in the country who had not registered.” And again, “Until every Indian in

<sup>1</sup> *Vide* “Interview to “The Transvaal Leader”, 30-1-1908 & “Speech at meeting of British Indian Association”, 31-1-1908.

<sup>2</sup> *ibid*.

the country had registered, the law would not be repealed.” The above extract has been taken from *The Star* of the 6th February last. The same remark was also reported in *The Transvaal Leader* of the same date.

14. On his way to the Registration Office, on the 10th day of February last, the second signatory hereto was very severely assaulted, because he was going to give his digit-impressions. For the time being, registration came practically to a standstill. The Asiatics were frightened; they were suspicious as to the intentions of the Government, and their suspicions were strengthened by reason of receipts for the few applications that were made having been given on old forms, which had reference to the Asiatic Law Amendment Act, No. 2 of 1907. In order to allay such suspicions, the Registrar declared to several prominent Asiatics, as also to the Assistant Hon. Secretary<sup>1</sup> of the British Indian Association, who is also an Attorney of the Supreme Court of the Transvaal, that, voluntary registration being completed, the Act would be repealed. In order further to popularize voluntary registration, the Registrar of Asiatics was willing to publish a notice in the *Gazette* that, Asiatics undergoing voluntary registration, the Act would be repealed. This notice was brought before the second signatory hereto by the Registrar, whilst he was still in bed, and, after some amendments, it was agreed between the Registrar and him that the notice should be published in the *Gazette*. In the meanwhile, the verbal assurances given by the Registrar had their desired effect, and registration was going on smoothly. The Registrar, therefore, on again visiting the second signatory hereto inquired whether it was still necessary to publish the notice, and the second signatory, on learning that registration was going on smoothly, replied in the negative.

15. On the 22nd day of February, the second signatory hereto submitted, for the Colonial Secretary's approval, and with his permission, a draft Bill<sup>2</sup>, amending the Immigrants' Restriction Act and repealing the Asiatic Act. This letter was duly acknowledged, but there was no repudiation of the reference to repeal of that Act.

16. Lastly, whilst the Colonial Secretary has stated, in his affidavit<sup>3</sup> before the Supreme Court, that he never promised repeal of the Act, and whilst the Registrar of Asiatics had supported that affidavit, the Colonial Secretary does not, as will appear from his speech on the second reading of the Bill, seriously repudiate the

<sup>1</sup> H. S. L. Polak

<sup>2</sup> *Vide* "Letter to General Smuts", (Enclosure), 22-2-1908

<sup>3</sup> *ibid*

promise, and, at any rate, admits having freely discussed with the second signatory hereto the question of repeal.

17. Several statements made by British Indians, to whom the assurance as to repeal was given by the Registrar of Asiatics, are attached hereto.<sup>1</sup>

18. Moreover, the petitioning Association draw the attention of His Majesty's Government to the fact that a repealing Bill was actually drawn [up] and ordered to be printed for private circulation by the Colonial Secretary, and was shown to the second signatory, and was only withdrawn, because the second signatory hereto requested that certain amendments should be made therein, all of which, with some modifications, have now been embodied in the Act under discussion, with the exception of that affecting the status of educated Asiatics.

#### RETENTION OF ACT UNNECESSARY

19. Apart, however, from the promise made by the Colonial Secretary, the retention of two parallel enactments dealing with the same matter cannot but lead to harassing and unfortunate results. It has been stated that the intention of the Government is to treat Act 2 of 1907 as a dead letter. But it is impossible for the community represented by the petitioning Association to remain in a state of uncertainty after a prolonged and bitter struggle. The powers given by the two measures may, in the hands of ignorant, incapable, or prejudiced officials, be used against British Indians with deadly results.

20. The petitioning Association may be permitted to remark that the later measure in no way neutralizes the effect of Act 2 of 1907. Either may, at the option of the Government, be used against the Asiatic communities. Similarly, it is open to Asiatics to take advantage, if there be any, of either enactment.

21. For instance, whilst, under the new measure, Turkish Mahomedans are free from the irksome process of registration, a Turkish Mahomedan entering the Transvaal may be dealt with under Act 2 of 1907. One of the main objections, therefore, of the British Indian community still remains without redress. The remarks made by the colonial Secretary that

they (the Asiatics) put the difficulties in this way—that, under Act 2 of 1907, the definition given of *Asiatic* in the old Volksraad Act No. 3, 1885, was maintained, and in that definition Turkish Mahomedans, subjects of the Turkish Empire, were excluded from this country. It was urged that that was not

<sup>1</sup> *Vide* "Report of Natal Immigration Department", 22-2-1908

a provision intended to keep Turks out of the country, but was simply casting a slur and a stigma on the Mahomedan religion, which no white person or the Government has the slightest intention of doing. The number of Turks here has always been small, and I am told that there are none now, and in any case there is no danger of any influx from Turkey to this country. The only kind of Turkish subjects who do come here are Christians, and they are Syrians and other Levantines, against whom certain hon. members have strong objection. But they are Christians, and Mahomedan subjects of the Turkish Empire have never threatened, and are never likely to threaten, to invade this country. That objection, which was based on sentimental grounds, and which there was no difficulty on material grounds in meeting, we have met, and hon. members will see that the Bill now before the House strikes out that restriction which was placed against the immigration of a man simply because he was a Mahomedan subject of the Turkish Empire.

are wide of the mark.

22. Again, whilst the Act under discussion frees minors from personal registration, Act 2 of 1907 can conceivably be used against such minors, and can give rise to endless trouble.

23. The offensive liquor clause finds no place in the new measure, but it is open to an Asiatic to apply for a permit of exemption under the old Act. It will, perhaps, be said that this is manifestly an advantage. But, in the humble opinion of the petitioning Association, the implied insult still disfigures the Statute-book of the Colony.<sup>1</sup>

24. It would be open to the Government to deal with an un-registered Asiatic under either Act, and thus subject such an Asiatic to pinpricks at every turn.

25. The retention of the old Act opens the way for frauds by un-scrupulous Asiatics. Whilst the new Act provides for application for registration being made from a place in South Africa outside the Colony, there is nothing to prevent an Asiatic from entering the Colony and claiming to remain in it for seven days, under the Act, and, during that time, merging into the community beyond recognition.

26. Illustrations like the foregoing can be multiplied. But the above, it is trusted, will sufficiently show how precarious the position of British Indians will be rendered, if the old enactment be allowed to remain on the Statute-book of the Colony.

27. Even whilst the new Act is under consideration by His Majesty's Government, the local Government have commenced prosecutions against those who are covered and protected by it. Thus, a

<sup>1</sup> *Vide* "Deputation to Lord Elgin", 8-11-1906.

British Indian<sup>1</sup> possessing good educational qualifications and, therefore, easily recognizable, and moreover, possessing a Peace Preservation Ordinance permit and a certificate voluntarily taken out under Lord Milner's advice,<sup>2</sup> was arrested, after the passing of the new measure, and tried under the old Act, for being an unregistered Asiatic. The Magistrate, although he expressed surprise, had no option but to give him notice to quit the Colony within seven days. Thus, it is possible to denude the Colony of many lawfully resident Asiatics by prosecuting them under the old Act, although they are protected by the new Act.

28. Another Indian, well known to the authorities, a merchant of Piet Retief, holding residential certificates, has just been tried under the old Act, and sentenced to pay a fine or go to gaol for 14 days without hard labour, not because he is not entitled to reside in the Colony, but because he has refused to give his thumb-impression. During his trial, the principal witness for the Crown admitted that he knew the merchant to be a resident of the Transvaal, and the solicitor who had accompanied him when he obtained his permit also gave evidence to identify him. Mr. Ebrahim Osman (that is the merchant's name), rather than pay a fine which he deemed to be an extortion, has elected to suffer imprisonment, and is now serving his term at His Majesty's gaol at Volksrust.<sup>3</sup> Mr. Ebrahim Osman can read and write English and can give a well-formed signature in the Roman character[s].

29. Under the circumstances, the petitioning Association trust that His Majesty's Government will secure repeal of the old Act before sanctioning the new Act.

#### STATUS OF EDUCATED INDIANS

30. If the old Act were removed from the Statute-book, it would seem that there would be no hindrance to educated Asiatics being placed on the same footing as His Majesty's other subjects, so far as immigration is concerned.

31. The Immigrants' Restriction Act 15 of 1907 imposes a general education test, and, under it, any Asiatic who can pass the education test is not otherwise prohibited and may enter the Colony. He then becomes subject to registration under the Asiatic Act, and, if he fails to comply with it, he becomes an unregistered Asiatic, though

<sup>1</sup> This was Muljibhai G. Patel; *vide* "Trial of Muljibhai G. Patel—I", 4-8-1908.

<sup>2</sup> *Vide* "The British Indian Association and Lord Milner", 11-6-1903.

<sup>3</sup> *Vide* "Johannesburg Letter", 31-8-1908.

not yet a prohibited immigrant. Thus, Mr. Sorabji Shapurji entered the Colony under the Immigrants' Restriction Act. He was allowed to pass through unchallenged. After seven days' residence in the Colony, he was prosecuted for being unregistered under Act 2 of 1907.<sup>1</sup> Mr. Sorabji had applied for voluntary registration. That was refused. He was not prepared to submit to Act 2 of 1907. He held excellent testimonials from the Town Clerk of Charlestown and other prominent officials of that town. The Magistrate at Volksrust had recommended his application. He is educated up to the seventh standard of the Surat High School, and has often acted as Interpreter at the Court at Charlestown. On being tried under the Asiatic Act, he received notice to quit the Colony.<sup>1</sup> This notice he, as a British subject, declined to comply with. He was thereupon prosecuted, and sentenced to imprisonment with hard labour for one month, without the option of a fine.<sup>3</sup> Mr. Sorabji served his term, and, on the last day of his imprisonment, was secretly deported.

32. The petitioning Association venture respectfully to submit that such method of dealing with inoffensive British subjects in a British Colony is without precedent.

33. Mr. Sorabji's case shows that the Immigrants' Restriction Act does not create a colour bar. The above view seems to be borne out by the case of *Rex v. Lalloo* heard in the Supreme Court of the Transvaal on the 22nd July last.<sup>4</sup>

34. It is the Asiatic Act, which is ostensibly only intended to identify those who could not otherwise be easily identified, that stands in the way of educated Indians.

35. The petitioning Association respectfully claim that as in the other Colonies, educated Asiatics should have the right of free entry, subject only to general education test applicable to all. It would be unreasonable and highly insulting and degrading to expect such Asiatics to undergo processes of identification and carry certificates for which there can never be the slightest necessity.

36. The petitioning Association invite the attention of His Majesty's Government to the fact that foreigners, if they are Europeans, and the natives of South Africa, provided they pass the education test, can enter the Transvaal. Educated British Indians are, therefore, placed lower than either of the two classes above named.

37. It is right that the Malays, who are inhabitants of South

<sup>1</sup> *Vide* "Trial of Sorabji Shapurji—I", 8-7-1908.

<sup>2</sup> *ibid*

<sup>3</sup> *ibid*

<sup>4</sup> *Vide* "Letter to "Indian Opinion", 24-7-1908.

Africa, should be free to enter the Transvaal, but the petitioning Association fail to see why Indians born in South Africa should not be placed in the same category. There are many Indian youths to whom South Africa is their only home, and India a foreign land.

38. It has been stated that the keeping of the door open for the entry of educated Indians would flood the Colony with “half-educated Indian lads”, who would compete with the general body of the Europeans in the Colony. The petitioning Association have never raised any such contention. The severity of the education test will not be questioned. It is the class and colour distinction in the laws even with regard to educated Indians that is respectfully resented. Natal admits very few Indians per year under the education test.

39. What the petitioning Association desire is that educated Indians of high culture, professional men, men with University degrees, should be able to enter the Colony as of right. Such men are naturally required for the wants of the resident community.

40. Further, it has been suggested that relief for educated Indians is obtainable under Section 16 of the new Act, as it is under the old Act. But such is not the case. That section contemplates only a temporary permit and does not enable the holder to follow any independent calling. That section, the petitioning Association understand, is intended to provide for the temporary sojourn in the Colony of Asiatics, whether they are educated or not, and contemplated the giving of facility to merchants to import, under temporary permits, clerks and other employees for their wants.

41. The relief sought by the petitioning Association is different in kind. Educated Indians who can pass a test, no matter how severe, should come under the general immigration law, and should not be subjected to registration, etc.

42. If the educated Indians who are already in the Colony have sub-mitted to registration, they have done so only to set an example and assist the Government, and to free those few who may be allowed to enter the Colony from galling and needless restrictions on their personal freedom.

43. It may be remarked that the immigration of Asiatics was free before the war. After the conclusion of peace, it was generally controlled under the Peace Preservation Ordinance. The Asiatic Act of 1907 did not regulate immigration of Asiatics but it provided for the registration of Asiatics already domiciled in the Colony. It was still open to Asiatics to receive permits the same as Europeans under the Peace Preservation Ordinance, and, as a matter of fact, several did receive such permits. Then followed the Immigrants’ Restriction



Act which replaced the Peace Preservation Ordinance, and laid down a general education test for newcomers. Thus, but for the Asiatic Act, there never has been a legal interruption of the entry of educated Asiatics into the Colony. It is, therefore, not true, as has been locally stated, that British Indians are raising any new contention. The question was first raised by the Hon'ble the Colonial Secretary when, in his repealing Bill, herein before referred to, he wished so to amend the Immigrants' Restriction Act as to prohibit the immigration of all educated Asiatics.

#### PASSIVE RESISTANCE

44. The petitioning Association feel aggrieved that His Majesty's Government were pleased not to listen to the prayer of the Association and the Deputation that was sent to London in 1906<sup>2</sup> and that Act 2 of 1907 was sanctioned.

45. The petitioning Association draw the attention of His Majesty's Government to the fact that the Deputation placed before them the fourth Resolution of the Mass Meeting of British Indians held at the Empire Theatre in the September of 1906.<sup>3</sup> The resolution runs as follows:

In the event of the Legislative Council, the local Government, and the Imperial authorities rejecting the humble prayer of the British Indian community of the Transvaal in connection with the Draft Asiatic Law Amendment Ordinance, this Mass Meeting of British Indians here assembled solemnly and regretfully resolves that, rather than submit to the galling, tyrannous, and un-British requirements laid down in the above Draft Ordinance, every British Indian in the Transvaal shall submit himself to imprisonment and shall continue so to do until it shall please His Most Gracious Majesty the King-Emperor to grant relief.

46. The Resolution evidently carried very little weight with His Majesty's Government. But what has happened since has demonstrated the earnestness of the meeting.

47. The following passage occurs in a general petition<sup>4</sup> presented to the local Government in 1907:

Nothing short of total repeal of the Act can meet the difficult situation that has arisen. In our humble opinion, the Act is degrading to our self-respect, offensive to our religions, and in its incidence it is such as can be thought of only in connection with dangerous criminals. Moreover, the solemn

<sup>1</sup> For text of the Act, *vide* Vol. VII, Appendix III.

<sup>2</sup> *Vide* "Deputation to Lord Elgin", 8-11-1906.

<sup>3</sup> *Vide* "The Mass Meeting", 11-11-1906.

<sup>4</sup> *Vide* "Monster Petition", Before 21-9-1907.

declaration made by us renders it imperative for us, as honest citizens of the Empire and God-fearing men, not to submit to the provisions of the Act, irrespective of any consequences which we may have to suffer, and which we understand to be imprisonment, banishment, and/or loss or confiscation of our property.

48. In order to secure the object, over 350 Indians have suffered imprisonment. Several have allowed their goods to be sold. Some have accepted dismissal from Government or private employ, rather than stifle the voice of conscience. And almost all have suffered much pecuniary loss, some having been actually reduced to poverty.

49. The petitioning Association have chosen this method of drawing attention to the grievous wrong suffered by them as being the method most consistent with their status as British subjects, and with their self-respect as men.

50. The movement has been described as passive resistance for want of a better term. But it amounts to respectful protest against legislation which British Indians resent, and in framing which they had no voice.

51. It is respectfully submitted that there can be no notion of resistance, as the word is ordinarily understood, in a body of men undergoing personal suffering.

52. The petitioning Association have learnt from experience that, within the British Empire, at any rate, subjects of the King-Emperor get real redress of grievances only when they show that they are ready and willing to suffer for the sake of obtaining relief.

53. British Indians have been taught from their childhood that, in the eye of the law, under the British Constitution, all subjects are equal. When, however, they dare to claim such equality in the Colony, they are jeered at or considered impudent.

54. British Indians have no franchise and, in the present state of public feeling, they desire none. The only remedy left to them, therefore, is to petition the rulers and, as a measure of their earnestness, be prepared to suffer for their opinions.

55. So far as the petitioning Association have been able to ascertain the Indian feeling, the determination of the great majority of them is humbly to continue to suffer and refuse to accept the benefits under the new Act, until elementary justice requested by the Indians has been granted.

## CONCLUSION

56. In conclusion, the petitioning Association respectfully submit and pray that, if His Majesty's Government cannot secure justice for British Indians residing in the Colony by securing repeal of Act 2 of 1907 and by having the status of educated Indians established, in consonance with the Principles of the British Constitution, the terms of the gracious Proclamation of 1858<sup>1</sup> may be withdrawn, and they may be told that, for them, the expression "British subject" is to bear a meaning different to what it possesses for Europeans. And for this act, etc., etc.

ESSOP ISMAIL MIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION  
M. K. GANDHI  
SECRETARY,  
BRITISH INDIAN ASSOCIATION

Colonial Office Records: 291/128

### *70. CABLE TO S. A. B. I. COMMITTEE<sup>2</sup>*

JOHANNESBURG,  
*September 9, 1908*

FIFTEEN DEPORTED BRITISH INDIANS ON RE-ENTERING WERE HEAVILY SENTENCED. DAWAD, RUSTOMJEE, ANGLIA, RANDERIA, THREE MONTHS HARD LABOUR, ALTERNATIVELY £50. OTHERS SIX WEEKS HARD LABOUR OR £25. ALL CLAIM RIGHT TO ENTER TRANSVAAL AS EITHER PRE-WAR RESIDENTS OR EDUCATIONAL QUALIFICATIONS. PRISONERS INCLUDE THREE SERGEANTS RECENT ZULU CAMPAIGN, SEVEN MAHOMEDANS, TWO PARSEES, SIX HINDUS. PROFOUND SENSATION. SINCE RENEWAL OF STRUGGLE 175 IMPRISONED ALL CLASSES FROM ALL PARTS. SUCH EXTREME SUFFERING ALL ON ACCOUNT OF RETAINING ON THE STATUTE-BOOK A LAW WHICH THE GOVERNMENT DECLARED DEAD LETTER AND PROHIBITION AGAINST RE-ENTRY OF FEW HIGHLY EDUCATED INDIANS TOTALLY NEEDLESS AND UN-BRITISH. HOPE THAT LORD AMPHILL AND OTHERS WILL DO UTMOST TO SECURE RELIEF. INDIANS SHOULD NOT BE ALLOWED TO DESPAIR OF SIMPLE JUSTICE.

[M. K. GANDHI]

Colonial Office Records: 291/132

<sup>1</sup> The original has "1857".

<sup>2</sup> Copies of this cable and another of the same date from the Gujarat Indian Association, Kimberley, were forwarded by L. W. Ritch to the Secretary of State for the Colonies on September 10.

## 71. INTERVIEW TO "THE STAR"

[JOHANNESBURG,]  
September 9, 1908

The sentence of three months' hard labour passed by the Volksrust Magistrate yesterday on the Indians who were deported and who re-entered the Colony has, according to the Indian method of reasoning, considerably helped their cause, and it is apparent that they hope that such incidents in the campaign will force the Imperial Government to intervene on their behalf. There was quite a feeling of optimism pervading Mr. Gandhi's office today when a reporter of *The Star* called on him. The leader of the passive resistance movement said:

While it is true that we Indians have got what we asked for, it does not reflect any credit on the Government, which makes it almost imperative on the courts to impose such heavy sentences on men who, after all, are political opponents. I consider this to be a wicked abuse of power placed in the hands of the Government over an unrepresented class. I think that these sentences mean the end of the deportation farce, but if the farce is to be continued, and if I know the temper of my countrymen correctly, they will certainly continue to re-enter and demand their rights as British subjects. When I talk of equality of treatment in the eye of the law the idea is jeered at, but I am in good company, as Col. Seely himself has advanced the same plea.<sup>1</sup> To my mind, it is the only thing that binds the Empire together. Immediately the idea of legal inequality is introduced, you sap the foundation of the Empire. By this idea I do not mean that the Colonies should not have the right to restrict immigration. The late Sir Henry Parke's remarks cannot be questioned, but once you admit people into the Colony, they must enjoy equality of treatment before the law. Otherwise, as Mr. Duncan has only recently stated, you create a state of slavery, the result being that the slave-owners, that is the governing class, must in the end be much worse off than the slaves.<sup>2</sup>

<sup>1</sup> Col. John Edward Bernard Seely, Under Secretary of State for the Colonies, had spoken in the House of Commons on July 31 to the effect that: (i) if persons were admitted, they must be given civil rights; (ii) if anyone was admitted under the British flag, he must be a potential citizen and must, sooner or later, be given equal rights with all other men; (iii) those we have with us we must treat well, generously and fairly. *India*, 7-8-1908. *Vide* "Imperial Government's views", 5-9-1908.

<sup>2</sup> Patrick Duncan, speaking at the Rosebank Branch of the League of Women, said: "It was a very difficult matter in a country where there was supposed to be political freedom to have the largest section of the population entirely deprived of political rights—it was practically a condition of slavery . . . . It was bad for the superior race just as much as for the inferior."

History does not show an instance of people having become a free nation and yet remaining slave-owners. If we are not to be treated as slaves, then we want men whose presence would conduce to our free growth. These men are undoubtedly those who have culture and education, and it is for an infinitesimal number of this class that we are pleading for free ingress.

Asked if the principle were conceded, would the Indians be prepared to submit to a severe education test, Mr. Gandhi said:

If the test in the present Immigrants' Restriction Law does not admit of a proper stiff test being laid down, which I deny, it can be amended, even as it has been in Australia. Under the Immigrants' Restriction Act there will then be legal equality, but in administering that Act it will be open to the officials to alter the severity of the test as circumstances may require. For instance, in Natal today Europeans are almost passed unchallenged, while Indians are subjected to a rigorous test. That administrative difference must continue so long as the prejudice continues.

On it being pointed out that Mr. Gandhi's statement did not advance the situation, he replied that he took his stand on Lord Milner's Kimberley speech<sup>1</sup>, Let there be no more pinpricks for the Uitlander, and, added Mr. Gandhi:

We are now the Uitlanders, strangers in our own home.

*The Star*, 9-9-1908

## 72. SPEECH AT MASS MEETING<sup>2</sup>

[JOHANNESBURG,  
*September 10, 1908*]

Mr. Gandhi in the course of a brief address referred to a telegram from the Volksrust Indians in support of the meeting. The information in this telegram was that their leaders were breaking stones in the public streets and refusing to eat the raw meat supplied to them as prison food. He (Mr. Gandhi) considered that what seemed degrading work was really an honour. (Applause.) The reason for their suffering made him proud of his countrymen. It was a disgrace, however, that their Government should act thus—it reflected no credit on the local or the British or the Indian Government which found no power to protect the people that had left its borders. Further, a telegram from Boksburg announced that a pedlar had been sentenced to six

<sup>1</sup> *Vide* "The Natal Municipal Corporations Bill", 18-3-1905.

<sup>2</sup> The meeting attended by several hundred Indians was held under the auspices of the British Indian Association to express sympathy with the Indian satyagrahis. Essop Ismail Mia presided.

weeks' hard labour for trading without a licence. Six weeks would be the minimum sentence in future. Mr. Sorabjee had said that he was willing to suffer twelve months' hard labour, but it depended on the firm attitude to those who remained outside how long the time would be for those inside. (Applause.)

*Indian Opinion, 19-9-1908*

### 73. RESOLUTIONS AT MASS MEETING<sup>1</sup>

[JOHANNESBURG,

*September 10, 1908]*

[RESOLUTION III:]<sup>2</sup> This Meeting of British Indians places on record its deep sense of the valuable services rendered by Mr. Essop Mia, who has held the position of Chairmen of the British Indian Association at a time of the greatest crisis among British Indians residing in this Colony, and who has now resigned his position by reason of his projected pilgrimage to the Holy City of Mecca; and prays to the Almighty that the proposed pilgrimage may be successfully accomplished, and that he may return to work among and for his countrymen, as early as possible.

[RESOLUTION IV:]<sup>3</sup> This Meeting endorses the action of the Committee of the Association in appointing Mr. Ahmed Mahomed Cachalia to be President of the British Indian Association; and congratulates Mr. Cachalia on the unique honour conferred upon him and the confidence reposed in his ability to steer the community through the storm which is raging around it.

*Indian Opinion, 19-9-1908*

<sup>1</sup> Of the five resolutions moved at the Mass Meeting of September 10, resolutions 3 and 4 were seconded by Gandhiji, and were presumably drafted by him. For the first, second and fifth resolutions, *vide* Appendix V.

<sup>2</sup> This was proposed by M.P. Fancy, seconded by G.P. Vyas, and supported by Amod Moosajee, A. E. Aswat and Gandhiji.

<sup>3</sup> This was proposed by Ebrahim Coovadia, seconded by Imam Abdul Kadir Bawazeer, and supported by N.V. Shah and Gandhiji.

## 74. TRIAL OF RANDAREE<sup>1</sup>

[JOHANNESBURG,  
Before *September 12, 1908*]

In B Court today before Mr. H. H. Jordan, an Indian. named Randaree was charged with remaining in the Colony after the expiry of his temporary permit to stay, and after being warned to leave by the authorities.

He pleaded not guilty, and was defended by Mr. Gandhi.

Superintendent J.G. Vernon said that on August 15 he called upon the accused to produce his authority for remaining in the transvaal after being warned by the Registrar of Asiatics to quit. He replied that he had no authority, but had made a further application to remain. On instructions, witness arrested accused.

James Cody, in the office of the Registrar of Asiatics, Pretoria, said a temporary permit to reside in the Transvaal was granted by the Registrar of Asiatics on the 10th March last for three months. Accused applied for an extension on the 9th of June, and this was refused on the 24th July by letter.

THE MAGISTRATE: You allowed him to stay until then?

WITNESS: He gave certain reasons for wishing to stay. We investigated these reasons, and decided that the permit should be refused.

MR. GANDHI: Are you aware that the accused's father is in Johannesburg?

WITNESS: I cannot say for certain.

Randaree went into the box.

[GANDHI:] I understand that you intended to leave after the expiry of your permit and re-enter the Transvaal under the Immigration Restriction Act?

[ACCUSED:] Yes, but fortunately I happened to be arrested here.

The accused asked leave to make a short statement, but the Magistrate pointed out that he had a very able solicitor defending him.

[GANDHI:] It does not matter.

And the accused went back to the prisoner's box.

The Prosecutor said the position with regard to the accused was as if the Court had ordered him to leave the Colony within seven days and he had refused to do so.

The Magistrate sentenced the accused to one month's hard labour.

*Indian Opinion*, 12-9-1908

<sup>1</sup> This is based on a report in *Indian Opinion* reproduced from *The Star*.

## 75. NATAL MEETINGS

Mass meetings are being held in Natal. Also, resolutions are passed at these meetings. Petitions will be sent to the Government. This is all very well. It was necessary to adopt these measures. But Natal Indians must realize that petitions are useless unless backed by sanction. This is what one learns from experience everywhere.

And satyagraha is our sanction. For Natal, satyagraha means that every Indian should make up his mind to carry on trade without a licence. We know of course that the new Bills<sup>1</sup> will not go through. But it is necessary to have the old law<sup>2</sup>—the Act of 1897—repealed. If it is true that the Indian community has grown in strength, it must petition the Government to the following effect: “We propose to carry on trade without licences as long as the Act of 1897 does not provide for appeal [to the Supreme Court], as long as old licences are not protected and as long as the £ 3 poll-tax<sup>3</sup> on indentured labourers is not repealed.”

This will serve two interests: one’s own as well as those of others. One’s own because there will be an end to the harassment over licences. Other’s interests in that the poll-tax on the long-suffering indentured labourers will disappear, and they will be sincerely grateful. A pledge by the Indian community that it will not sit back until the hardships of the indentured labourers are ended, that it will suffer with them, will have a profound import. If the Indian community takes this pledge sincerely, it is as good as a kingdom won. It will mean *swarajya*.

Everyone will see that there is no alternative. But it may be asked whether concerted action will ever be possible, whether we can ever hope to win. It will be folly to ask this question. In any great venture, the number of those that take the lead is invariably small. At first the Prophet strove aided only by a handful; Jesus had a very small band of followers to begin with. Hampden<sup>4</sup> was alone in refusing to pay the ship-money. It did not even occur to him to consider whether or not others would follow him. The late Mr. Bradlaugh<sup>5</sup>

<sup>1</sup> The Natal Licensing Bills; *vide* “Natal Bills”, 16-5-1908 & “New Natal Bills”, 16-5-1908.

<sup>2</sup> Dealers’ Licenses Act

<sup>3</sup> This was imposed on indentured Indians when they became free men.

<sup>4</sup> Gandhiji has often referred to Hampden as a model civil resister; *vide* “Tyler, Hampden and Bunyan”, 20-10-1906.

<sup>5</sup> *Vide* 1st footnote of “Natal Licences”, 15-2-1908.



awed an entire House of Commons into submission. The Grand Old Man of India—Dadabhai—was a lone figure fifty years ago. During the early years, he fought on with inexhaustible energy. Very few joined him in showing up the defects of British rule in India. Today the people of India enjoy the fruit of his labours. Now others want to go even farther than he did.<sup>1</sup>

Natal Indians should call these examples to mind, and not cling meekly to the illusion that something can be achieved only if all of them act in unison. Rather, all traders and hawkers who can act with courage should take the pledge.

[From Gujarati]

*Indian Opinion*, 12-9-1908

## 76. SMILES OR TEARS?

Mr. Dawad Mahomed, Mr. Parsee Rustomjee and Mr. Anglia—these three are serving a sentence of three months' hard labour for the sake of their motherland. There are also other Indians with them—all of them educated persons. What does this signify? If this had come to pass before January last, it would have raised a storm of indignation in the Indian community. It could just not have happened then. Times have changed since, and the thing has happened. Even so, the incident causes a painful wound.

It will make every Indian weep to think of the wives, children and relatives of these brave ones, or of their sufferings. It will make every Indian miserable. We send our sympathies to their families.

However, these fifteen heroes have gone to gaol for the country, for the sake of its honour. They went to gaol with a smile. This should make every Indian's face shine with joy. These men, their families as well as the Indian people, deserve congratulations on this heroism of theirs.

Let us not assume that the matter will end with tears and laughter. The duty of Indians who remain outside is becoming more difficult. It lies in our hands to bring about their early release. If people refuse to take out a licence, or to give a thumb-impression or any other mark of identification, if everyone remains courageous, they will be released very shortly, and no wonder. If that is not done, the Indian people will stand discredited. They will lose face. We hope

<sup>1</sup> The reference appears to be to Tilak; *vide* "Sentence on the Great Tilak", 1-8-1908.

that they will follow the example of these brave heroes and prepare for a determined effort.

[From Gujarati]

*Indian Opinion*, 12-9-1908

## 77. SALUTE THE COURT

Sir Henry Bale has made some sharp remarks on saluting. He got the impression that a certain Indian who entered his court did not salute him as he came in. He therefore remarked that Indians, who were known to be a civilized people, should respect the dignity of the court. He added that Indians should show respect to the court by taking off their turbans or their shoes or by salaaming on entering the court-room. Those who failed to do any of these three things would invite punishment. Sir Henry addressed these remarks to all the Indians present and had them translated for their benefit. Every Indian must heed this warning. It will be a good practice anywhere to salute the court on entering it. Many Indians fail to do this through sheer carelessness. It is our duty to observe correct etiquette.

[From Gujarati]

*Indian Opinion*, 12-9-1908

## 78. OUR HABIT OF SPEAKING UNTRUTH<sup>1</sup>

Sir Henry Bale's remarks in the Indian murder case deserve not to be brushed aside lightly. He observed that some Indians make many false statements in support of their plea.<sup>2</sup> This sometimes spoils a good case. This is often true. It will not be right for one to defend Indians by asking whether whites do not act similarly in support of their case. Of course, they do make false statements. But that is no reason why we should follow suit. Instead of worrying about winning or losing the case, we should resolve that we would speak nothing but the truth. The best way is not to have to knock at the doors of lawyers or courts. Why can we not ensure that civil or criminal cases involving Indians are not taken to court? All this should be possible through the satyagraha that we have adopted.

[From Gujarati]

*Indian Opinion*, 12-9-1908

<sup>1</sup> *Vide* "Oriental ideal of Truth", 1-4-1905.

<sup>2</sup> On the subject of tendering false evidence by Indians, *vide* "Johannesburg Letter", 1-6-1907.

## 79. PETITION TO SECRETARY OF STATE FOR COLONIES<sup>1</sup>

JOHANNESBURG,  
September 14, 1908

[THE RIGHT HON'BLE THE SECRETARY OF STATE FOR THE COLONIES  
LONDON]

THE PETITION OF THE UNDERSIGNED, REPRESENTING THE PATHANS  
AND THE PUNJABIS RESIDENT IN THE TRANSVAAL

HUMBLY SHEWETH THAT

1. The Petitioners respectfully approach His Majesty's Government with reference to the Asiatic Law Amendment Act, and the reply given to the Petitioners on the 26th day of March, 1908 in connection with their humble representation, as follows:

I have the honour, by direction, to inform you that the Petition enclosed in your letter of the 13th January respecting the position of yourself and others under the Asiatic Registration Act has been received by the Secretary of State for the Colonies. Lord Elgin has requested His Excellency Lord Selborne to inform you that he has perused the Petition with attention but that, especially in view of the recent settlement of the difficulties in connection with registration under the Act, it does not now appear to him to be necessary to take any action with regard to it.

2. In the Petition, to which the above reply was sent, the Petitioners [had] prayed as follows:

His Majesty's Indian soldiers cannot, consistent with the dignity of a soldier, degrade themselves by being compelled to register in such a manner, and, should His Majesty's Government be unable to obtain just treatment for the King-Emperor's Indian soldiers in the Transvaal, then they ask as men and British Indian soldiers, who are proud to have risked their lives in the cause of the Empire and have braved the privations of war, to be spared the degradation of imprisonment or deportation, and further wish that the King-Emperor will command that they be shot by Generals Botha and Smuts on one of the battle-fields of South Africa, where they have been under fire whilst serving their King-Emperor and the British Empire.

3. As recent events have shown, the settlement to which the reply has reference has fallen through, and the whole of the Indian community is now making representations to His Majesty's Government for repeal of the Act, which repeal all Indians were given

<sup>1</sup> This was published under the caption "The Soldiers' Petition" and was presumably drafted by Gandhiji. *Vide* also "Petition to High Commissioner", Before 26-11-1907.

to understand was part of the compromise.

4. It was because the whole of the Indian community represented by your Petitioners distrusted the compromise, and felt greatly agitated as to the uncertainty as to the repeal, and because the principle of registration by finger-prints was accepted by the leaders of the Indian community, that some of the members of the section represented by your Petitioners showed their resentment of the action by resorting to physical violence. Whilst such method of showing resentment cannot be approved by your Petitioners, the suspicion entertained by them was evidently well grounded.

5. The position of your Petitioners is briefly as follows:

(a) Your Petitioners consider the whole spirit of the Asiatic Law Amendment Act No. 2 of 1907 to be degrading to anybody coming under it, much more so for soldiers who have been privileged to wear His Majesty's uniform, and who have bled for their Sovereign.

(b) Your Petitioners are bound by a solemn oath:

(i) not to accept the above-mentioned Act, and to secure its repeal;

(ii) never to give their digit-impressions in connection with their identification, irrespective of what other members of the Indian community may choose to do.

6. Your Petitioners, in obedience to the advice given by the then Commissioner of Police and other high officials, and on being told that the Act was to be repealed, underwent voluntary registration merely for the sake of peace. Further than this your Petitioners are unable to go. They consider that, by showing an unmanly attitude and by accepting degradation in order that they might be able to live in the Colony, they would be extremely unsoldier-like.

7. Your Petitioners venture to submit that their uniform and their discharges should be a sufficient passport in any part of the British Empire, and should constitute their complete identification.

8. Your Petitioners do not understand legal subtleties and legal quibbles. They have not studied the Asiatic Act. They are helpless, except when they are called upon to fight for their Sovereign. They do not understand English, but what little they have been able to gather about the Asiatic Act is sufficient to make them condemn the measure.

9. Your Petitioners, therefore, humbly pray that, in consonance with the assurance given, the Asiatic Act be repealed, and that they be not called upon to submit to any degradation in the way

of registration or otherwise. But, should His Majesty's Government be unable to secure such relief, they would repeat their prayer that they be shot by Generals Botha and Smuts on one of the battle-fields of South Africa, where they have been under fire, whilst serving their King-Emperor and the British Empire. And your Petitioners will ever pray, etc., etc.

JAMADAR NAWAB KHAN  
NAKAB GOOL  
MAHOMED SHAH  
MIR ALLAM KHAN  
NOORD ALI

*Indian Opinion*, 19-9-1908

## 80. TRIAL OF V. M. BAGAS AND OTHERS

[PRETORIA,  
*September 15, 1908*]

Messrs Vally Mahomed Bagas, Ismail Juma, L. Vallabhdas, and Ismail Essopjee Adia appeared before Major Dixon at Pretoria, on the 15th instant, charged with a contravention of the Borough bye-laws in that they traded without a grocer's licence. Mr. Weavind prosecuted on behalf of the Municipality of Pretoria, and Messrs Gandhi and Lichtenstein defended.

Mr. Ismail Juma's case was first called. Mr. Gandhi took exception to the summons before pleading, that it disclosed no offence under Ordinance 58 of 1903, and that the Ordinance did not provide for the framing of a bye-law in regard to a general grocer's licence. The Magistrate overruled the objection. The plea was "not guilty". Mr. Thomas, the Licensing Officer, gave formal evidence as to the accused having carried on the business of a grocer. Mr. Gandhi did not call any evidence on behalf of the defence, stating that he rested his case on the legal objection raised. The accused was found guilty and fined 5s or three days' imprisonment with hard labour. Mr. Ismail Juma elected to go to gaol.

Mr. Vally Mahomed Bagas, who is Chairman of the Pretoria branch of the British Indian Association, was next tried. Mr. Bagas pleaded "not guilty". After evidence was given by Mr. Thomas, the Licensing Officer, Mr. Bagas gave evidence to the effect that he held a general dealer's licence for the whole year and that he had even tendered the fee for a grocer's licence, but it had been refused, as he had declined to give his thumb-impression. The Magistrate awarded the same penalty. There were two charges against Mr. Bagas in respect of two stores, the penalty in each case being the same. He, too, cheerfully went to gaol.

Mess Ismail Adia and L. Vallabhdas were also similarly tried, punished, and went to gaol.

A Chinese trader was called, but he did not appear, and, as he was bailed out, his bail was estreated to the extent of £ 1.

*Indian Opinion*, 19-9-1908

### 81. JOHANNESBURG LETTER<sup>1</sup>

ESSOP MIA

Mr. Essop Mia has resigned, and a vote of thanks for his services was passed at the mass meeting.<sup>2</sup> The appreciation of his services will grow with time. He assumed the captainship of the Indians' ship at a critical juncture. It was to help in the implementation of the gaol resolution<sup>3</sup> that he accepted the chairmanship. No one then was in a position to say what the Indian community would do. Much appeared then to depend on the Chairman's courage. Mr. Essop Mia evinced the requisite courage for conducting the affairs. He curtailed his business last year in order to join battle against the Government. This year he suffered an assault.<sup>4</sup> He kept himself ever in readiness for gaol. He took to hawking, with two baskets hanging from his shoulders like a gold neck-wear or a garland of flowers. It is difficult adequately to realize how his action aroused the community's enthusiasm. Through his courage, Mr. Essop Mia has enabled the community to arrive at a stage where the fulfilment of its pledge has become certain. What now remains to be done is very important—something that the Indian community cannot afford to ignore and which calls for massive resistance.

But one cannot blame Mr. Essop Mia for leaving the ship at this critical moment. Thrice he put off his plans for a pilgrimage in order to attend to three great tasks—the mosque, the madrasah and the campaign against the Government. He has now the right to leave. If other Indian chairmen can do as much as Mr. Essop Mia, the community's success is assured.

AHMED MAHOMED CACHALIA

Everyone hopes that Mr. Cachalia will prove Mr. Essop Mia's equal. He was not at all disposed to accept the chairmanship. The office has been thrust upon him, so to say. To me at least it appeared

<sup>1</sup> This despatch was begun on September 14 and completed on September 16.

<sup>2</sup> *Vide* "Resolutions at Mass Meeting", 10-9-1908.

<sup>3</sup> Of September 1906; *vide* "The Mass Meeting", 11-11-1906.

<sup>4</sup> On May 17; *vide* "Johannesburg Letter", 16-5-1908 "Essop Mia", 23-5-1908, "Sarvodaya [—III], 30-5-1908 & "Affidavit", 23-6-1908.

that everyone was agreed that no one but Mr. Cachalia should succeed Mr. Essop Mia.

Mr. Cachalia had been to gaol. I still seem to hear his words of July 31, 1907: "I will go to gaol," he had said, "Should they cut my throat for it, I will still not submit to the obnoxious law." He has been as good as his word. He has already been to gaol. He has always showed himself willing for work. He is extremely popular. He has unhesitatingly accepted financial ruin for himself. Mr. Cachalia is therefore assuming the chairmanship in propitious circumstances.

But the Indian ship is caught in a storm still at its fiercest. Nearer the coast, the storm poses a greater danger to the ship than in mid-ocean. Even if the voyage ahead is only a short one, the task is onerous. Maybe the sailors are tired. Columbus's mariners mutinied as he was about to reach America. But his courage rallied them, and he succeeded in discovering America. Similar is the case with the Indian ship. Though we are approaching our destination, the number of reefs is increasing. It requires a strong captain to steer the ship clear of these. I believe Mr. Cachalia will prove strong enough.

The chairman ought to be the best member of the community. For the community will be judged by his worth. Moreover, as chairman, he has to lead the satyagraha campaign and he must therefore remain truth-ful, repose trust in God and have courage till his dying moment. He must be prepared to sacrifice money, property and life in the service of the community and he must be entirely honest, fearless, pure, courteous and modest; these are the qualities which the chairman of the Indian community must have. Then alone can satyagraha blossom forth into perfect beauty and achieve success that will evoke the admiration of all the world.

I for one pray to *Khuda-Ishwar* to endow Mr. Cachalia with all these virtues, and I advise all Indians to offer the same prayer.

#### SAME OLD NEWS

There has been news which I could not report earlier owing to heavy pressure of work. I mention here whatever I have been able to discover on looking into my papers.

Mr. Ismail Moosa Gin and Mr. Essop Amod of Kanam were fined in Heidelberg; if the fines were not paid, their goods were to be auctioned. Mr. Gin has paid the fine, Mr. Essop Amod has not. He has informed the Government that it may sell his goods if it so desires. His goods have not, however, been auctioned yet.

In Vereeniging, Mr. Ibrahim Ismail's goods as also those of Mr. Patel have been auctioned. Here again, a large quantity of goods was

auctioned. Such is the confusion that prevails. At one place no one bothers much,<sup>1</sup> and at another goods are auctioned. It all sounds like the story of the crazy king and the city which he ruled so capriciously.<sup>2</sup>

#### KRUGERSDORP INDIANS

The Krugersdorp affair<sup>3</sup> is over. The trial took place on Friday. After the cases of Mr. Kazi and Mr. Pandor, the Public Prosecutor did not have the courage to proceed with the rest and therefore withdrew them. The cases of Mr. Kazi and Mr. Pandor took two hours. After hearing their depositions, the Magistrate remarked that the charge was without substance and accordingly found them “not guilty”. Mr. Kazi deposed in English. The cases over, a meeting was held at Mr. Chhotabhai’s, where Mr. Gandhi explained<sup>4</sup> the position regarding the campaign. An understanding has now been reached among all Indians. Mr. Dadlani entertained Mr. Gandhi at a luncheon. Twenty-five Indians were invited on the occasion.

#### KONKAN AND KANAM

On Thursday, as the mass meeting was drawing to a close, it was learnt that a skirmish was in progress outside, at which Mr. Polak rushed to the spot. Mr. Abdool Gani also left with him. They saw a fight going on with much cudgel-play and pelting of stones. Thanks to intervention by Mr. Polak, Mr. Gani and others, there were fewer injuries. Mr. Polak was about to be beaten up in the confusion that ensued. But two Parsee gentlemen, Mr. Sorabji and Mr. Nogama, interposed themselves so that they took the blows. Sorabji narrowly escaped being hurt in the eye, but was severely injured on the forehead. Two Konkanis were also seriously injured and two Kanamias sustained injuries. Mr. Polak received a slight injury on the wrist. It was a mere altercation among youth over a trifling matter which led to all this.

#### RECONCILIATION

A meeting of the leaders of the two communities was held at Hajee Habib’s on Sunday with a view to reconciliation. Mr. Gandhi was asked to take the chair. Mr. Hajee Habib, the Moulvi Saheb, Mr. Cachalia, Mr. Abdool Gani, Mr. Bhaijee, Mr. Shahabuddin and others

<sup>1</sup> About implementing court orders

<sup>2</sup> The story goes that in the city of lawlessness, under an unwise king, everything had the same price, there being no discrimination in values.

<sup>3</sup> *Vide* “Johannesburg Letter”, 7-9-1908

<sup>4</sup> No report of this speech is available.



spoke on the occasion and the leaders of both the communities signed the following agreement.

#### DOCUMENT<sup>1</sup>

We, the leaders of the Konkani and Kanamia communities, express our regret in writing, with God as witness, at the quarrel that took place among some young men of the two communities, and tender our apologies to, and seek to be forgiven by, one another. We bind ourselves to restrain the young men of our respective communities and hold ourselves responsible for them. We suggest that the young men report the matter to us if any of them is insulted rather than fight among themselves.

I attach great importance to this document. Since the leaders know their responsibilities, some good is bound to accrue to someone in the end. It behoves the young men to see that they do not bicker among themselves and thus honour their leaders' pledge. If the Pathans, Konka-nis and Kanamias think themselves to be brave soldiers, their duty is to defend the Indian community and use their strength for that purpose. The leaders must remember that this document was signed with God as witness, so that they bear a heavy responsibility. The young must always remember not to enter into quarrels. I hope that when a Kanamia and a Konkani meet next, each will want to be the first to salute the other. When the meeting was over, Mr. Hajee Habib treated all of them to tea and biscuits and Mr. Osman Ahmed sang a few songs about the reconciliation.

#### MASS MEETING

A detailed report of the mass meeting is available elsewhere, but I shall only report the Abdool Gani episode<sup>2</sup> here. It has been proved that he did give the thumb-impression. He manifested his repentance by apologizing at the meeting. He said that he had not at all wanted to give his thumb-impression, but being in a hurry to get away, he had given it out of sheer nervousness. He promised not to repeat his mistake and to remain firm in his resistance while urging others to do likewise. In view of Mr. Abdool Gani's action, no one will now have anything more to say about the matter. I hope he will now take a leading part in carrying the campaign forward and thus serve the community.

<sup>1</sup> This document was signed by 12 persons and witnessed by eight others including Gandhiji.

<sup>2</sup> *Vide* "Johannesburg Letter", 7-9-1908

#### ALI ESSOP

[He] was tried today. He was charged with being found without a register. Mr. Polak appeared in this case. Mr. Essop has received notice to leave the country within seven days.

#### MULJIBHAI PATEL

As Mr. Patel was to be released on Friday, a number of men had gone to the gaol to receive him. But it soon became known that Mr. Patel was to be deported. He was taken from Jeppe station, and brought to Charlestown on Saturday. Many Indians were present at Germiston to see him. Mr. Patel is doing well and is full of courage. He will re-enter shortly. He is prepared for further privations that may be in store for him. The police treated him well.

#### SORABJI SHAPURJI

Acting with great courage, Mr. Sorabji Shapurji left Johannesburg today by the morning train for Volksrust to undergo the sentence of imprisonment. Even at the mass meeting he had declared that he was prepared for imprisonment, however long it might be. His only regret was that the Association had not permitted him to court arrest earlier than the Natal businessmen, though he should have been allowed to do this as of right. Mr. Cachalia, Mr. Aswat, Mr. Vyas, Mr. Polak, Mr. Jivanji, Mr. Naidoo, Mr. Gandhi and others were present to see him off.

Mr. Ebrahim Osman arrived here on Saturday. Mr. Cachalia and others went to receive him. He will be Mr. Cachalia's guest.

#### NATAL BUSINESSMEN AS PRISONERS

Mr. Dawad Mahomed and the other leaders in gaol have surpassed all expectations. The Government wants to test them to the utmost. They are made to do hard work. They are brought out on the roads and made to break stones; they do this with zest. They say in a message that, until a settlement is reached, they will remain in gaol and put up with any suffering. I am not at all sorry that they have been given hard work to do. It is only when we suffer that we develop real worth. It is a soldier's duty to accept hardships. In any case that is the only lesson the soldier of satyagraha has to learn. He must constantly remind himself of it. If one is sincerely devoted to one's cause, one can enjoy even stone-breaking.

#### RUSTOMJEE'S LETTER

After he was sentenced, Mr. Rustomjee sent the following letter:

Four of us have been sentenced today to three months. We

are glad of this. Please ask everyone to have courage. Let no one have fear. Please declare in the open meeting that, if our brethren want to show their appreciation of our sense of duty, they should endeavour to raise a large fund.

#### HOW TO ENSURE EARLY RELEASE OF [NATAL] BUSINESSMEN

This question is on everyone's mind. The answer is easy.

- (1) No one should utilize the licence [that he may already possess] to carry on trade.
- (2) No one should take out a licence.
- (3) Everyone should go to gaol when an opportunity presents itself.
- (4) Those Natal Indians who, according to our belief, have the right [to settle in the Colony] should cross over.
- (5) Incoming Indians should in no case give their thumb-impressions.
- (6) One should disregard the auctioning of one's goods.

#### QUESTIONS OF PRESTIGE

I have noticed that some of those who enter the Transvaal to join the campaign are sensitive about how they are received. This is not the time to think much of one's status. Every Indian should put away his self-importance and come in as a servant of India. There is no time to arrange elaborate receptions. Those who are busy [with the cause] have no time to spare. When Sorabji [re-]entered the Colony, he certainly deserved to be shown every regard. But no one had the time for all that. Gaol-going has now become commonplace among us. If we are all servants [in the same cause], who is to honour whom? Such is our predicament today and well may it remain so for ever.

The homage we do to sincere and good men is in fact somewhat humiliating to the community as a whole—it only goes to show that there are so few of them that we shower honours on the ones that we have. Always a higher price is charged for a scarce commodity. If a time should come when the entire community is composed of good men, it would certainly be respected by the world at large, though it might not fete any of them in public. The British go crazy over a person who is strong. This may mean either of two things: they are either losing their true strength, or they admire sheer physical strength.

Duty, then, requires every Indian to be a good, truthful, patient and patriotic servant of his motherland. If this happens, there will be no cause for anyone to take offence. It will not even occur to anyone that he has not been treated with respect. One's worth consists entirely

in one's spending one's days in doing good, content with whatever one may get at any given moment and whatever it pleases the Creator to bestow on one.

*Tuesday [September 15, 1908]*

#### MISUNDERSTANDING

Mr. Mahomed Khan's leaving Mr. Gandhi's office has been construed by some to mean that he has grown tired of honorary public work. This is not true. Mr. Mahomed Khan did offer his services free, and he need not have. An opportunity for earning a decent livelihood came his way, and he left on Mr. Gandhi's advice.<sup>1</sup> Mr. Dorasamy's offer of free work was accepted, for in any case he was not doing anything else. It is of course necessary for Indians to have an honest means of livelihood and make some money. Not everyone can give up his job and become a volunteer. Mr. Dorasamy has other sources from which to meet his daily needs, and that is how he is in a position to help the Association.

#### COMMITTEE MEETING

A meeting of the Committee of the British Indian Association was held on Wednesday the 9th, when, in the absence of Mr. Essop Mia, Mr. Ibrahim Coovadia took the chair. Mr. Imam Abdool Kadir, Mr. Fancy, Mr. Karodia, Mr. Omarji, Mr. Latchhiram, Mr. V. G. Maharaj and others were present. Since Mr. Gandhi has all but closed down his office and Mr. Polak is engaged wholly in public work, it has been resolved that the Association should bear his [Polak's] expenses and pay the rent for the office from August onwards.<sup>2</sup> This will, for the time being, involve a further expenditure of £ 35 monthly which is exclusive of the expenditure on the typist, etc. Mr. Gandhi's own expenses are paid by Mr. Kallenbach. Mr. Gandhi also stays with him.

#### AHMED ESSOP DAWAD

Mr. Ahmed Essop Dawad was charged some months ago with haw-king without a licence. He had left the Court [for a while] when his name was called out, with the result that the Magistrate cancelled his bail. Mr. Ahmed turned up later. But the Magistrate did not revise his order about the bail since he had no authority to do so. A petition was therefore sub-mitted to the Attorney- General. It was ordered that the bail money be returned, and the case proceeded with. It was heard

<sup>1</sup> *Vide* "Johannesburg Letter", 7-9-1908

<sup>2</sup> Discussion on this was postponed at the previous meeting; *vide* "Johannesburg Letter", 7-9-1908.

on Saturday (the 12th). But Mr. Cross dismissed the case on the ground that Mr. Ahmed had been hawking without having taken out a licence, whereas the charge against him was that he had failed to produce his licence on demand. The charge could not therefore be sustained. There is nothing remarkable about this case. The only fact to be noted is that Mr. Ahmed Dawad was anxious to be imprisoned. He tried, as we have shown above, to go to gaol, but did not succeed.

#### PRETORIA CASES

The municipality has launched prosecutions against Mr. Vally Mahomed Bagas, Mr. Ismail Adia, Mr. Ismail Juma, Mr. Lalshah Vallabhdas *alias* Mangalbhai Patel and a Chinese for trading as grocers without licences. Their cases<sup>1</sup> are to be heard today. Mr. Gandhi has gone to Pretoria in connection with these cases. Many of them hold a general dealer's licence valid for the whole year. But the municipality insists on their taking out the grocer's licences in addition. Most of them did have these licences for the preceding six-month period, but they did not renew them as they did not want to give their thumb-impressions. An objection will be raised in this case to the effect that the municipality has no right at all to insist on a grocer's licence; but it has the right to insist on a licence of a different kind. There is, however, no provision for this as yet in its bye-laws. If this argument is correct, the case must fail. Mr. Valli Mahomed has received two summonses as he owns two stores.

*Wednesday [September 16, 1908]*

The Pretoria Indians' case was heard in Major Dixon's Court. Mr. Gandhi and Mr. Lichtenstein were present [as defence counsel]. The above-mentioned argument was put forward. That set the Magistrate thinking, but he eventually ruled that the municipality did have the right to insist on a grocer's licence. Mr. Ismail Juma's case was then the first to be heard. The objection had softened the Magistrate's attitude. Also, the municipal advocate was not very competent. The Indians were not therefore called in for evidence. As a result, the Magistrate imposed a fine of 5s, or three days' hard labour. Mr. Ismail Juma readily accepted the sentence and went to gaol. Then the Court took up the two cases against Valli Mahomed. The judgement in these cases was the same as in the first. Then it was Mr. Adia's turn, and he was followed by Mr. Lalshah Vallabhdas *alias* Mangalbhai Patel. All of them were awarded the same sentence, and went to gaol smiling. They were in fact sentenced to only a day's imprisonment. They went [to gaol] on Tuesday at 4 p.m., so that that

<sup>1</sup> *Vide* also the preceding item.

day need not be counted. They will be in gaol all Wednesday and will be released on Thursday morning.

Though these persons have welcomed gaol, it is being considered whether an appeal should not be preferred on the basis of the objection [raised by the defence counsel]. For something may come out of it. If it is held that grocer's licences have to be taken out, people can avoid taking them out for some time. If that is done, two purposes will have been served. People will have the advantage of going to gaol, and at the same time a technical excuse will have been provided by the law which can be exploited for a time. Mr. Valli Mahomed is the chairman in Pretoria. Though his term of imprisonment is a negligible one, a chairman going to gaol is no small matter. I congratulate Mr. Valli Mahomed and others in Pretoria on this.

The reader must have noted that it is for the second time that Mr. Ismail Juma has gone to gaol. And it was only recently that Mr. Adia was fined £1 and his goods were auctioned.

The only regret is that, while these persons went to gaol, there were other Indians who lost their nerve when the summonses were served on them.<sup>1</sup> They were afraid that their goods might be auctioned and therefore hastened to take out licences by giving thumb-impressions. It is said that there were 20 such persons. It is incidents of this kind that prolong the struggle. If all the Indians were courageous, it would be possible for us to secure the release of the Natal businessmen within a few days. When, again, shops were closed in Pretoria [as a mark of respect] for them, there were a few who did not join. This is tantamount to selfishness and most reprehensible. When persons who are regarded as the pillars of the Indian community went to gaol, why is it that some Indians could not close their shops for a day? I must say that we have a great many things to learn yet.

In Krugersdorp, two Madrasi washermen, Mr. Sangaran and Mr. Aicut, were arrested for carrying on their occupation without licences. They were tried, and the Magistrate imposed a fine of £1 each or three days' imprisonment. They preferred gaol. No one appeared in their defence. They went to gaol on their own.

EBRAHIM OSMAN

[He] has gone to Piet Retief where he owns a store, and expressed his readiness for arrest.

<sup>1</sup> It is not clear from the original against whom these were issued.

## NATAL PRISONERS' MESSAGE

Mr. Polak met Mr. Dawad Mahomed and others [in gaol] on Tuesday. They are all doing well. Since they did not have gaol uniforms which would fit Mr. Dawad Mahomed and Mr. Rustomjee, new uniforms are being specially made for them. The rest are assigned work. All of them are in high spirits and full of courage. They have expressed the hope that all of us outside would strive hard.

[From Gujarati]

*Indian Opinion*, 19-9-1908

## 82. INTERVIEW TO REUTER

JOHANNESBURG,  
*September 16, 1908*

Mr. Gandhi, interviewed by Reuter's representative today, said that the Indians were prepared to accept an immigration law which should provide for an education test in a European language, and they were prepared to leave the severity of the test to the discretion of General Smuts. But once an Indian entered the Colony, he must enjoy legal equality. This implies the repeal of 1907 Act. Mr. Gandhi said that the Indians denied that they were raising any fresh point in connection with education.

*India*, 25-9-1908

## 83. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]  
*September 17, 1908*

THE DIRECTOR OF PRISONS

PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter No. 667 of the 16th instant. My Association deeply regrets the fact that the point raised by it is still being missed.

My Association is aware, and admits, that, medically, mealie pap is a perfectly healthy diet, but the point raised by my Association is that it is not a diet suited to the habits of even poor-class Indians. Mealie pap is not the national diet of Indians. I have no doubt you are

<sup>1</sup> This and two other letters dated September 18 and 25 addressed to the Director of Prisons along with two letters to the Colonial Secretary dated September 21 and 28 were published in *Indian Opinion* under the caption: "Should Indians be Starved into Submission ? The Prison Dietary Again".

aware that, although it is medically suitable, bread is always added to mealie pap issued to European prisoners. Bread is certainly, from a medical standpoint, not more necessary for Europeans than for Indians. You are also aware that mealies are given to the Native prisoners for the midday meal. They are also, medically, a proper diet, and yet, with the knowledge that the Committee must have had at its disposal, mealies were replaced by rice for Indian prisoners in respect of the midday meal. The reason that actuated the Committee that framed the diet scale in prescribing rice instead of mealies for the midday meal for Indian prisoners is also the reason why my Association asks for a substitute for mealie pap for the morning meal.

If, hitherto, there has been no complaint made against the diet scale for Indian prisoners, the reason is that there have been very few Indian prisoners; but, on the present occasion, a complaint is justified, not only because the Transvaal prisons are crowded with Indians, but also because these Indians are not, strictly speaking, criminals, and belong, in the opinion of my Association, to the highest class among the Indian community in South Africa.

If the repeated representations of my Association have remained unheeded, the only conclusion the Indian community can come to is that the reasonable request of my Association is refused out of political considerations, and with a view to starve the Indian community into submission to an Act which is resented by it.

I venture to hope, therefore, that you will be pleased to remove any such suspicion by granting the relief requested.

*I have, etc.,*  
A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908



#### 84. LETTER TO "THE STAR"<sup>1</sup>

[JOHANNESBURG,]  
September 17, 1908

TO  
THE EDITOR  
*THE STAR*

SIR,

You will perhaps allow me to state that your persistent misrepresentation of the Indian standpoint appears now to be wilful rather than unconscious. You state that I am "willing to accept any education test, however severe, provided it is applied impartially to Europeans and Asiatics". This is the exact reverse of what I have stated all along. My contention is that there should be a general education test in law, but that, in practice, it may be administered not impartially but differentially. The law gives the Minister full discretion, to be used by him as he chooses. If he does not possess the discretion, Indians are quite willing that the discretion be given.<sup>2</sup> This statement I have made before the public and to your representatives not once but very often. Nor, as you have stated in a previous leaderette, is there any question of a subterfuge. Administrative inequality must always exist so long as people who are

<sup>1</sup> This appeared in *Indian Opinion*, 26-9-1908, under the title "Mr. Gandhi's Reply". *The Star* had commented editorially as follows: "...we commend... this morning's *Times*....It finds that the weight of the evidence is on the side of the Colonial Secretary and that the root of the present trouble lies in the endeavour of Mr. Gandhi...to secure concessions...not contemplated by Mr. Smuts when he entered into the compact of last January....[Mr. Gandhi] is willing to accept any educational test, however severe, provided it is applied impartially to Europeans and Asiatics. But he insists that those admitted under the present or a new Immigration Restriction Act must be treated with absolute 'equality'. If we make the educational test very severe, we run the risk of excluding many Europeans...if we maintain the present standard and repeal the Asiatic Act of 1907, we throw open the portals to countless Asiatics...There is no room for compromise, especially [since] Mr. Gandhi scouts all idea of discriminatory legislation."

<sup>2</sup> *The Star*, replying to this later, wrote: "We emphatically repudiate the charge that we have wilfully misrepresented either Mr. Gandhi or his compatriots. ...Our reply to the foregoing is that no regulation or ministerial decree can override the express terms of an Act of Parliament. Laws are made to be enforced. If the Government....failed to enforce the provisions in this case,...it would be lending itself to a species of dishonesty unworthy of statesmen." To this Gandhiji sent a rejoinder; *vide* "Letter to *The Star*", 18-9-1908.

not of the same grade live under the same flag. All I claim is that the law should be no respecter of persons, especially with regard to educated Indians. You cite the authority of *The Times*, but, if you will pardon me saying so, *The Times* merely trumpets what has been passed on to it by or on behalf of General Smuts. *The Times* is not, at present, in possession of the full facts of the case.

I emphatically deny that a new question is now being raised by my countrymen. The following briefly are the facts: Before the war, the immigration of Indians was free. After the conclusion of peace, immigration generally was regulated under the Peace Preservation Ordinance, under which new educated Asiatics were allowed to enter the country. The Asiatic Act of 1907 simply provided for registration of those who were entitled to reside in the country, but, according to the admission made by General Smuts, did not regulate immigration. The Immigrants' Restriction Act replaced the Peace Preservation Ordinance, and laid down a general education test. The Asiatic [Registration] Act was then dishonestly, without even mentioning it, brought in to defraud Indians of their just rights, under sub-section 4 of section 2; but, as Indians have never accepted the Asiatic Act and have always steadily, persistently, and amid untold suffering, demanded its repeal, how can they be charged with having brought in a new point?

It was General Smuts who, in complete breach of his promise when the time came for him to repeal the Act, offered repeal on four conditions<sup>1</sup>, three of which he has, yielding to the force of passive resistance, and finding his administration of the law paralyzed, withdrawn. The fourth<sup>2</sup> he does not withdraw, and, until that is granted, in the estimation of British Indians and other Asiatics, he must stand guilty of the charge of dishonesty.

You and, I am sorry to say, the Progressive leaders, who profess to have Imperial interests at heart, and who profess to lead the party of progress, are allied on the side of dishonesty. May I draw a parallel? With reference to the Vereeniging Treaty, General Botha interpreted the word "native" to include Asiatics. Lord Milner and Sir Richard Solomon repudiated it, but they accepted the interpretation that General Botha put upon it, and Asiatics are today debarred from the municipal franchise because of such interpretation.<sup>3</sup> General Botha, again, said that his people were promised immediate self-government by Lord Kitchener. In order that British honour might remain

<sup>1</sup> *Vide* "Letter to the Press", 22-7-1908 & "Johannesburg Letter", 23-6-1908.

<sup>2</sup> About the entry of educated Indians

<sup>3</sup> *Vide* "Petition to Natal Legislature", 10-6-1903.

unstained, in this instance also his understanding of the promise was accepted by the Imperial Government. Is British honour or Colonial honour to be measured differently in connection with the repeal of the Asiatic Act and British Indians?

*I am, etc.,*

M. K. GANDHI

*The Star*, 17-9-1908

### 85. INTERVIEW TO “THE STAR”

[JOHANNESBURG,  
*September 17, 1908*]

In the course of an interview, Mr. Gandhi told a representative of *The Star* that in deporting his son<sup>1</sup> [the authorities] had been harsh with him. He had been anxious to see his son the previous day. When he approached the official concerned for information about him, he told Mr. Gandhi that he had heard nothing till then, and promised to inform him the following morning as to what the authorities proposed to do [with his son]. When Mr. Gandhi presented himself at the gaol [the next day], he was informed that Mr. Harilal had been taken away [under escort] at seven o'clock.

Mr. Gandhi said that, if the Government had wanted him [Harilal Gandhi] to promise that there would be no demonstration, he would have done so as he had, indeed, several times in the past. Mr. Gandhi junior was in the train at Jeppe Station, but the carriage windows were shut. They were also kept shut at Germiston. People repeatedly remarked on this—which malicious onlookers found greatly interesting. Mr. Gandhi has telegraphed to his son to re-enter the Colony immediately.<sup>2</sup> He will receive the telegram at the border.

[From Gujarati]

*Indian Opinion*, 19-9-1908

### 86. LETTER TO DIRECTOR OF PRISONS

[JOHANNESBURG,]  
*September 18, 1908*

THE DIRECTOR OF PRISONS

PRETORIA

SIR,

I have the honour to acknowledge the receipt of your telegram No. 456 in connection with the diet scale for Indian prisoners. My Association will be obliged if you will kindly let me have a copy of

<sup>1</sup> Harilal Gandhi was deported on September 17.

<sup>2</sup> He re-entered the Colony on September 19 and was remanded till September when the case against him was withdrawn.

the authorized scale for short and long sentence Indian and other prisoners.

Further, I beg to draw your attention to the fact that I was myself in the Pretoria gaol in connection with the movement, and ghee was then allowed without any special request of the prisoners. I noticed, too, that ghee was allowed to Indian prisoners whom we found at the Pretoria gaol. The Johannesburg prisoners also state that they were allowed ghee from the very commencement, and that Indian prisoners who were already at the Johannesburg gaol when prosecutions under the Asiatic Act commenced were all allowed ghee. One of the prisoners states that he actually read the printed scale, which mentioned 4 oz. of rice and 1 oz. of ghee in place of crushed mealies and fat. My Association also states that [the] diet scale that was printed was so rigorously adhered to by the Gaol authorities at Johannesburg that the Chinese prisoners were given crushed mealies and fat, because they were not included in the rice scale that was fixed for Indian prisoners.<sup>1</sup> My Association will, therefore, be obliged if you will kindly inquire and authorize the necessary relief.

I once more draw your attention to the fact that no greater offence can be offered to a Mahomedan or a vegetarian Hindu than to introduce animal fat into his food. I beg, further, to add that even the prisoners who were discharged lately from the Johannesburg gaol informed my Association that they received 1 oz. of ghee with their ration of rice.

*I have, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

<sup>1</sup> *Vide* "My Experience in Gaol [—II] , 21-3-1908.

## 87. LETTER TO "THE STAR"<sup>1</sup>

JOHANNESBURG,

September 18, 1908

TO

THE EDITOR

*THE STAR*

SIR,

I am delighted that you emphatically repudiate my suggestion that you may have wilfully misrepresented me. Your repudiation fills me with hope that I may yet convince you of the justice of the Indian demand. I assume now that you would not mind an open door for highly educated Indians. If so, the question is not of "whether", but of "how".

You reject my solution to be "a species of dishonesty unworthy of statesmen". And yet it has been resorted to by statesmen all over the world. The Peace Preservation Ordinance gave absolute discretion to the Governor as to the issue of permits. White British subjects received them for the asking; other Europeans with little difficulty, but not with the same facility; British Indians after the greatest difficulty. The Governor went so far as to establish a separate department<sup>2</sup> for administering the same Ordinance for Indians. This was unfair, but not dishonest, because it was openly done. The Governor had the discretion and he chose to use it in this very partial manner, as he said, in the interests of the predominant race. Indians would not have cavilled at the differential administration, if the Department at one time had not been tainted with corruption and always most niggardly regarding the claims of *bona fide* refugees.

You have charged General Smuts with having used his discretion unfairly as to filling the vacancies in the Civil Service with Boers, but whether it is statesmanlike or not will depend upon results.

In Natal, the Immigration Officer has a discretion as to the education test. I will take my oath that Europeans as a rule are not even examined. Indians, as a rule, are examined and that, too, severely.

<sup>1</sup> This appeared in *Indian Opinion*, 26-9-1908, under the title "A Solution Possible".

<sup>2</sup> The Asiatic Office; this was closed down in 1903; *vide* "Better Late Than Never", 15-10-1903.

A Mr. Abdulla Browne<sup>1</sup>, an Irishman, was subjected to the test some years ago in Natal, because he wore the fez, whilst his other white fellow-passengers were not touched. Subsequently, the late Mr. Escombe and Mr. Browne had a hearty laugh over it. Mr. Browne felt the ludicrous position, but did not consider the examination to be dishonest.

The same thing is, today, done at the Cape.

The fact is that legal inequality would be an insult to the race. Administrative difference would be a concession to prejudice, and Indian acceptance of it would be a graceful and, shall I say, statesmanlike recognition of such prejudice, as also of the fact that, if we want to live in this country, we must submit to the predominance of the European races.

In any case, if you agree that a handful of educated Asiatics may safely be allowed to enter without molestation, surely the combined wisdom of the Government and the Progressive Party cannot fail to find a solution that will be acceptable to both Europeans and Indians and end a situation which cannot be viewed with unconcern by any lover of the Empire.

*I am, etc.,*

M. K. Gandhi

*The Star*, 18-9-1908

## 88. MR. ESSOP MIA AND HIS SUCCESSOR

The mass meeting of the 10th instant held at Johannesburg was notable for the resignation of Mr. Essop Mia as Chairman of the British Indian Association.<sup>2</sup> Mr. Essop Mia took up the helm at a most critical time. A weak chairman would have meant utter ruination and disaster to the Indian community. Mr. Essop Mia proved strong and unshakable. He practically wound up his business last year to fight the powers of darkness represented by the local Government. He postponed for the third time his pilgrimage to Mecca. He lost his wife; but he would not withdraw his hand from the helm. The whole world knows that he suffered grievous bodily harm at the hands of a countryman for the cause of truth.<sup>3</sup> And, by the compromise of

<sup>1</sup> Elected for third time as Mayor of Durban and Chief Magistrate of Borough in August 1904; *vide* "The Mayor of Durban", 13-8-1904; originator of the idea of the Bazaar Notice which sought to confine Asiatic trade in Natal to Locations.

<sup>2</sup> *Vide* "Resolutions at Mass Meeting", 10-9-1908

<sup>3</sup> *Vide* "Johannesburg Letter", 16-5-1908 "Essop Mia", 23-5-1908.

January last and by the introduction of the new Registration Act, he has shown what pluck and firm faith in one's cause can do. Mr. Essop Mia deserves the thanks of the Indians not only of the Transvaal but of South Africa. His mantle has fallen on worthy shoulders. Mr. Cachalia is a seasoned soldier in Indian ranks. He has suffered imprisonment for the cause. He has worked whole-heartedly and was always an able lieutenant to Mr. Essop Mia. By universal acknowledgement, he is the best man to succeed Mr. Mia. Let us hope that he will fulfil the expectations of the community. His is a very difficult task. The Indian ship is still in troubled waters. And he will require all the energy, patience and calmness that may be in him, and all the support from the rank and file that he can command.

*Indian Opinion*, 19-9-1908

### 89. SITUATION IN NATAL

Natal Indians should act with due deliberation. Petitions and meetings will avail nothing. They must be backed up by sanctions.

The Newcastle licence case is noteworthy. As it served to show, municipalities are authorized to grant [only] certain kinds of licences.<sup>1</sup> Other [categories of] licences can be granted under the Act [18] of 1897.<sup>2</sup> But one can argue that this Act does not extend the powers of the municipalities. That is to say, they are limited. If this is true, there are certain advantages that we can derive from it.

Since this is the state of affairs, the Natal Government has drafted a new Bill which will, in consequence, nullify [the advantages] resulting from the Newcastle case. It is necessary staunchly to oppose this. The Natal Parliament will of course throw [any] petition [which we send] into the waste-paper basket. The Imperial Government will also not take any notice of it, which means that the time has arrived when, even if we win on the legal front, Parliament may neutralize our victory.<sup>3</sup>

There is only one way out of this: we must rely on our own strength and fight. That strength is the strength of satyagraha. Natal traders should trade without licences.

[From Gujarati]

*Indian Opinion*, 19-9-1908

<sup>1</sup> Under Ordinance 3 of 1850

<sup>2</sup> Dealers' Licenses Act

<sup>3</sup> By enacting new laws

## 90. LETTER TO THE PRESS<sup>1</sup>

JOHANNESBURG,  
September 19, 1908

TO  
THE EDITOR  
SIR,

I beg to send you herewith, for publication, a communication addressed by me to the Director of Prisons. The British Indian Association has voluntarily undertaken to suffer, and to advise British Indians to suffer; but I do not know whether treatment such as is described in the letter herewith enclosed square with the humanity of the Colonists. We do not ask to be treated as favoured prisoners, but we do ask that British Indian prisoners be treated with some degree of humanity in this enlightened country.

*I am, etc.,*  
A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Rand Daily Mail, 21-9-1908*

## 91. LETTER TO DIRECTOR OF PRISONS

[JOHANNESBURG,]  
September 19, 1908

THE DIRECTOR OF PRISONS  
PRETORIA  
SIR,

My Association has received a letter in Gujarati from a British Indian named Syed Ali, who has just undergone imprisonment at Boksburg. I give below a free translation of the material portion of the letter. It is dated the 17th instant, and is written from Springs:

I write the following, God between us. On the 19th day of August, 1908, I was sentenced by the Magistrate to pay a fine of 10[s] or suffer imprisonment for seven days with hard labour for

<sup>1</sup> This was released to the Press with the "Letter to Director of Prisons", *vide* the following item. *Rand Daily Mail*, 21-9-1908, published them under the heading. "Life In Prison: An Indian's Complaints: Treated Worse Than Kaffirs". The correspondence was also published in *Indian opinion*, 26-9-1908.



trading without a licence. I accepted gaol. When I was admitted, a Kaffir came to me and asked me to strip myself naked. I did so. I was then made to walk, in that condition, barefoot, some distance. I was then kept, together with Kaffirs, in cold water, for twentyfive minutes. I was then taken out and taken to an office. I was then given some clothes to wear, but I did not get any sandals. I, therefore, asked the gaoler for some. At first, he said 'no', and then he gave me torn sandals. I asked for socks. and he used abusive language (untranslatable). I asked again, and he said 'Look here, I will sjambok<sup>1</sup> you.' I was then frightened and had I spoken again, he would certainly have struck me.

On the 20th August, the work given to me was that of carrying and emptying closet buckets. I complained to the gaoler about this work, and I received a kick and slaps. I still persisted in my complaint, and told him that I would be glad to break stones but would like to be relieved from the work of carrying and emptying these buckets. I was then kicked again. I became helpless and I had to carry those buckets.

On the 22nd August, Saturday, I was again kept in cold water for nearly half an hour. It was extremely cold. I was shivering. God knows how cold it was. I then became, feverish. My chest became bad. On the 25th, I was discharged. The gaoler, on discharging, said 'You may come again, if you wish to die' and I retorted, 'All right, you may kill me if you can.' I then returned to Springs by the 11 o'clock train. And ever since I have been ill, and I have been discharging blood from the chest, and am under medical advice....

I was treated worse than Kaffir prisoners. Happily, I was the only Indian. I thank God that I was spared. All my book-debts have become bad, but I do not care. I hope the community will be able to preserve its self-respect.

My Association does not know how far the above statement is true, but, on the face of it, in my humble opinion, it calls for a thorough investigation, which I have no doubt you will make. In the meanwhile, I venture to inform the Government through you that, assuming the truth of the above statement, the advice given by my Association is, despite all difficulties, to continue to suffer for what it believes to be a principle.

<sup>1</sup> meaning "to flog with a whip of rhinoceros hide"

I may add that the correspondent, as his name implies, is a direct descendant of the Prophet, and I need hardly comment upon the resentment that would be bitterly felt by Mahomedans, when they understand that such a person has been called upon to perform the dirtiest work at the Boksburg gaol.

*I have, etc.,*  
A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Rand Daily Mail*, 21-9-1908

## 92. LETTER TO W. HOSKEN

JOHANNESBURG,  
*September 19, 1908*

WILLIAM HOSKEN, ESQ., M.L.A.<sup>1</sup>  
JOHANNESBURG

DEAR SIR,

We, the undersigned, are deeply grateful to you for the kindly interest you, as a lover of the Empire and a Christian gentleman, take in the present bitter struggle that Asiatics are engaged in.

You have told us, at the meeting called by you at your office to-day, and attended by Mr. Cartwright, Mr. Pollock, and ourselves, that General Smuts genuinely regrets the persecution which the Asiatic communities, the majority of whom are British subjects, are undergoing. We appreciate this sentiment. You also said that General Smuts thinks that there would be no insuperable difficulty in meeting our request. We, therefore, beg to state as follows:

A promise should be given by General Smuts and the leader of the Progressive Opposition<sup>2</sup> that the Asiatic Act will be repealed during the next session of Parliament, and that the status of highly educated Indians will be safeguarded in terms of the request made by the British Indian Association.

As to the latter question, in order to show our *bona fides*, we would be quite satisfied with the entry, per year, of, say, six such Indians. The great point, therefore, is that they should be able to enter under the general education test. There should be no legal distinction.

<sup>1</sup> Ex-President of the Association of Chambers of Commerce of South Africa. He was sympathetic to the cause of British Indians; *Vide* "The Transvaal Immigration Bill Debate", 20-7-1907, Johannesburg Letter", 31-12-1907 and "Johannesburg Letter", Before 10-1-1908.

<sup>2</sup> Party in the Transvaal Parliament

We do not mind an administration of the law such that only the above number can enter. Precedent for such administration is not wanting. The Cape and Natal are doing so at present. In our opinion, such discretion is given under the Immigrants' Restriction Act, but if General Smuts holds otherwise, we have no objection to the Act being so amended as to give the widest discretion to him.

These are the two chief questions outstanding. As a matter of fact, the two are even one, because, if Act 2 of 1907 were repealed, the Immigrants' Restriction Act would not come in the way of highly educated Indians entering the Colony. We separate the question, because we wish to show that we have no desire to take any undue advantage of the facility provided under the Immigrants' Restriction Act, but that we are quite sincere in our declaration that we have no desire to have unrestricted Asiatic immigration into the Colony. All we say is that, if the resident Asiatics are to be treated justly and if the whole Asiatic nations are not to be insulted, educated Asiatics should be treated under the general immigration law, and should not be called upon to submit to any registration Act.

The other questions, namely, those of restoring registration certificates to those who have burned them, and the reinstatement of Mr. Sorabjee are, in our opinion, administrative details, and can be easily arranged when the main points are solved.

We would mention that, whilst the new Act<sup>1</sup>, which has just received the Royal sanction, is very reasonable, there are one or two flaws—for instance, in connection with the claims of those who are already in the Colony and who have entered *bona fide*, they cannot be called upon to submit to a three years' residence test, because some who have not given such proof have already been granted registration certificates. It is also felt that, unless the widest latitude is given in the regulations with reference to the giving of thumb-impressions on application for licences, that particular section would cause the greatest irritation.

We assume that all those who are now suffering imprisonment will be discharged simultaneously with a settlement going through, if

<sup>1</sup> Asiatics Registration Amendment Act (1908). Speaking on the Bill in the Transvaal Parliament, Hosken had said that, while he thought "the Bill provided for all points raised" and hoped that the Indian people would accept it, he differed on one point: the education test. He thought that not to give "residential permits either to teachers of religion or to any other qualified person" was such a narrow interpretation that he could not agree to it. He was, however, one of the members who supported the Bill.

such a fortunate result is attained.

In conclusion, we beg to mention that we have no desire to defy the Government, and we wish to remain in the country with peace and honour and in obedience to the general laws of the Colony. We have been obliged, most reluctantly and in obedience to a higher call, to oppose most strenuously the Asiatic Act. We need not, at this stage, go into the reasons for it, but we ask that our opposition to that Act may not be interpreted to mean defiance.

We beg to add that the leaders who are at present at the Volksrust gaol, and who represent the flower of the Indian community in South Africa, as soon as they were sentenced, sent us the message that they were prepared to suffer to the utmost, but that we should not mind their sufferings but continue the struggle until what we think we are justly entitled to is granted.

In accordance with your desire, we would treat this communication to be strictly confidential, and any message that you may convey to us will also be so regarded.

With our renewed thanks for your kindly interest and for the assurance conveyed by General Smuts.

*We remain, etc.,*  
A. M. CACHALIA  
ESSOP ISMAIL MIA  
IMAM A. K. BAWAZIR  
LEUNG QUINN  
C. K. T. NAIDOO  
FOO KIMSON  
M. K. GANDHI

From a photostat of the typewritten original: S. N. 4879

### 93. *LETTER TO COLONIAL SECRETARY*

[JOHANNESBURG,]  
*September 21, 1908*

THE HON'BLE THE COLONIAL SECRETARY  
PRETORIA  
SIR,

I have the honour to forward herewith a copy of a letter<sup>1</sup> addressed by me to the Director of Prisons, and copy of his reply. My

<sup>1</sup> *Vide* "Letter to Director of Prisons", 19-9-1908

Association will be obliged if you will kindly grant the request made in the letter addressed to the Director.

*I have, etc.,*  
A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

## 94. JOHANNESBURG LETTER<sup>1</sup>

### HARDSHIPS IN GAOL

It is becoming more certain each day that we shall be made to drain the cup of misery to its dregs. Mr. Syed Ali, who has just returned from gaol after seven days' imprisonment at Boksburg, had no end of suffering to put up with. He had been sentenced to hard labour. He was made to carry closet buckets. He was made to stay in cold water for a long spell. He was kicked. How can one bear this? Mr. Cachalia has addressed a letter<sup>2</sup> to the Director of Prisons about Mr. Syed Ali. It will perhaps get a hearing, but whether or not it has any effect, we will carry buckets and suffer kicks. We will regard this as an expression of our nobility. Our bonds will be loosened [only] when we [learn to] enjoy carrying buckets. Only then may we claim that we understand the meaning of satyagraha. Satyagraha consists in not forsaking what we know to be truth, in enduring any suffering for its sake, no matter even if we die in the process. We should do no harm to anyone, for by harming others we violate truth. True victory will consist in cultivating the ability to bear with all this. Once we comprehend this basic principle, we shall surmount any obstacles the Government may set for us. I hope therefore that Indians will not be unnerved by [the report of] Mr. Syed Ali's suffering but will be ever ready for gaol should the occasion require it.

### NATAL PRISONERS

The Natal prisoners are no longer being brought out on the roads to break stones. I for one feel disappointed at this. If they had to submit to the indignity of breaking stones, that would bring freedom nearer. They keep sending messages that no one need be anxious on their account. They are prepared for, and will indeed be happy with, [further] gaol terms of any duration. We must not [they

<sup>1</sup> This dispatch was commenced on September 20 and completed on September 23.

<sup>2</sup> *Vide* "Letter to Director of Prisons", 19-9-1908

insist] work for a hurried settlement because of them. For them it is the proper thing to say. And it will be right for us to ensure that they do not spend a minute longer in gaol than necessary; that others go to gaol without delay in order to secure their early release.

#### OCTOBER: TRYING PERIOD

Those who wish to secure the release of the brave leaders have a simple duty. October will test the mettle of many an Indian. By the end of September the licences of several hawkers will have expired. What will they do after that? It is their duty to refuse to take out licences, even if these are offered to them on their own terms—without their having to give thumb-impressions—as long as our demand is not accepted, and boldly to keep going their rounds without licences. The Government cannot afford this. Hence it is bound to throw the hawkers into prison. And if they show pluck, we shall be free soon. I would even make bold to say that should this happen, we would be rid of all this worry after the middle of October and succeed by then in securing the release of those who have gone to gaol for our sake.

#### HAWKERS' MOVEMENT

This is really a movement on behalf of the traders—especially the hawkers. The latter can also ensure its early success. By putting up a fight like this in this Colony, we can demonstrate that there is nothing undignified about hawking. True, hawkers are poor. [But] there is nobility in poverty. Viewing things in this light, hawkers should hold their heads high, educate themselves, live well and not quarrel among themselves. I want them to be truly educated men. It is within their power to become that. They have yet many things to do in South Africa. I want to convince them and the Indian community at large that this is a campaign from which they can gain regal dignity.

#### NEED FOR PICKETS

Hawkers acted very courageously in January. They have done the same this time. Yet we remain cowards. We need to be watched. This is not surprising. Pickets should therefore be appointed in every town. They must mount guard outside the Licensing Office and see that no one goes there to take out a licence. To ensure this, the leaders of every community should set themselves up as watchmen. If that is done, hardly anyone would go there to take out a licence.

#### PICKETS' DUTY

Pickets must remember not to employ violence against, nor attempt to intimidate, anyone. They must leave their *lathis* behind at

home. Our power comes from our tongue, which, too, should be used gently and inoffensively. With every Indian they must use gentle persuasion to point out his duty. The Krugersdorp case<sup>1</sup> must be borne in mind all the time. We must so behave as to make it impossible for anyone to accuse us, however unjustifiably, of intimidation.

Those who hold licences which are valid for the whole year ought not to use them but should surrender them to the Association.

Those who cannot risk going to gaol had better give up hawking for a few days instead of taking out licences.

#### MADRASIS AGAIN

Mr. Chokalingam was arrested for trading without a licence. Having refused to pay the fine, he went to gaol on Saturday to serve seven days' imprisonment. Mr. Godfrey appeared for the defence.

Mr. Essop Kanamia was charged with failure to take out the new register. He was served with seven days' notice [to leave to Colony]. His case was heard on Saturday, Mr. Godfrey attending.

#### PRISONERS' FOOD

Correspondence on the subject of prisoners' food is still going on. While the dispute about mealie pap has yet to be settled, we have information from the Director of Prisons that ghee was allowed in January only as a special concession and that there was in fact no provision for it in the rules. In Johannesburg, ghee is still served. But it is not in Volksrust, and that is how the question arose. Mr. Cachalia has written a strong letter<sup>2</sup> about this, and cables have also been sent to England. Let us see what happens now. Whether or not we are allowed good food makes no difference to us. If the Government inflicts this further cruelty on us, we should be determined enough to bear that too.

#### ISA HAJEE SUMAR

Mr. Isa Hajee Sumar, a Standerton trader of long standing, has returned from a trip to England. I hope that he will join the campaign and help whole-heartedly.

#### NEW BILL

The new Bill<sup>3</sup> has received Royal assent. The law has some

<sup>1</sup> *Vide* "Johannesburg Letter", 7-9-1908

<sup>2</sup> *Vide* "Letter to Director of Prisons", 18-9-1908

<sup>3</sup> Asiatics' Registration Amendment Bill

advantages for us. Just as we would not submit to the humiliation of the obnoxious Act, so do we not want to take advantage of this new Act, as long as two issues<sup>1</sup> remain unsettled. [Furthermore,] we cannot accept any advantage accruing from the new Act as long as those whom we have sent to gaol are not released.

#### KING-EMPEROR'S GUESTS

Mr. Magan Jivan, Mr. Gurunathan and Mr. Chetty Parag--these Indians entered Johannesburg Gaol today to serve a sentence of seven days' imprisonment. They were found trading without licences. All of them were defended by Mr. George Godfrey. A telegram has been received from the committee at Roodepoort to the effect that Mr. Dahya Ragma was also sentenced to seven days' imprisonment for hawking without a licence.

#### Regret

I have to report with regret that the Government has withdrawn the case against Mr. Muljibhai Patel and Mr. Harilal Gandhi.<sup>2</sup> Unfortunately for them, these two young men have been denied the opportunity to do homage to the brave Natal prisoners.

#### Further Regret

I have heard that Mr. Hassan Mia<sup>3</sup> gave his thumb-impression at Volksrust while returning from Durban.

#### Adam Mahomed Gool

The President of the British Indian League [of the Cape] is here on a visit. He has handed over his certificate to be burnt. The police did not ask him for his thumb-impression at Volksrust when he arrived there. Even if they had, he would have refused.

#### BELIM

Mr. Belim was released in Christiana on the 19th after he had served a sentence of a month's hard labour. He has received congratulatory telegrams. The reader will recall that Mr. Belim's partner was also sentenced to a month's imprisonment. So he

<sup>1</sup> (a) Non-repeal of the Asiatic Registration Act known also as Act 2 of 1907 and (b) provision for the continued immigration of "highly educated Asiatics"

<sup>2</sup> Vide "Interview to *The Star*", 17-9-1908; also "Trial of Ramaswamy and others", 27-7-1908 and "Trial of Harilal Gandhi—II", 10-8-1908.

<sup>3</sup> Essop Mia's son



transferred [the ownership of his shop] nominally to a white and thus, instead of closing it down, kept it going.

#### MOVING LETTER

An Indian, who signs himself “A Poor Indian Harassed by the Law”, writes as follows:

Please do something about solving the [problem of this] law, so that we can somehow return to India safely [after the end of our stay here]. Otherwise we shall be as good as finished. In the existing situation, it is the middle classes that suffer most. The big businessmen who have a large capital are not refused credit. Whites who used to order goods on our behalf ranging in value from £200 to £500 now refuse credit even up to 5 s. They say that they will suspend dealings [with us] until a settlement is reached as regards the law. If something is done to effect a settlement which will safeguard the interests of us poor folk, we can breathe a sigh of relief. Please see to it that we do not have to suffer longer.

We cannot help sympathizing with the person who wrote this. I must say, all the same, that he is mistaken in what he says. It is a mistake to assume, as he has done, that the people who have the capital stand to lose nothing. The rich have had to suffer heavier losses, the poor, smaller. Every Indian soldier [in this campaign] has suffered thus. The whites may refuse to supply us goods on credit, but it is not as though they were the [only] hallowed men<sup>1</sup> [that we may not go to others]. We must of course be prepared for harassment by the whites. Financial loss suffered for the country's sake should not cause us distress. Having said this, I do admit that this letter expresses the views of a number of Indians. It is in accordance with these that the campaign is being waged. The leaders have ensured that the community carries only those burdens which it can bear. In view of this, not a single Indian should lose heart.

#### KRUGERSDORP

Adverting to the newspaper report about Krugersdorp hawkers not making their rounds, Mr. Khurshedji Desai writes that the charge is entirely false and [adds] that the Indian hawkers in that town are carrying on trade without licences.

<sup>1</sup> Literally, those bearing a *tilak* on their forehead

## ABOUT NEW ACT

The new Act comes into force from today. A notice for taking out registers will not be issued under it. It is said that the notice period will extend up to November 30. Indians resident in the Transvaal have to take out permits within that period. As for those who are outside the Colony and do not hold the yellow permits, they have to apply within a year. There is nothing, let it be remembered, that either of these [categories of persons] need do yet. There is no need to hurry. Until a settlement is reached, it would not be meet to take advantage of this law. It will therefore be necessary to post pickets at the Permit Office. If this is done, and no licences are taken out, a settlement will soon be reached.

## CONFUSION

A number of queries have been received following *The Transvaal Leader* report that the community would be content to have only six educated Indians admitted into the Colony every year.<sup>1</sup> Some say that this is a fight only for securing the admission of six men, others that this is a new issue altogether. There is some misunderstanding here. Our demand is that, in law, all educated persons should have equal rights. We have already agreed that once there is a single law [for all immigrants], the test can be as severe as [the authorities] wish, so that hardly a single Indian may actually qualify for entry. That is to say, those who pass the education test prescribed by law will be entitled to enter. We cannot then protest if they do not subject the whites to any test, or only to a very simple one, but give the Indians a severe test. If this is done, we will not object. The question has been asked as to how we stand to gain by this. To this we can reply that we do not want the humiliation of a legal bar, even with the provision for the entry of a limited number of Indians. It follows from this line of reasoning that not a single Indian may be admitted, instead of which the entry of six is being ensured [in the suggested compromise]. Our campaign is directed only against the closing of the door [to Asiatics] by law. If the door is closed by law, it will be difficult to re-open it. If it is closed in practice because the

<sup>1</sup> *Transvaal Weekly Illustrated* of September 12 had said: "... Mr. Gandhi has offered to bind himself and his community to rest content on this part of the case if the Government will permit the entry of not more than six educated Indians per year ..... Even if the full number of six came every year, we doubt if that formidable invasion would ruin the Transvaal. This principle of limitation is almost the rule with other members of the Empire as to Asiatic immigration." *Vide* also "Letter to W. Kosken", 19-11-1908.

official who holds the test does not allow [the would-be immigrants] to pass, remedial measures can be found. Natal and the Cape have a law of this kind. The whites do not have to pass a test. The test for Indians grows more severe every year. A [similar] law is still in force in Australia; yet whites have been entering in their hundreds. The test for Indians is so severe that not a single Indian has been able to get in so far. However, when the prejudice among the Australian people dies down, or when the official in charge is considerate, Indians may be allowed to enter after a reasonable test. It is therefore to respect the Colonists' feelings and demonstrate the Indian community's reasonableness that a suggestion has been made for limiting the number to six. The law should be the same [for all], but it may be administered differentially; that is all that the demand means. There is thus no difference between this demand and the one that was put forward at the mass meeting and which was described by General Smuts as an ultimatum<sup>1</sup> (that is, a demand that implied the threat of war).

#### CHINESE HELP

On behalf of the Chinese Association, Mr. Quinn has offered £60 for being sent to the [S.A.B.I.] Committee in London. The reader will recall that on a previous occasion also an equal amount was presented to Mr. Ritch by the Chinese Association. It also contributed towards the expenditure incurred on the case in the Supreme Court field in the name of Mr. Aswat.<sup>2</sup>

#### HELP FROM CONGRESS

A telegram has been received from the [Natal Indian] Congress saying that a sum of £100 has been cabled to the London Committee. This should have been done earlier. However, even now it has not been too late.

*Wednesday [September 23, 1908]*

#### VOLKSRUST PRISONERS

Mr. Harilal Gandhi has arrived here after his release from Volksrust. He spent three nights [in gaol] with the Natal business-men. He reports that the prisoners are keeping good health. They cheerfully carry out their allotted tasks. Now they are not brought out [to break stones on the roads] but are made to sweep the garden and do similar chores inside the gaol. Mr. Dawad Mahomed is happy as a

<sup>1</sup> *Vide* "Letter to E.F.C. Lane", 20-8-1908.

<sup>2</sup> About the return of voluntary registration papers

bird with the song constantly on his lips; “Rustom<sup>1</sup>, the only one who became a benefactor equal to Vikram<sup>2</sup> ”.

#### REGULATIONS UNDER NEW ACT

Regulations under the new Act have been published. I shall comment on them next week. At the moment I shall only observe that these regulations are far better than the earlier ones. They, however, present some difficulties which call for attention; these can be resolved when a settlement is arrived at. But I hope every Indian will show patience. No one need apply in a hurry.

#### TAMILS' EFFORTS

The Madrasis are doing excellent work. They keep going to gaol. Also, they are never found to be slack in collecting funds. They have given the Association a cheque for £82.1.0. We thus see that those who go to gaol are also generous in contributing money. Those who exert themselves in one sphere can do well in others also.

#### ESSOP ISMAIL BELIM<sup>3</sup>

[He] writes from Christiana to say that during the first week in gaol he was asked to cook. The following week he was given assorted chores and during the last week he was made to work outdoors on the roads. The food was much the same as elsewhere. The only thing which he minded was being asked to take his cap off during meals. He adds that in suffering privations for the sake of his country, he has done no more than his duty and that he would be ready to do so again if there was need.

#### SETTLEMENT?

A proposal for a settlement was made by Mr. Hosken. Mr. Smuts had a talk with him. Consequent upon this, Mr. Hosken invited Mr. Cachalia, Mr. Imam Abdool Kadir Bawazeer, Mr. Quinn, Mr. Kimson, Mr. Naidoo and Mr. Gandhi [for a discussion]. He also invited Mr. Cartwright and Mr. David Pollock. In the end, a letter<sup>4</sup> was despatched to Mr. Hosken reiterating the demand made earlier at the mass meeting. Mr. Hosken forwarded the letter to Mr. Smuts. A reply has been received from the latter today, in which he says that the

<sup>1</sup> Parsee Rustomjee

<sup>2</sup> Vikramaditya, a legendary king of Central India famous for his just and benevolent rule

<sup>3</sup> He was released on September 19; *vide* “Johannesburg Letter”, 26-9-1908.

<sup>4</sup> *Vide* “Letter to W. Hosken”, 19-9-1908

demand is the same as that made previously, and that it cannot be conceded. There is no reason to be disheartened by this. Mr. Smuts has a right to ascertain whether or not we will submit to the new Act. A solution will be found only when we pass that test [set by him] and are found prepared to renounce everything.

#### BRITISH NEWSPAPERS

Newspapers in Britain have been suggesting that we give in at this stage. They want us to submit to the new Act without raising [further] objections. This is fine advice indeed ! It cannot be accepted. It need not be. It is the same old story. For us there is only one duty. Our demand is just. We must therefore continue to fight till it is conceded. We must fill the gaols, and refuse to take advantage of the new Act.

#### VALLY MAHOMED

Mr. Vally Mahomed, who came out of Pretoria gaol after five days inside and was received with great enthusiasm, says that no one took the mealie pap served in gaol, because it was suspected to contain lard. Mr. Ismail Juma [he adds] was given kicks because he would not line up along with the other prisoners. When an opportunity for complaint to the Governor about this presented itself, the chief warden would not allow it. The prisoners were made to mop hospital floors, carry buckets full of garbage and wash clothes. Such privations notwithstanding, every Indian must keep himself ready to go to gaol. I congratulate the Indian prisoners in Pretoria on their having gone to gaol and suffered privations for their country's sake.

[From Gujarati]

*Indian Opinion*, 26-9-1908

95. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]

September 24, 1908

THE DIRECTOR OF PRISONS

PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter No. 1077/08/835 of the 23rd instant in reply to my letter of the 21st instant, and beg to thank you for the inquiry made as to the complaint.

I now have the honour to enclose herewith the complainant's affidavit.<sup>2</sup> As you will notice, he adheres to the statements made by him. It is undoubtedly most difficult for him to bring forward witnesses, but the fact that he has been, ever since his discharge, suffering from pneumonia shows that he must have contracted it during incarceration. It is within my experience and the experience of many British Indians who have recently suffered imprisonment that it is not an easy matter to complain to the Governor—firstly, because the prisoners are too frightened and, secondly, because they do not know English or do not know it sufficiently. If an official or public inquiry is held, the complainant states that he is quite willing to appear and give evidence.

*I have, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

<sup>1</sup> This was published in *Indian Opinion*, 3-10-1908, under the title "Shocking Allegations: Need for Inquiry".

<sup>2</sup> Syed Ali's affidavit which is not reproduced here; *vide* also "Letter to Director of Prisons", 19-9-1908.

## 96. LETTER TO DIRECTOR OF PRISONS

[JOHANNESBURG,]

September 25, 1908

THE DIRECTOR OF PRISONS  
PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter of the 24th instant in regard to the question of the scale of diet in force for Indian prisoners in the Transvaal prisons.

I learn for the first time that, instead of there being, as my Association supposed, one scale of diet throughout the Transvaal, there are a number of diet scales in force which vary according to the different prisons. My Association is of opinion that this principle of differentiation tends to impose great hardship upon those who are differentiated against, and will be glad to learn whether it is the intention of the Government to appoint a fixed scale of diet for Indian prisoners throughout the Transvaal; and this apart altogether from the question of the meagreness of the diet as exemplified in Johannesburg, to which my Association has already drawn repeated attention.

I would once more demur to the suggestion that the giving of ghee is an act of grace and not a matter of dietary regulation, as I know it to be a fact that ghee, in January last, figured on the printed dietscale at the Johannesburg Gaol. My Association will be glad to learn whether it is finally the intention of the authorities to substitute, in regard to Indian prisoners, ghee wherever fat is prescribed in the Regulations, in view of the religious objection existing to the eating of fat by Indians.

My Association regrets to find from your letter under reply that its suspicions are confirmed that it is the intention of the Government to starve Indians into submission by compelling them to accept a diet totally unsuited to their habits of life.

*I have, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

## 97. HOW NATAL CAN HELP

Natal greatly helped in the Transvaal campaign last year<sup>1</sup>. This time it has surpassed all expectations. The leading figures and the educated Indians in that Colony have gone to gaol of their own accord.

But this has involved Natal deeper in the campaign. It has now to bear the same burden as the Transvaal. It has become the duty of the Transvaal as much as it is of Natal to ensure the early release of the Natal prisoners<sup>2</sup>. What needs to be done by the Transvaal has been indicated in our Johannesburg Letter<sup>3</sup>. Let us therefore think to Natal [for the present].

One of Natal's duties is to remit money regularly in order to maintain the [S.A.B.I.] Committee in London. For that purpose, collections should be speeded up. It is a matter for satisfaction that steps are being taken towards this.<sup>4</sup>

Its second duty is that those of its remaining leaders, who were formerly residents of the Transvaal, and well-educated Indians, such as barristers and physicians, should enter the Transvaal and follow Mr. Dawad Mahomed. Also, those holding £3 registers or permits should be sent to the Transvaal. None of them should give his thumb-impression at the border, and they should thus fill the Transvaal gaols in order to secure the legitimate rights [of Indians]. If that is done, the agitation is bound soon to come to a successful conclusion, and many Indians will have had the opportunity to test their newlyacquired power.

In any case, there can be no doubt that steps such as these will benefit Natal greatly. It has many more battles to fight yet. It has to fight for the repeal of the law about trade, for the ending of the indentured labourers' disabilities and for the cancellation of the oppressive £3 poll-tax. If a large number of leaders put their new power to test, the experience will stand them in good stead when they attempt to achieve all these things. When the whites realize that we have acquired this power, they will think twice before they decide to harass us.

<sup>1</sup> *Vide* "Awakening among Natal Indians", 3-8-1907 & "Speech at Congress Meeting", 4-11-1907 .

<sup>2</sup> Dawad Mahomed, Parsee Rustomjee and Anglia

<sup>3</sup> *Vide* "Johannesburg Letter", 26-9-1908.

<sup>4</sup> Natal Indian Congress had sent £100 to the S. A. B. I. Committee; *vide* "Johannesburg Letter", 7-9-1908.



A steamer from Bombay is due to call very shortly at a Natal port. Many of the Indians on board are bound for the Transvaal. It is the Natal Indians' duty to reason with them, to explain the situation to them and to ensure that they do not give their thumb-impressions under any circumstances while entering the Transvaal. It is essential to depute volunteers immediately for this purpose. We invite the attention of every Indian to these suggestions.

[From Gujarati]

*Indian Opinion*, 26-9-1908

## 98. LETTER TO COLONIAL SECRETARY

[JOHANNESBURG,]

*September 28, 1908*

THE HON'BLE THE COLONIAL SECRETARY

PRETORIA

SIR,

I have the honour to acknowledge the receipt of your letter No. 9/E/4467 of the 24th instant, informing my Association that you are unable to interfere with the administration of the regulations governing the diet scale for prisoners in the Transvaal gaols.

Since my Association's letter<sup>1</sup> of the 21st instant, I have received a further letter from the Director of Prisons, informing my Association that "there are a number of diet-scales in force which vary according to the different prisons". In view of that statement, I shall be much obliged if you will kindly inform my Association as to the particular diet-scale to which reference is made in your letter under reply.

*I have, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

<sup>1</sup> *Vide* "Letter to Colonial Secretary", 21-9-1908.

99. LETTER TO DIRECTOR OF PRISONS<sup>1</sup>

[JOHANNESBURG,]  
September 30, 1908

THE DIRECTOR OF PRISONS  
PRETORIA

SIR,

I am informed by Mr. Vassan Ranchhod that he has just been released from the Germiston Gaol, where he was imprisoned for three days with hard labour. He informs my Association that the food supplied to him during that time was mealie pap for breakfast, mealies cooked in or mixed with fat for dinner, and mealie pap for supper. There was no alternative diet.

Should these allegations be found correct, my Association would be glad of an immediate assurance from you that ghee will be substituted for fat, wherever used. I need not remind you that to an orthodox Mahomedan or Hindu, food cooked with fat is religiously unclean. A Mahomedan may only eat fat from an animal ritually killed, a Hindu may not eat fat at all.

*I have, etc.,*  
A. M. CACHALIA  
CHAIRMAN,  
BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 10-10-1908

100. LETTER TO "INDIAN OPINION"<sup>2</sup>

JOHANNESBURG,  
September 30, 1908

THE EDITOR  
*INDIAN OPINION*

SIR,

My Association has received the following further communications from the Director of Prisons:

<sup>1</sup> This was published in *Indian Opinion*, 10-10-1908, under the title "Should Indians be Starved into Submission? Further Correspondence".

<sup>2</sup> This was published under the heading "Shocking Allegations: Need for Inquiry".

With reference to your letter<sup>1</sup> of the 24th Instant forwarding an affidavit by Syed Ali in respect of his treatment at the Boksburg Gaol, I have the honour to state that the matter has been investigated by the Governor of the East Rand Prisons, and I have obtained reports from him.

I am satisfied that Syed Ali was treated in accordance with the Gaol Regulations, and I do not propose to hold any further inquiry under present circumstances.

With reference to your further letter<sup>2</sup> of the 25th instant on the subject of the diet scales in force in the Transvaal for British Indians detained in Transvaal Prisons and Gaols, I have the honour to inform you that as at present advised I am not prepared to make any representation with a view to an alteration of the existing scales.

Apparently, Mr. Syed Ali's request<sup>3</sup> for an open judicial inquiry into his complaints is to be denied him. In regard to the subject of diet scales in force in the Transvaal Gaols for Indian prisoners, my Association must now be satisfied that it is the set policy of the Transvaal Government to starve Indian prisoners into submission, and, in this way, endeavour to coerce the British Indian community.

*I am, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 3-10-1908

### *101. CABLE TO S. A. B. I. COMMITTEE*

JOHANNESBURG,

*September 30, 1908*

YESTERDAY INDIAN SENTENCED MONTH'S LABOUR FAILING LEAVE COLONY; ANOTHER ORDERED LEAVE COLONY SEVEN DAYS; BOTH UNDER ASIATIC ACT NOTWITHSTANDING NEW VALIDATION ACT PROMULGATED TWENTYFIRST SEPTEMBER GIVING RIGHT TO APPLY FOR REGISTRATION DURING OCTOBER WITH RIGHT TO APPEAL AGAINST REGISTRAR'S DECISION. TODAY EDUCATED INDIAN WHO JUST COMPLETED MONTH'S IMPRISONMENT UNDER ASIATIC ACT RELEASED; RE-ARRESTED PRISON GATES UNDER ASIATIC ACT; COMMUNITY ASTOUNDED; UNDERSTOOD OLD ACT DEAD LETTER FOR ADMINISTRATIVE PURPOSES. VALIDATION ACT TO APPLY IN FUTURE. COMMUNITY INSIST REPEAL OLD ACT.

[M. K. GANDHI]

Colonial Office Records: 291/132

<sup>1</sup> *Vide* letters to Director of Prisons 24-9-1908; 25-9-1908

<sup>2</sup> *ibid*

<sup>3</sup> *Vide* "Letter to Director of Prisons", 19-11-1908.

## 102. INTERVIEW TO "THE NATAL MERCURY"

[DURBAN,  
September 30, 1908]

Mr. M.K. Gandhi, the doughty champion of the Indians' cause in the Transvaal, is at present on a visit to Durban, and was interviewed yesterday by a representative of this journal.

Asked what his object was in coming to Durban at the present time, he said he was here in connection with the question of those Indians who had a right to return to the Transvaal owing to their having been pre-war residents; and, particularly, to see those Indians who were expected by the German steamer *Governor*, which was bringing a fair number of Indian passengers for the Transvaal.

In reply to a query as to the present position of Indians in the Transvaal, M. Gandhi said the fight resolved itself into this, that those who were entitled to be in the Transvaal shall be allowed to enter the Colony, but not give the Government any help with reference to identification, until the two outstanding questions were settled.

"How is this attitude reconciled with the law-abiding nature of British Indians?" queried the interviewer, and Mr. Gandhi replied that he held there was nothing defiant in the Indians' attitude. It should be remembered that British Indians were not represented in the Transvaal Parliament, and the only effective manner in which they could make themselves heard was to refuse submission to laws in the passing of which they had no hand, and which violated their conscience or their self-respect. The Indians, he said, held that General Smuts was in honour bound to repeal the Asiatic Act, but he said he would treat it as a "dead letter". The Indians said that [that] was not enough, and he (Mr. Gandhi) noticed that even now the old Act was by no means a dead latter. Under the circumstances, British Indians asked General Smuts to fulfil his promise by repealing the Act, and, until this was done, they had been advised not to accept the benefits accruing from the new Act. This, to Mr. Gandhi's mind, was an act of renunciation by the Indian community which should be appreciated by the Colonists throughout South Africa.

"But what as to the educational question?" was the next query, to which Mr. Gandhi replied that the answer was very simple. If the Act were repealed, the immigration law of the Transvaal would be almost the same as that of Natal. British Indians stated that the Transvaal should not be allowed by the Imperial Government, and by those who love the Empire, to lay down a new policy of exclusion based purely on race and colour. The present immigration law of the Transvaal, with the assistance of the old Asiatic Act brought about such a constitution. Indians, therefore, contended that such should not be the case.

The people of the Transvaal, he said, were frightened with the bogey of an invasion of half-educated youths from Natal, but this was due only to ignorance. Indians were not fighting for the rights of half-educated fellow-countrymen. They

were fighting for the honour of India, and for a principle--the same principle that was laid down by Mr. Chamberlain before the Conference of Colonial Premiers, viz., that restriction should be based on sensible grounds, and not on grounds of colour or race. Once, said Mr. Gandhi, the status of educated Indians was established on a footing of equality in the eye of the law, he personally had no quarrel about the severity of the education rest. The essential difference seemed to him to be this: The people in the Transvaal, as indeed in South Africa, tolerated British Indians as an evil; Indians, on the other hand, claimed that those who were domiciled in South Africa should form part of the future nation that was coming into being, and that they should be encouraged in every way to make progress towards refinement and culture. In making this statement, he was simply paraphrasing what Mr. Patrick Duncan said the other day—that was to say, that, in a free and self-governed South Africa, it would not be possible to contemplate a body of human beings living in a state of servility, or studied and legal inferiority.

In taking this stand against any such degradation, Mr. Gandhi claimed that his countrymen should receive the sympathy and assistance of all who loved South Africa as their home, and who wished well to it. He wanted to make one thing perfectly clear, which was that Indians had no desire to have further unrestricted immigration of Asiatics into any part of South Africa, nor did they wish that there should be no [*sic*] regulations on unenlightened lines of trade licences in general, but, after these two propositions were established, there should certainly be no differential legislation, otherwise he could only repeat what he had said so often, that in South Africa would be sown the seeds of disruption of the Empire. They could not have India as the brightest jewel in the British Crown, and yet use that jewel as a target from every point.

Mr. Gandhi next made the following statement, in reply to a question as to what he thought would be the effect of unification upon Indians in general: This was a question he had answered before a meeting of the Closer Union Society that had been formed in Johannesburg.<sup>1</sup> He there stated that a United South Africa meant for British Indians greater restriction of their liberty, unless a unified South Africa meant unification not only of the white races, but of all British subjects, whether Coloured or white, who had chosen South Africa as their permanent home. Under such unification, one would expect liberal principles guiding Indian legislation, but one heard often talk of disfranchisement at the Cape, and further disabilities in Natal. The goal of unification seemed to be the nearest approached by the Orange River Colony, so far as Asiatic legislation was concerned. In that Colony, Asiatics had absolutely no footing, except as domestic servants. It must be plain to anybody that Indians who has vested rights, who had children to educate, and families to rear, would not be satisfied with such a status, and that they would carry on a bitter struggle before they accepted a position such as he had described. He could not conceive how the Imperial Government could possibly look with approval upon a scheme of unification which

<sup>1</sup> *Vide* "Speech at Closer Union Society", 20-8-1908.

would mean the reduction of Asiatics and Natives to a state practically of slavery.

The next point touched upon was embraced in the following query: "What is the feeling of British Indians with reference to the local leaders who have been imprisoned in the Transvaal?"

Mr. Gandhi replied that, from what he could see, the feeling was very bitter. His countrymen failed to understand why, in a British Colony. British Indians should have to suffer imprisonment because they dared to enter the Transvaal. The situation would appear much more painful when he said that the three leaders were pre-war residents of the Transvaal. Three educated Indians were also suffering imprisonment with them who were stretcher-bearers, and held the rank of sergeants at the time of the Zulu rebellion.<sup>1</sup> It would be remembered that their services were so much valued that Sir Henry McCallum specially recognized them, and, of course, those ex-sergeants were entitled to their medals, and would receive them on being released. It must appear strange to anybody that such men should be imprisoned, with hard labour, for merely daring to enter the Transvaal. One of the leaders imprisoned was known to every prominent Durbanite--Mr. Dawad Mahomed, the chairman of the Natal Indian Congress; the other, Mr. Parsee Rustomjee, was equally well known and the third, Mr. M.C. Anglia, besides being a prominent merchant, and secretary of the Congress, had received a very good education in English and French. The Indians of Durban, therefore, felt that they had to suffer in order that these leaders might be released before their time. They were, therefore, considering the advisability of sending up more Indians, who had a right to enter the Transvaal, to share the same fate as the leaders. It was quite evident that General Smuts had rendered an indirect service to British Indians throughout South Africa. They had been brought together as never before, and they had also begun to understand their own position, and to realize that they must work shoulder to shoulder, and undergo much suffering, if they were to be recognized as self-respecting men in South Africa.

The reports received from these leaders, through prisoners who had been discharged, were to the effect, said Mr. Gandhi, that they were perfectly cheerful, although the Government was simply starving them in regard to their diet, by reason of providing food which was not suited to Indian habits. The leaders stated that they would continue to be in gaol until the struggle was over, and the just rights of British Indians in the Transvaal were recognized. Most of them had already been sent out in the public roads to break stones. Most of the leaders, Mr. Gandhi added, were very delicate, and Mr. Dawad Mahomed was old, and could hardly life a weight, but such was his love for his country, he understood, that he performed the allotted task with the utmost cheerfulness.

"Do you think the trouble here produces any effect in India?" further queried the interviewer. Mr. Gandhi answered that he certainly thought it did. The meeting that was held last January in Bombay under the presidency of His Highness the Aga Khan was very widely attended. Anglo-Indians and Indians were absolutely united on this

<sup>1</sup> *Vide* "Indian Stretcher-Bearer Corps", Before 19-7-1906.

question, and so were Mahomedans, Hindoos, Christians, and Parsees. The protest made at the Bombay meeting was emphatic and unanimous. Advice[s] lately received also showed that the treatment in the Transvaal and consequent suffering had affected British India very deeply. Mr. T. J. Bennett, who was the proprietor of one of the leading newspapers of India, writing to the London *Times* the other day, had said that during his recent travels in India he found that Indians, rich and poor, maharajahs and plebeians, resented the treatment very bitterly, and all wondered what the Imperial Government was doing to allow [*sic*] it. There was no doubt that Lord Morley was being pressed, in connection with this question, from many parts of India. Those in India who were the warmest friends of the Empire had been moving heaven and earth in order to secure fair treatment in the Transvaal, as, also, indeed, in South Africa.

Turning now to the local questions affecting Indians, our representative asked Mr. Gandhi what he thought of the Indian Bills passed during the last session.

To this query, he replied that he would be very much surprised indeed if these Indian Bills received the Royal assent. They laid down a principle, not of compensation, but of confiscation. An analogy had been drawn between liquor licensing legislation at Home and trade licences. Surely there should be no comparison between the two. Liquor licences were admitted to be an evil, and the cause of national degradation. Everyone wanted to see public-houses restricted, if not done away with altogether. Naturally, therefore, there would be, or must be, legislation with reference to these licences; indeed, with reference to them, the question was one of compensation or no compensation. All parties were agreed that many public-houses should be closed, but with reference to trading licences. Whatever might be the local prejudices, nobody could seriously contend that they should be treated on the same footing as liquor licences. To his mind, so long as the system of inducing indentured labour from India was continued, there certainly would be no rest in Natal, so far as Indians were concerned, Licensing legislation was merely a useless palliative. If indentured immigration were stopped, they would find that the Indian question would solve itself. There was scope enough for the present population of Natal, and the European population should certainly expand without taking the bread away from the mouths of the free Indian population. But if the system of indenture were continued, there must necessarily be a forced addition to the Indian population, and, consequently, agitation. Of course, some of the industries of Natal would, at the commencement, suffer, but he could not help thinking that it was much better that these industries should suffer than that they should have an eternal eyesore in the Colony. There might be even a way of compensating these particular industries, but indentured labour should be stopped at the earliest possible moment.

In this, concluded Mr. Gandhi, Indians could always be relied upon; they were just as anxious that the system should be stopped as any Colonist could be, and he only hoped that Mr. Evans, who had commenced his crusade against the system, would not rest satisfied until it was abolished.

*The Natal Mercury*, 1-10-1908

### 103. TELEGRAM TO COLONIAL SECRETARY<sup>1</sup>

[DURBAN,]  
October 2, 1908

HON<sup>2</sup>BLE COLONIAL SECRETARY  
P. M. BURG<sup>2</sup>

NATAL INDIAN CONGRESS LEARN SOME BRITISH INDIANS ARRIVED PER *Gouverneur*, THEY HOLD PROOF RESIDENCE TRANSVAAL. IMMIGRATION OFFICER DECLINES GRANT EMBARKATION PASSES. SOME PASSENGERS MINOR CHILDREN WHOSE PARENTS HAVE ARRIVED FROM TRANSVAAL FETCH THEM. OFFICER<sup>3</sup> DECLINES PERMISSION LEGAL ADVISERS SER PAS-SENGERS. CONGRESS CONSIDERS THIS UNJUST AND CRUEL. REQUEST[\$] PERMISSION SEE PASSENGERS AND REQUEST[S] INSTRUCTIONS OFFICER ISSUE EMBARKATION PASSES. CONGRESS GUARANTEES THESE MEN PROCEEDING TRANSVAAL.

NICELY<sup>4</sup>

From a photostat of the original draft in Gandhiji's hand: S. N. 4889

### 104. CABLE TO S. A. B. I. COMMITTEE<sup>5</sup>

DURBAN,  
October 2, 1908

TO

THE SOUTH AFRICA BRITISH INDIAN COMMITTEE  
LONDON

CONGRESS STAGGERED. OVER 80 ARRESTS KOMATIPOORT<sup>6</sup>. THIRTEEN INDIANS FROM BOMBAY INCLUDING MINOR CHILDREN HOLDING TRANSVAAL CERTIFICATES REFUSED TRANSIT PASSES PROCEED TRANSVAAL BECAUSE THEY WILL NOT ACCEPT NEW ACT. TRANSVAAL OFFICIAL THREATENING THEM. NATAL OFFICIALS HELPING HIM. LEGAL ADVISER REFUSED PERMISSION SEE

<sup>1</sup> The telegram was signed by Gandhiji "for sender". A copy of it was forwarded to the Under Secretary of State for the Colonies by L. W. Ritch on October 6.

<sup>2</sup> Pietermaritzburg

<sup>3</sup> The original has "officers".

<sup>4</sup> Telegraphic address of the Natal Indian Congress

<sup>5</sup> Of the original draft in Gandhiji's hand which is damaged, only the first page is available. It ends with the words "legal adviser". The telegram, however, is available in full in the Colonial Officer Records. A copy of it was forwarded by L. W. Ritch on October 3 to the Under Secretary of State for the Colonies.

<sup>6</sup> The original has "Komatiepoort".



THEM.<sup>1</sup> CONGRESS CONSIDERS THIS COERCION. RESULT WILL BE MEN DEPRIVED OPPORTUNITY CONTESTING RIGHT TRANSVAAL COURTS.

NATAL INDIAN CONGRESS

From a photostat of the draft in Gandhiji's hand: S.N. 4913; also Colonial Office Records: 291/132

### *105. DRAFT FOR MINISTERS OF RELIGION*

[October 2, 1908]<sup>2</sup>

We the undersigned Ministers of Religion resident in Johannesburg being horrified at the alleged treatment of a large number of Indians on their way from Delagoa Bay to their homes in the Transvaal *via* Komatipoort urgently appeal to the Transvaal Government in the names of Religion and Humanity to forthwith institute careful enquiries into these allegations and in accordance with the evidence obtained to take such action as will vindicate justice.

We also pray that the religious objections of the Asiatics to certain elements of prison diet may be respected and that another earnest effort may be made to effect a satisfactory settlement of the present difficulties.

DOKE  
PHILLIPS  
HOWARD  
TITCOMBE  
CANON BERRY  
DR. HUNTER  
BERRY  
LENDER BLOP<sup>3</sup>

From the original draft in pencil: S. N. 4885

<sup>1</sup> Romer Robinson, a leading solicitor of Durban, wrote in his letter of October 2, 1908 to the Indian Immigration Restriction Officer: "I am told further that leave for me to visit these Indians as their legal adviser has been refused so that they are denied even the privilege of a criminal in gaol. Is this so? If not, please give me written permission to interview them."

<sup>2</sup> The draft appears to have been prepared at about the same time when Gandhiji sent the "Telegram to Colonial Secretary", 2-10-1908 and the preceding item.

<sup>3</sup> The names of the signatories are in Gandhiji's hand.

## 106. NATAL INDENTURED LABOURERS

*The [Natal] Advertiser*, of Durban, is a determined enemy of the Indian community. Even so, Its editor could not remain unmoved by the sufferings of the Indian indentured labourers. In a lengthy comment, he has shown that the condition of Indians under indenture is not far different from slavery. The members of the Immigration Trust, which administers the affairs of indentured labourers, are elected by their white employers. It is these members who appoint the physicians to look after indentured labourers. Whether the labourers are happy or not depends very largely on the physicians. If the latter in their turn depend for their livelihood on the employers of indentured labour, they are not generally free to express their own views. For instance, if a physician certifies that a certain Indian is physically unfit, the employer will not only be deprived of the benefit of his labour during the period of his illness, but will also be required to bear the expenses of his treatment. A physician who discharges his duty faithfully is thus likely to incur the displeasure of the employer. When there is conflict between duty and self-interest, most men prefer the latter. The *Advertiser* suggests therefore that the physicians should be free from the control of the employers. The Protector of Indians is almost in the same predicament as the physician. The Protector is a member of the Trust Board. Since many of the members of the Board are themselves employers of indentured labour, the Protector can make himself heard no more than a reed. The *Advertiser* states further that an indentured labourer who deserts work has to suffer imprisonment. Ordinarily, when a servant throws up his job, his employer can only file a civil suit against him. For the indentured labourer, on the other hand, no better lot is ordained than imprisonment. Pointing out that these conditions are the marks of slavery, the editor of the *Advertiser* urges the whites of the Colony to stop importation of indentured labour from India and to amend the regulations relating to indenture. This is a fine opportunity to secure some improvement in the conditions of indentured labourers. We believe, however, that no improvement of any real value is possible. The best way is to stop the system of indenture. Indian newspapers have published the experiences of an indentured labourer in Mauritius. We summarize these elsewhere.<sup>1</sup> Probably the reports are somewhat exaggerated. It is certain, however, that the condition of indentured labourers is utterly miserable. Indian indentured labourers

<sup>1</sup> Not reproduced here

are not found to be happy in any part of the world. A study of world history tells us that at first slaves were generally kept as a substitute for cattle and were treated as such, and that as soon as legalized slavery had disappeared, thanks to the powerful influence of the British people, it was reintroduced in other forms. In all such places, or in the neighbourhood of such places, where Indians or members of other communities are employed at present to work under a system of indenture, it was the practice formerly to employ slaves. It is natural for the rich to want to control others by force. The only way to prevent the suffering which may result from this tendency of theirs is to limit their powers by law. In other words, the method of exploiting human labour under a system of indenture should be prohibited by law. Therefore, the main duty of Natal Indians in this matter is to start an agitation on a big scale, to adopt satyagraha, if necessary, and bring the system of indenture to an end.

[From Gujarati]

*Indian Opinion*, 3-10-1908

### 107. REAL EDUCATION

We have sometimes been told, orally and in writing, that the satyagraha campaign in the Transvaal, which we have been sponsoring and for which we have been making sacrifices, is all a vain effort. These advisers of ours argue, moreover, that there is no justification for such an effort for the sake of the handful of Indians who live in South Africa. And in any case, [they say,] Indians will have no choice in the end but to leave this country. It will then be found that we had been building on foundations of sand.

Such reflections have given rise to doubts in the minds of some of our readers. Let us consider this matter a little.

We have no hesitation in saying that the argument is entirely fallacious. Those who advance it do not understand the deep significance and the marvellous power of satyagraha. It is a counsel of despair to say that Indians will be forced to leave South Africa in the end. We visualize no such possibility. If the Indian community can practise satyagraha even in a small measure, there is no reason why it should have to leave this country.

But, even if it is obliged to leave the country, it will have already enjoyed the fruits of satyagraha. That one can secure one's rights through satyagraha is not the reason why it is practised. Securing one's rights is one of the results, but satyagraha can be offered

without thinking of the result. As for efforts of other kinds, we count them wasted if there are no results. For instance, if a man aims at seizing the property of another by killing him, and fails either to kill him or to get the property, he will feel frustrated and, maybe, will himself have to face death. In satyagraha, it makes no difference whether the result is achieved or not. For, there is no cause for frustration in the event of failure. In the case of the Transvaal agitation, even if the obnoxious law had continued to be in force, those who resorted to satyagraha would have ever remained victorious. Their efforts would have done the community no harm. Putting the same thing in another way, we can say that satyagraha is a kind of education in the real sense of the term. If we undergo education with a specific object in view, such as earning our livelihood, the education that has been received will not be wasted even though we fail to earn our livelihood through it. In like manner, the invaluable education--the benefit--received through the strengthening of will power which results from our adherence to truth and suffering hardships for its sake, is never lost. Those who became satyagrahis, and have remained so, will reap the benefits of satyagraha in any part of the world where they may go.

If, moreover, we look closely into the result of satyagraha, we shall find that it is always the same, that it is invariably good. If on any occasion we fail to discover such a result, it will not be because of any imperfection in satyagraha as such, but because people might not have been steadfast in their satyagraha.

[From Gujarati]

*Indian Opinion*, 3-10-1908

### 108. OUR AIM

It is the object of those, both whites and Indians, who are engaged in publishing this paper, to serve the entire human race. There is an obvious reason why the first duty of the whites and of the Indians living in Phoenix is to serve the Indian community. Indians must, of course, serve India. If, instead of doing that, anyone were to claim that he was dedicated to the service of mankind as a whole, it would be nothing more than a pretence—it would be no service, or anything that could be called service. The whites who have joined us were formerly engaged in their own avocations. There was no need for them to offer their services to the white community. Wishing to renounce their selfish pursuits and to devote themselves to the service of others, they decided to join the journal. That is how we look at the

matter.

But we cannot be content with merely bringing out a paper. Those who have chosen to settle in Phoenix wish to educate themselves and to extend the benefits of their education to the entire Indian people. With this end in view, those members of the journal's staff who can teach devote a part of their time to the education of the children living in Phoenix. That arrangement has been in force for several months past. The members engaged in this teaching work neither receive nor expect payment.

The number of children at Phoenix is so small that it has not been found necessary to have a separate school building for them. Mr. Cordes<sup>1</sup> has offered the use of his building for the purpose.

Teaching is done through both Gujarati and English. Attention is paid to the simultaneous development of mind and body. Special emphasis is laid on strengthening the moral character of pupils.

We aim at making such education available to all Indian children. Our chief object is to provide education to those children only who may live in Phoenix. For, it is not good for children to have one standard of behaviour in the school and another at home.

Some who have heard of this school have expressed a desire to send their children to Phoenix. But we are not in a position to meet their request for want of residential and school accommodation facilities.

We do not have the resources for putting up the required buildings. The buildings need money. We therefore invite the views of those among our readers who believe that a school along the lines indicated above should be established. If they offer us monetary help, we shall be prepared to put up a building for the school as also a hostel. Trustees may be appointed to supervise the expenditure to be incurred and the accounts of all expenditure on construction of buildings may be published. This is a big undertaking and it is after long deliberation, therefore, that we place the matter before our readers.

[From Gujarati]

*Indian Opinion*, 3-10-1908

<sup>1</sup> A German theosophist who was attached to Gandhiji and was for some time in charge of the school at Phoenix; he died at Sevagram in 1960.

## 109. JOHANNESBURG LETTER<sup>1</sup>

### RUSTOMJEE'S MESSAGE

On behalf of the prisoners, Mr. Rustomjee has sent a message that "instead of taking any hasty step to seek a compromise, we should obtain everyone's signature". These are his own words. They show the prisoners' courage, and point out their duty to Indians.

### WARNING

On receipt of a report that a steamer named Gouverneur was due to arrive in Durban with Indian passengers aboard, and that Mr. Chamney would receive applications from them on board the steamer, telegraphic instructions were sent to Mr. Ismail Manga, Mr. Ismail Halimbhai, Mr. Hormusji Edulji, Mr. Nanji Durlabh-adas and Mr. Vrijdas Lalchand that they should warn the Delagoa Bay passengers not to walk into the trap laid by the Government. They should be asked to disembark at Durban and proceed thence to the Transvaal to join the movement there. Owing to an error of a day in calculation, no one could be deputed specially for the purpose. Mr. Cama and Mr. Nagadi had got ready to go.

### PRISONERS' DIET

The British Indian Association and the Government are still at odds with each other with regard to the prisoners' diet. There are now two complaints instead of one. As for mealie pap at breakfast, Mr. Cachalia has already taken up the issue [with the authorities]. But it is stated now by the Director of Prisons that food arrangements differ from prison to prison. The Government has been asked to supply copies of the different manuals on this subject.

### "DAILY MAIL" COMMENT

Commenting on this in its issue of Saturday last, the [*Rand*] *Daily Mail* observes that there is no uniform scale for Indian prisoners throughout the Colony. This is quite surprising. In one of the prisons, Indians are allowed a diet to which they are used. Elsewhere they are given maize flour and animal fat which they can refuse only on pain of being starved. The complaint, the journal thinks, deserves to be attended to. An orthodox Hindu will prefer to die rather than touch to

<sup>1</sup> Gandhiji was in Durban during this period and could not have written about happenings in the Transvaal at the same time. Only those portions of the dispatch therefore which can be reasonably attributed to him are given here.

animal fat. When men are sentenced in this country, they are not sentenced to starvation. If a white prisoner, who happens to be a vegetarian, were asked to accept non-vegetarian diet or starve, or if a Jew were asked to accept animal fat or go without food, there would be an uproar; or, if whisky and soda were to be offered to those who never take them, on pain of their having to go thirsty if they did not accept them, there would be a big outcry. In whatever gaols Indian prisoners are lodged, they must get their rice and ghee.

#### CHAMNEY UNFIT?

Mr. Gandhi has often told General Smuts that Mr. Chamney is quite unfit for the post he is holding.<sup>1</sup> It was a good thing that Mr. Bhaiji was sentenced to a month's imprisonment. I congratulate him. But why should Mr. Bhaiji have been sentenced when Mr. Mulji Patel and Mr. Harilal Gandhi were discharged? Mr. Bhaiji, too, holds [both] the permit [and] the register. He is also, like the other two, entitled to apply under the new Act. That Mr. Bhaiji does not intend to apply is quite another matter. But the Government had in fact no power to arrest him for two months. Mr. Polak has criticized this case in very strong terms. It has brought us nothing but gain. However, my object in referring to this matter is [to show] that it may perhaps be necessary for the British Indian Association to petition for the removal of Mr. Chamney. I do not want Mr. Chamney to be deprived of his means of livelihood, but an officer who is altogether ignorant of his duty can do not good to the community.

Looking at the matter from another point of view, we feel that the Indian community has profited by Mr. Chamney's ignorance. Had he not been guilty of serious errors, we would not have won our freedom so soon in the measure that we have done. In regard to the issues still pending, we shall be free quite soon, thanks to Mr. Chamney's errors.

#### COURAGEOUS LETTER

"A Poor Indian Harassed by the Law", whose letter I gave earlier,<sup>2</sup> has now assumed the name, "A Dauntless Soldier of Satyagraha", and written to say that he did not write that letter in a defeatist mood. He had only given expression to the thoughts of many. As for himself, he will not allow his mind to be influenced by considerations of health or money. He would welcome whatever suffering might be

<sup>1</sup> *Vide* "Letter to The Natal Advertiser", 9-4-1907, "Letter to Indian Opinion", 15-11-1907 & "Letter to Private Secretary to High Commissioner", 3-12-1907.

<sup>2</sup> *Vide* "Johannesburg Letter", 26-9-1908

inflicted [on him] in the faith that all that we do must be for the [common] good. Anyone [he goes on to say,] who clings to satyagraha with courage and faith in truth is bound to win.

I congratulate this satyagrahi, and hope that he will remain firm till the end.

[From Gujarati]

*Indian Opinion*, 3-10-1908

### 110. CABLE TO S. A. B. I. COMMITTEE

JOHANNESBURG,  
*October 3, 1908*

TO

THE SOUTH AFRICA BRITISH INDIAN COMMITTEE  
[LONDON]

FIFTYEIGHT INDIANS PROSECUTED KOMATIPOORT<sup>1</sup>. IMMIGRATION ACT READ WITH NEW ACT ON ACCOUNT ENTERING COLONY WITHOUT MAKING APPLICATION OUTSIDE COLONY UNDER LATTER. ALL POSSESSED PEACE PRESERVATION PERMITS MILNER REGISTRATIONS OR OTHER AUTHORITY TO ENTER. ALL LONG DOMICILED TRANSVAAL JUST RETURNED VISIT INDIA SENTENCED TWO MONTHS OR TWENTY POUNDS ADDITIONAL DEPORTATION ORDER NOTWITHSTANDING RIGHT UNDER UNREPEALED ASIATIC ACT TO APPLY REGISTRATION EIGHT DAYS AFTER ENTERING. SEVENTEEN MINORS AVERAGE AGE ELEVEN CHILDREN AFORESAID DETAINED. COMMUNITY INFURIATED. OLD RESIDENTS THEIR CHILDREN TREATED AS PROHIBITED IMMIGRANTS. LARGE INTERESTS AT STAKE. PEOPLE OUGHT NOT BE DEPORTED. COMMUNITY FIRM ABOUT REPEAL OLD ACT, PROVISION FREE ENTRY CULTURED INDIANS UNDER STRICTEST ADMINISTRATIVE TEST. IMMENSE SUFFERING ANTICIPATED.

M. K. GANDHI

Colonial Office Records: 291/132; also Governor's Office File: 18/1/1908—Part III and *Indian Opinion*, 10-10-1908.

<sup>1</sup> The original has "Komatiepoort".



### 111. CABLE TO S. A. B. I. COMMITTEE

JOHANNESBURG,  
October 5, 1908

TO  
THE SOUTH AFRICA BRITISH INDIAN COMMITTEE  
LONDON

TRANSVAAL RETURNING INDIANS VIA DELAGOA BAY FROM VISIT INDIA WITH FAMILIES INCLUDING BROTHER LATE CHAIRMAN ASSOCIATION, WIFE, BABIES, MOTHER AGED 80 PARALYTIC.<sup>1</sup> 17 MINORS REMOVED TRAIN KOMATIPOORT<sup>2</sup> WHERE 80 MEN, WOMEN, CHILDREN HERDED SMALL FILTHY ROOM. WOMEN BABIES EXPOSED OPEN AIR WHOLE NIGHT AND DAY ALL FOODLESS TWO DAYS. WOMEN, BABIES ALLOWED PROCEED STARVING OWING MAHOMEDAN FAST. REMAINDER CONVEYED KAFIR TRUCKS, BARBERTON WHERE POLICE PREVENTED LOCAL INDIANS SUPPLYING FOOD. OBLIGED ENGAGE SOLICITOR. MINORS STILL DETAINED. ALTERNATIVES CHARITY LOCAL COMMUNITY GAOL. URGENTLY BEG IMPERIAL GOVERNMENT INTERVENE STOP BARBAROUS INHUMAN TREATMENT. RELIGIOUSLY UNCLEAN FOOD SUPPLIED SOME GAOLS CONSEQUENT PARTIAL STARVATION.

M. K. GHANDHI

Colonial Office Records: 291/132; also Governor's Office File: 18/1/1908—  
Part III

### 112. LETTER TO J. J. DOKE

KING EDWARD'S HOTEL,<sup>3</sup>  
VOLKSRUST,  
Thursday [October 8, 1908]

DEAR MR. DOKE,

I received your note<sup>4</sup> at Phoenix. The expected has happened. I think it is well. I have arrived just in time. There were serious differences between two sections here. They are by no means over yet. You will say I have accepted the hospitality before the 'settings' were finished. I think it was better that I should do that than that the invitation should be rejected for the sake of the 'settings'. And after

<sup>1</sup> The original has a comma here.

<sup>2</sup> The original has "Komatiepoort".

<sup>3</sup> This was the name Gandhiji gave to the Volksrust prison, where he was interned on October 7, 1908.

<sup>4</sup> The reference is to Doke's letter of September 30; *vide* Appendix VI.

all I have done nothing.

For six days I may carry on correspondence. If you think I should answer any questions, you may write.

I must now stop as I have been called away to give digit impressions.

Please excuse me to Olive<sup>1</sup> for not writing.

*I am,*

*Yours sincerely,*

M. K. GANDHI

From the original in Gandhiji's hand: G.N. 4093

Courtesy: C.M. Doke

### *113. WHY IS RELEASE OF BUSINESSMEN DELAYED?*

Many Indians have been asking this question. The answer is that our satyagraha is imperfect. A satyagraha campaign obeys the rule of three. We can load a cart in proportion to its strength. If overloaded, the cart may give way. The same holds good in the case of the satyagraha cart. The businessmen have gone to gaol for the sake of the community. To be sure, the cart of their sufferings will carry the load of other Indians' happiness. But it will move forward rapidly if others put their hands to the wheel. If no men come forward for this, the cart will be stranded on the way. Not that it will break. But it may take time to reach the destination. Satyagraha is in no way to blame for this. The continued delay shows that the satyagraha is not as intensive as it should be. Because of this the cart has slowed down. If more men come forward to join satyagraha, the end will come quite soon. This is simple enough.

In Natal, hundreds of Indians went to see the businessmen off. Many of them expressed readiness to follow them. But now that the time has come, only 13 have come forward. Many showed themselves ready for work. Now that the time has arrived, they are not to be found anywhere. Everyone seems to ask what he himself would gain, forgetting that satyagraha can be offered only to advance the interests of others. One need not even be conscious that the interests of others include one's own. Natal has not acted in this manner, though it is not to blame for this. It only shows that we have not had enough experience, that we lack the capacity to suffer, that we lack knowledge.

<sup>1</sup> Doke's daughter, later a missionary in Northern Rhodesia, who, on September 30, has written to Gandhiji wishing him "very many returns" on his birthday, October 2.

We shall acquire these things in due course. Meanwhile, we need not grow impatient if there is delay in achieving the desired result in any particular case.

For the present, those who understand what satyagraha means should remain steadfast in it. Even if only one man is left, he can continue satyagraha. He will have done his whole duty. One can do no more.

[From Gujarati]

*Indian Opinion*, 10-10-1908

### *114. SOME PROBLEMS OF NATAL*

We think the condition of Natal Indians is deteriorating day by day. The present Government here is altogether bad, unsure of its ground and indifferent to Indians.

Traders will begin to experience hardships in regard to licences.

The poll-tax on labourers whose indenture has expired is an oppressive burden.

Those who are slaving under the system of indenture are treated harshly by their masters.

New restrictive laws continue to be enacted.

Grants-in-aid to schools have been reduced. Boys above the age of fourteen are not allowed to be admitted.

What should be done to remedy all this? should a petition be made? Will it do any good? What if it does not? If satyagraha is advised, should all of them act collectively or each group for itself?

We should patiently seek answers to all these questions. A petition must certainly be made. But it should have some sanctions behind it. These sanctions can be created by satyagraha.

But satyagraha can be offered only by a man who understands truth. If we knew what truth meant and acted accordingly, there would have been no such hardships as those mentioned above. How, then, can we offer satyagraha? The answer is that resistance through satyagraha itself implies that we gradually learn to follow truth. Our grievances will disappear in the measure in which we cultivate truthfulness.

We shall consider some time later how satyagraha can be offered in particular situations.

[From Gujarati]

*Indian Opinion*, 10-10-1908

### 115. PRISONERS' CONDITION<sup>1</sup>

*Saturday* [October 10, 1908]

Just as in January [1908] the Johannesburg prison had overflowed with Indians, this time it is Volksrust gaol which has overflowed. More Indians are coming in. Today there are 37 in gaol, from among whom the following 17 persons are serving sentences of imprisonment:

Messrs Dawad Mahomed, Parsee Rustomjee, M. C. Anglia, Shapurji Randeria, Sorabji Shapurji, Azam Sedu Patel—all these have been sentenced to three months each—and Messrs Kazi Kalamian Dadamian, Omar Osman, Mulji Uka Mayavasi, Ibrahim Hoosen, Ismail Essop, Vally Amodji Randerwala, Mohanlal Parmananddas Killawala, Harishanker Ishwar Joshi, Mohanlal Narbheram Goshalia, Surendrarai Bapubhai Medh and Umiyashanker Manchharam Shelat, each serving a six-week term.

The following 19 persons are awaiting trial. Instead of applying for bail, they are refreshing themselves in gaol:

Messrs Mavji Karsanji Kothari, Ratanshi Mulji Sodha, Khatri Damodar Durlabh Gandevi, Khatri Dahya Narasi, Zinabhai Vallabhbhai Ugi, Bhikhabhai Kalyanji Ugi, Lalbhai Nathubhai, VasANJI Lalbhai, Moonsami Elleri, Mulji Ratanji, Hira Mulji, Raghavji Ragunath Mehta, Ravikrishna Talevantsingh, Davji Ahmed, Karsan Jogi, Lakshman Vartachalan, Morar Makan, Pakiri Naidoo and M. K. Gandhi.

From among these, Mr. Mavji Karsanji Kothari got himself released on bail only today, with everyone's consent, and left for the town. The object is to have a close watch kept on the trains arriving from Durban. It appears that three Madrasis have applied in Charlestown for submission to the Act. Since it was felt necessary that such persons should be acquainted with the true position, it was decided to apply for bail for Mr. Mavji. After he is imprisoned, some other arrangement will have to be made.

<sup>1</sup> This appears to have been written from Volksrust lock-up where. Gandhiji, arrested on October 7, was awaiting trial. It was published as "From Our Special Representative" at Volksrust.

## “RAMZAN SHARIF”

All the Muslim prisoners are duly observing the *Ramzan*<sup>1</sup>. Mr. Kazi brings them food specially prepared for the purpose. The Governor [of the prison] has granted special permission for this. Permission has also been granted for keeping a clock and a light in their cell. All of them are particular about the *namaz*<sup>2</sup>, and pass the time cheerfully.

## WORK IN GAOL

Those who are observing *roza*<sup>3</sup> and other Indians as well are being given very little work for the present. Mr. Shelat and Mr. Medh work as cooks. The rest engage themselves in cleaning the cells or such other miscellaneous work, which they do not find hard or difficult in any way. If anyone is found to be ill, he is totally exempted from work. All the officers, including the gaoler, behave well. One need not take off one's cap, but may only salute. This is a mere trifle. Taking off the head-gear is more convenient for those who wear a hat. But I am reporting this just to show that even in a matter like this, the officers do not harass anyone. Orders have been issued permitting the Parsees to wear their customary shirt and sacred thread as well as their own cap.

## PRISON DIET

By way of food, one gets mealie pap in the morning, plenty of rice with a green vegetable (such as cabbage, etc.) for the midday meal, and rice in the same quantity with beans in the evening. Since food is cooked by the prisoners themselves, it is quite eatable. Apart from the nuisance of mealie pap, this diet can be considered deficient only in respect of ghee. The regulations here do not provide for any ghee or fat to Indians. A complaint has therefore been made to the physician, and he has promised to look into it. So there is reason to hope that the inclusion of ghee will be ordered. Most of the prisoners take mealie pap—some more, some less.

## FASTING

Mr. Ratanshi Sodha, however, does not eat anything. He and the other Indians with him joined [us] on Wednesday. He ate something on the train on Wednesday, after which he had nothing, except a small

<sup>1</sup> The 9th month of the Muslim year *Hijr*, during which the Muslims fast from sunrise to sunset.

<sup>2</sup> Prayers offered by Muslims always facing the west

<sup>3</sup> Fast during *Ramzan*

quantity of groundnut once. He has been fasting thus just to please himself. He intends to miss a few more meals. He does not show that he dislikes the food served here. He is only making an experiment to find out how long he can fast.

#### GAOL BUILDING

Indians are so happy in gaol that one should think of it only as a palace. It is well built, too. It is constructed of stone. The cells are large. Ventilation is satisfactory. There is an open courtyard in the middle, with a flooring of black stone. For bathing there are three showers. Water pours out of these in large quantities, enabling one to have a very good bath. Under-trial prisoners are given bread and sugar in addition. The courtyard is covered with a barbed-wire netting. In spite of strict arrangements, two Negroes once escaped by breaking through the tin roof. Hence, there is now a strong iron ceiling.

#### DEPORTED

Messrs Zinabhai Vallabhbhai, Bhikha Kalyan and Mahomed Hoosen were ordered to be deported. Before they were deported yesterday, they were unnecessarily locked up in the gaol for 13 days. Of these, Mr. Zinabhai and Mr. Bhikhabhai returned as soon as they were put across the border. They spent the night yesterday in the Volksrust police station. They were welcomed here today. As for Mr. Mahomed Hoosen Konkani, he got cold feet and stuck to Charlestown.

#### SORABJI AND AZAM

These two have become seasoned with long terms of imprisonment. They were deported today at 3 o'clock, for no apparent reason. However, they were to return the moment they were put on the other side, so that the affair will turn out to be merely a joke on the part of the Government.

*Sunday [October 11, 1908]*

Both these brave soldiers of India who have fought many a battle returned as soon as they reached the other side. The moment they were put across, they jumped over into the Transvaal without so much as a second's interval, were arrested by the same gentleman who had gone with them to put them across the border, and again entered King Edward's Hotel. All the Indians of Charlestown had turned up to receive them. They were disappointed. They did not even have the

opportunity to arrange a party for them. The poor Chinaman, who was deported along with Mr. Sorabji and Mr. Azam, was dragged away by a Charlestown officer. This shows that Indians have risen in the estimation of others. The whites do feel a little afraid of them. The court can do nothing to the Chinaman, and the Immigration Officer has no authority to restrain him.

[From Gujarati]

*Indian Opinion*, 17-10-1908

### *116. PETITION TO RESIDENT MAGISTRATE<sup>1</sup>*

VOLKSRUST GAOL,  
October 11, 1908

THE RESIDENT MAGISTRATE  
VOLKSRUST

THE PETITION OF THE UNDERSIGNED PRISONERS AT  
HIS MAJESTY'S GAOL AT VOLKSRUST

HUMBLY SHEWETH THAT:

Your petitioners are prisoners at His Majesty's gaol at Volksrust either serving imprisonment or awaiting trial.

Your petitioners are British Indians.

Your petitioners find on perusing the diet scale for British Indians that no fat is at all supplied with their food.

The scale consists merely of mealie pap, vegetables and rice for convicted prisoners, bread being added to the above for prisoners awaiting trial.

Your petitioners find that natives are regularly supplied with fat and Europeans with meat which contains the requisite amount of fat.<sup>2</sup>

In the humble opinion of your petitioners, the diet supplied to British Indian prisoners is medically deficient by reason of the absence of fat in the Indian diet scale.

Moreover, your petitioners for religious reasons are unable to take animal food or fat prepared from meat,<sup>3</sup> and therefore, on meat

<sup>1</sup> Gandhiji drew up the petition originally in his hand and then evidently dictated a slightly modified draft which was later adopted. This was further revised before submission.

<sup>2</sup> The first draft here read: "Your petitioners find that Europeans and natives are regularly supplied with fat."

<sup>3</sup> The first draft did not have the words: "or fat prepared from meat".

days remain without or its substitute.<sup>1</sup>

Your petitioners have often complained of the above deficiency but owing to the advent of a large number of other Indians, the hardship has become serious.<sup>2</sup>

Your petitioners therefore pray that

- (1) ghee may be added to the ordinary Indian scale and
- (2) a vegetarian substitute in the shape of lentils or green vegetables may be authorised for meat on meat days.

Your petitioners further pray that should permission of the Director of Prisons be deemed necessary, you will be pleased to telegraph or telephone the contents hereof for the requested relief.

And for this act of justice, etc.

DAWAD MAHOMED  
PARSEE RUSTOMJEE  
M. C. ANGLIA  
M. K. GANDHI  
and 33 others<sup>3</sup>

From a photostat of the original handwritten office copy: S.N. 4893

### *117. TO SATYAGRAHIS AND OTHER INDIANS<sup>4</sup>*

[VOLKSRUST GAOL,  
*October 13, 1908*]

Since I shall have no opportunity of writing for *Indian Opinion* during the time I shall be serving a sentence of imprisonment, I take the liberty of addressing a few words to satyagrahis and other Indians.

<sup>1</sup> Here followed the paragraphs below, which were in both the drafts, but were finally omitted:

“Your petitioners who are Mahomedans have been graciously permitted during the past few days, it being their fasting month, to receive food from outside.

“Owing to the said permission, the hardship due to the absence of fat and a substitute for meat has been confined to a few.

“But now by reason of the advent of many more, the difficulty has become serious.”

<sup>2</sup> This paragraph, not found in the first draft, was introduced in the second during revision.

<sup>3</sup> Of the 37 singnatories, 21 signed in English, 10 in Gujarati, one in Tamil and five affixed their thumb-impressions.

<sup>4</sup> This message was sent by Gandhiji on October 13 from the lock-up at Volksrust, before his trial on October 14.



Those who are outside carry a greater responsibility than those in gaol. In fact, the real trouble will have to be faced by those who want to serve sincerely from outside. The hardships of gaol life are mostly imaginary. Here I find everyone as happy as a bird the whole day long. The occasional harassment by inconsiderate officers can be remedied immediately. I hope therefore that no Indian will fight shy on going to gaol for the sake of the motherland.

Satyagraha is both easy and difficult. I think it should be easy by now for everyone to see that every grievance can be remedied if we make it a point to follow nothing but the truth. It is difficult to observe truth—to suffer in order to put an end to suffering. And yet, the more I think, the more I see that there is no other way than that of satyagraha for us to fight our ills and those of others. I even feel that the world has no other really effective remedy to offer. Be that as it may, we at least have realized that it is better to win through satyagraha. Consequently, I am hopeful that, if all the Indians persevere and carry through what they have begun, we shall have earned afresh the title of “brave pioneers”<sup>1</sup>

Let us constantly remind ourselves that all the nations that have risen high have braved extreme suffering. If we want to rise high, we must adopt the same means.

We must realize what a heavy responsibility we have assumed by sending the Natal businessmen to gaol. It is not too much that, following them, we should embrace poverty. They have not gone [to gaol] to serve their own interests.

Every Indian who goes to gaol must realize that he expects to serve no personal interests thereby. He should know that even after having been to gaol, he may not remain in the Transvaal. Everyone must sacrifice his own interests in order to safeguard those of the community, uphold its honour and its good name.

This campaign knows no distinctions of Hindus, Muslims, Parsis, Christians, Bengalis, Madrasis, Gujaratis, Punjabis and others. All of us

<sup>1</sup> The original has *arambhe shoora*, meaning “brave beginners”, a Gujarati phrase which is generally used by way of reproach, referring to those who begin a task bravely but leave it unfinished. Gandhiji, however, uses it here in a good sense.

are Indians, and are fighting for India. Those who do not realize this are not servants but enemies of the motherland.

*I am,*  
M. K. GANDHI  
*Satyagrahi*

[From Gujarati]  
*Indian Opinion*, 17-10-1908

### 118. TULSIDASA'S "RAMAYANA"<sup>1</sup>

[Before *October 14, 1908*]

#### A SUMMARY

These days India's sons go abroad in large numbers. In a foreign country, not everyone can be conscious always of his particular religion. This is especially so in the case of Hindus. The present writer is of the view that it is the duty not merely of the Hindus alone but also of all Indians to acquaint themselves with the essentials of Hinduism in its common form.

Hinduism, in its general spirit, is a religion which everyone will find acceptable. It is essentially an ethical religion. From this point of view, it may be said that all religions are equally true, since there can be no religion divorced from ethics.

Be that as it may, the general spirit of Hinduism is most vividly reflected in the *Ramayana*. The original *Ramayana* is in Sanskrit. Few people read it. It has been translated into many languages of the world. The work [also] exists in all the *prakrits*<sup>2</sup> of India. If we examine all these translations, none can equal the Hindi *Ramayana* by Tulsidasa. Really speaking, Tulsidasa's work is not a translation. His devotion to God was so profound that instead of translating, he poured forth his own heart. Apart from Madras, there is hardly any part of India where we find a single Hindu totally ignorant of Tulsidasa's *Ramayana*. This wonderful work, however, is not read in

<sup>1</sup> This appeared among the advertisement columns of *Indian Opinion*. The notice was presumably drafted by Gandhiji. Evidently, this and the following two items were written by Gandhiji before October 14, when he was tried and sentenced to two months' imprisonment.

<sup>2</sup> Forms of Sanskrit representing a stage towards the evolution of the modern languages of Northern and Central India. Here the word is used for the regional languages of India

its entirety by everyone settled in a foreign land (not even by everyone in India). There is no time to do so. If such works are published in an abridged form, they may prove beneficial to the Indian people. With this idea in mind, it has been decided to bring out an abridgement to Tulsidasa's *Ramayana*. The first canto of the book will shortly be before the public. It is not our intention that this abridged version should be used as a substitute for the original *Ramayana* [of Tulsidasa]. The object rather is that, after reading the shorter version, those who have time on their hands and who are saturated with love of God may go on to the original. The abridgement does not leave out any portion of the main narrative. But interpolations, long descriptions and some portion from the subsidiary parts have been omitted.

We wish that every Indian goes devoutly through the summary which we are placing before the public, reflect over it, and assimilate the ethical principles so vividly set out in it. We shall consider our effort to have been duly rewarded if this abridged *Ramayana* is read in every Indian home in the evenings and during periods of leisure at other times.

The other cantos will be published as their printing proceeds. They can be got bound together in the end. The price has been deliberately kept as low as possible, with a view to placing the work within the reach of every Indian.

It is the duty of every Indian to know the Hindi script and language. There is hardly any other book as helpful as the *Ramayana* for a study of the general form of that language.

Price 1s. Postage 1d.

International Printing Press, Phoenix, Natal.

[From Gujarati]

*Indian Opinion*, 17-10-1908

### 119. THE STRUGGLE

[Before *October 14, 1908*]

It appears our struggle is drawing to a conclusion, for the Government is resorting to more oppressive measures. The deportation of Mr. Sorabji and Mr. Azam, their immediate return, the swiftness with which sentences were passed on them, the sentences of imprisonment against 58 Indians in Barberton, their deportation—all this shows that the Government is coming to the end of its tether. Its

resources are getting exhausted. It is using up all its ammunition. But it should be remembered that things become very difficult as we near the end, and that the last stage is always hard to go through. All other difficulties can be borne, but they must be heroic souls indeed who can face the difficulties of the last stage. We therefore hope that Indians will not be deterred even by these.

[From Gujarati]

*Indian Opinion*, 17-10-1908

## 120. TO SOME INDIANS

[Before *October 14, 1908*]

Some Indians in the Transvaal, Natal and other parts of South Africa have become confirmed addicts to drink. Not only is this against religion, but it has also a debilitating effect both on body and mind. It will be difficult for those who have formed this evil habit to join the satyagraha campaign. We do not wish to write about the evils of drinking. Much has been written about the subject already. We shall only say that those who have formed this harmful habit should strive to get rid of it. If not, they will bring unnecessary suffering to others; and very often they will find themselves unable to give their services to a good cause, however much they may wish.

[From Gujarati]

*Indian Opinion*, 17-10-1908

## 121. LETTER TO J. J. DOKE

[VOLKSRUST,]

*Wednesday [October 14, 1908]*

DEAR MR. DOKE,

I am writing this from the Court House. I had hoped to be able to send you something<sup>1</sup> before I was fixed up. But I have been too busy otherwise. I thank you very much for your good wishes. My sole

<sup>1</sup> Doke, who was gathering material for his book, *M. K. Gandhi: An Indian Patriot in South Africa*, had written to Gandhiji on October 9, evidently in response to his letter of October 8: "If you are able to carry me forward from the Battle of Spion Kop, I shall be grateful. In your leisure moments from 'hard labour', try and note down all you can remember step by step. Even if you can do it during these few days of grace, it will be a great thing." *Vide* also Appendix VI.

trust is in God. I am therefore quite cheerful.<sup>1</sup>

*I am,*

*Yours truly,*

M. K. GANDHI

From the original in Gandhiji's hand: G. N. 4092 Courtesy: C. M. Doke

## *122. MESSAGE TO INDIAN YOUTH<sup>2</sup>*

[VOLKSRUST,

*October 14, 1908]*<sup>3</sup>

I am not sure that I have any right to send a message to those with whom I have never come into personal contact, but it has been desired and I consent. These, then, are my thoughts:

The struggle in the Transvaal is not without its interest for India. We are engaged in raising men who will give a good account of themselves in any part of the world. We have undertaken the struggle on the following assumptions:

- (1) Passive Resistance is always infinitely superior to physical force.
- (2) There is no inherent barrier between Europeans and Indians anywhere.
- (3) Whatever may have been the motives of the British rulers in India, there is a desire on the part of the nation at large to see that justice is done. It would be a calamity to break the connection between the British people and the people of India. If we are treated as, or assert our right to be treated as, free men, whether in India or elsewhere, the connection between the British people and the people of India can not only be mutually beneficial, but is calculated to be of enormous advantage to the world religiously, and, therefore, socially and politically. In my opinion, each nation is the complement of the other.

Passive Resistance in connection with the Transvaal struggle I should hold justifiable on the strength of any of these propositions. It

<sup>1</sup> In his book, Doke quotes the last two sentences as having been written just before the case against Gandhiji came up for hearing on October 14, 1908.

<sup>2</sup> While quoting this, Doke wrote: "I invited him to send a message through these pages to young men of his native land," and claimed to have received it in writing. *Vide M. K. Gandhi: An Indian Patriot in South Africa*, Ch. XX.

<sup>3</sup> In Doke's book, this message is assigned to "October 1908". It is likely that this was written on October 14, the day Gandhiji was sentenced.

may be a slow remedy, but I regard it as an absolutely sure remedy, not only for our ills in the Transvaal, but for all the political and other troubles from which our people suffer in India.

*M. K. Gandhi: An Indian Patriot in South Africa*

### *123. TRIAL OF DAWJEE AMOD AND OTHERS<sup>1</sup>*

[VOLKSRUST,  
*October 14, 1908*]

On Wednesday last, before Mr. De Villiers, A.R.M., Mr. Mentz prosecuting, Dawjee Amod was charged as a prohibited immigrant for entering the Colony without having previously made application under the new Registration Act (No. 36 of 1908) from outside the Colony. Mr. Gandhi defended, and pleaded not guilty. Accused had previously entered the Colony, producing a permit and registration certificate and had been arrested. He had afterwards promised to leave the Colony and apply for registration under the new Act from Natal, but when Corporal Cameron had shown him the form of application, he had refused to leave the Colony, and was re-arrested.

In cross-examination, Corporal Cameron admitted that the accused did not fall within sub-sections 3, 5, 6, 7 and 8 of section 2 of the Immigration Act, nor was there any removal order against him. He had no reason to suppose the documents produced were not the lawful property of the accused.

Mr. Gandhi said that accused could choose to enter under the unrepealed Asiatic Act, No. 2 of 1907, and that he could not be a prohibited immigrant when he produced his permit. He did not come under sub-section 4 of section 2 of the Immigration Act.

The Magistrate found the accused guilty, but said he appeared to have been influenced not to leave the Colony. Accused was sentenced to pay a fine of £15 or go to gaol with hard labour for one month.

Karson Jogi and eight others, including two minors, were similarly charged. They were similarly sentenced, except Hirji Mulji, a boy of about 12 years, who was sentenced to pay a fine of £5 or go to jail without hard labour for 14 days.

Ratanji Sodha, Mawji Karsonji, Ravikrishna Talwantsingh, and Ratanji Rugnath were also charged as prohibited immigrants, pleading not guilty. The first three claimed to enter the Colony under the education test, whilst the first two and Ratanji Rugnath claimed pre-war residence. Mawji Karsonji claimed also to enter as an ex-member of His Majesty's Volunteer Forces, holding a medal issued to him for services rendered during the Boer War. Ravikrishna was born in South Africa.

Giving evidence on behalf of the accused, Mr. Gandhi said he took the sole responsibility for having advised them to enter the Colony. They had largely been

<sup>1</sup> This was published along with the report of Gandhiji's trial, under the heading, "Volksrust Again: Mr. Gandhi Sentenced", as "Special to *Indian Opinion*". For the trial of Gandhiji, *vide* the following item.

influenced by his advice, though no doubt they had used their own judgment. He thought that, in giving that advice, he had consulted the best interests of the State.

Cross-examined: He asked accused to enter at a public meeting and individually. They probably, at that time, had no idea of entering the Colony, except, perhaps, one of them. He would certainly admit that he had assisted the accused to enter. He admitted aiding and abetting them to enter the Transvaal. He was quite prepared to suffer the consequences of his action, as he always had been.

The accused were found guilty, and sentenced to pay a fine of £20 or go to gaol with hard labour for six weeks.

Daya Narsi was then charged for refusing to give his thumb-print under the new Registration Act, though he had produced his permit. He had given his [finger-] impressions at the gaol (under the gaol regulations), where he had already been awaiting trial for a week. He was sentenced to a fine of £10 or imprisonment with hard labour for one month, as was Moonsamy Ellary, who was similarly charged.

Bhikhabhai and Jhinabhai, who had been deported on Friday and had returned at once, were charged as prohibited immigrants. They were sentenced to a fine of £20 or 6 weeks' hard labour.

*Indian Opinion*, 17-10-1908

#### 124. TRIAL AT VOLKSRUST<sup>1</sup>

[VOLKSRUST,  
*October 14, 1908*]

Mr. Gandhi himself was then charged with failing to give his thumb- and finger-impressions upon demand, under the new Act. He pleaded guilty. He produced no documents, and when asked to furnish means of identification as required by Regulation 9, he refused.

Giving evidence, Mr. Gandhi said:

In connection with my refusal to produce my registration certificate and to give thumb impressions or finger impressions, I think that, as an officer of this Court, I owe an explanation. There have been differences between the Government and British Indians whom I represent as Secretary of the British Indian Association, over the Asiatic Act, No. 2 of 1907, and after due deliberation, I took upon myself the responsibility of advising my countrymen not to submit to the primary obligation imposed by the Act; but still, as law-abiding subjects of the State, to accept its sanctions Rightly or wrongly, in common with other Asiatics, I consider that the Act in question, among other things, offends our conscience, and the only way, I

<sup>1</sup> After the trial of Dawjee Amod and others, *vide* the preceding item, Gandhiji's case came up before the Court.

thought, as I still think, the Asiatics could show their feeling with regard to it was to incur its penalties. And in pursuance of that policy, I admit that I have advised the accused who have preceded me to refuse submission to the Act, as also the Act 36 of 1908, seeing that, in the opinion of British Indians, full relief that was promised by the Government has not been granted. I am now before the Court to suffer the penalties that may be awarded to me. I wish to thank the prosecution and the public for having extended to me the ordinary courtesies.

Mr. Mentz thought that a difference should be made in this case; as Mr. Gandhi had admitted his sin to be greater than that of the others, he asked that the heaviest penalty (£100 or three months with hard labour) should be awarded.

The Magistrate found Mr. Gandhi guilty. In giving judgment, he remarked that it was not for him to consider the question of religious objections. He had only to administer the law. There had been a general defiance of the law. He felt very sorry to see Mr. Gandhi in that position today, but he must make a difference between him and the others. He sentenced Mr. Gandhi to pay a fine of £25 or go to jail with hard labour for two months.

Of course, no fines have been paid, and all have smilingly gone to jail, Mr. Gandhi being especially happy.

*Indian Opinion*, 17-10-1908

## 125. MESSAGE TO INDIANS<sup>1</sup>

[VOLKSRUST,

*October 14, 1908*]

Keep absolutely firm to the end. Suffering is our only remedy. Victory is certain.

*Indian Opinion*, 24-10-1908

<sup>1</sup> This was issued by Gandhiji as his "last message prior to his incarceration at Volksrust". It was made the subject of an editorial entitled "Keep Firm" in *Indian Opinion*. The message, which also appeared in the Gujarati section, was read out at a mass meeting held in Johannesburg on October 18.



*126. CABLE TO SECRETARY OF STATE FOR COLONIES<sup>1</sup>*

VOLKSRUST,  
*November 7, 1908*

TO  
THE SECRETARY OF STATE FOR THE COLONIES  
[LONDON]

BRITISH INDIAN PRISONERS VOLKSRUST SEVENTY FIVE INCLUDING CHAIRMAN  
VICE PRESIDENT SECRETARY NATAL INDIAN CONGRESS PRESIDENT HAMIDIA  
ISLAMIC SOCIETY SECRETARY BRITISH INDIAN ASSOCIATION TENDER LOYAL  
CONGRATULATIONS HIS GRACIOUS MAJESTY KING EMPEROR AND RESPECTFULLY  
ENVITE ATTENTION CIRCUMSTANCES UNDER WHICH THEY ARE SUFFERING  
IMPRISONMENT.

BRITISH INDIAN PRISONERS IN VOLKSRUST  
Colonial Office Records: 291/132

*127. LETTER TO A. H. WEST*

NAME OF  $\frac{\text{CONVICT}}{\text{PRISONER}}$  M. K. GANDHI

[VOLKSRUST]  $\frac{\text{PRISON}}{\text{GAOL}}$

TRANSVAAL,  
*November 9, 1908*

MY DEAR WEST,

Your telegram to hand. It cuts me but does not surprise me. It is impossible for me [to] leave here unless I pay the fine which I will not. When I embarked upon the struggle I counted the cost. If Mrs. Gandhi must leave me without even the consolation a devoted husband could afford, so be it.<sup>2</sup>

Please do what you all can for her. I am wiring<sup>3</sup> Harilal to go there. I expect from you or someone a daily bulletin—not that I can

<sup>1</sup> This was sent through the Secretary of State for India to King Edward VII in connection with his 57th birthday, which fell on November 9. Presumably, it was drafted by Gandhiji from Volksrust Prison where he was lodged. A similar message was cabled by Reuter on behalf of the “conscientious objectors” in Johannesburg Prison on November 9.

<sup>2</sup> Mrs. Kasturba Gandhi was suffering from haemorrhage and her condition was grave. She underwent an operation on January 10, 1909, as reported in *Indian's opinion*, 16-1-1909. *Vide also An Autobiography*, Part IV, Ch. XXVIII.

<sup>3</sup> This telegram is not available.

help thereby. Please let me know by wire what the disease is exactly. I am writing to her.<sup>1</sup> I hope she will be alive and conscious to receive and understand the letter. The authorities will allow me to receive the letters daily. The enclosed is for Mrs. Gandhi. Let Manilal read it to her.

*Yours sincerely,*

M. K. GANDHI

A. H. WEST, ESQ.

MANAGER

*INDIAN OPINION*

PHOENIX, NATAL

From a photostat of the original in Gandhiji's hand: C. W. 4409

Courtesy: A. H. West

### *128. LETTER TO MRS. KASTURBA GANDHI*

[VOLKRUST GAOL,]

*November 9, 1908*

BELOVED KASTUR,

I have received Mr. West's telegram today about your illness. It cuts my heart. I am very much grieved but I am not in a position to go there to nurse you. I have offered my all to the satyagraha struggle. My coming there is out of the question. I can come only if I pay the fine, which I must not. If you keep courage and take the necessary nutrition, you will recover. If, however, my ill luck so has it that you pass away, I should only say that there would be nothing wrong in your doing so in your separation from me while I am still alive. I love you so dearly that even if you are dead, you will be alive to me. Your soul is deathless. I repeat what I have frequently told you and assure you that if you do succumb to your illness, I will not marry again. Time and again I have told you that you may quietly breathe your last with faith in God. If you die, even that death of yours will be a sacrifice to the cause of satyagraha. My struggle is not merely political. It is religious and therefore quite pure. It does not matter much whether one dies in it or lives. I hope and expect that you will also think likewise and not be unhappy. I ask this of you.

MOHANDAS

[From Gujarati]

*Bapuna Bane Patro*, International Printing Press, Phoenix, 1948

<sup>1</sup> *Vide* the following item.

### 129. MESSAGE FROM GAOL<sup>1</sup>

My only desire is that everyone should remain steadfast and ever refuse to violate his pledge, however long the struggle lasts, whether eight days or eight months or eight years, or even longer. We ought not to bring any pressure on those who may yield and desert the movement. If anyone does, I shall believe that he does not understand the nature of the movement. If the struggle has become drawn out so long, we are ourselves the reason for that. If we make a conscious effort to remove the causes, everything can be over even today.

[From Gujarati]

*Indian Opinion*, 5-12-1908

### 130. INTERVIEW AT GERMISTON STATION<sup>2</sup>

[GERMISTON,

*December 12, 1908]*

[Gandhiji:] I have heard about the allegation, but I shall say later whatever little I have to say about it. I enjoyed every minute in gaol.

[Replying to another question, he said:] I was very well treated in gaol. My complaint is against the gaol regulations. The officers only did their duty in enforcing the regulations.

[From Gujarati]

*Indian Opinion*, 19-12-1908

<sup>1</sup> This was read out at a mass meeting of Indians held in Johannesburg the eve of the expiry of the time-limit for registration under the Asiatic Registration Amendment Act of 1908.

<sup>2</sup> On his way from Volksrust to Johannesburg on December 12 after his release from gaol, Gandhiji was interviewed about his ill-treatment in prison.

### *131. SPEECH AT JOHANNESBURG RECEPTION*

[JOHANNESBURG,  
*December 12, 1908*]

Mr. Chairman, delegates from Natal, My Tamil brethren and other friends,

I see you today after two months and ten days. I feel as if I was outside all the time and not in gaol. It is today that I think I have entered a prison. Those who are outside have a more important duty to discharge than those in gaol. So long as people who are outside do not exert themselves more vigorously, our bonds are not likely to snap. When the station-master at Volksrust congratulated me on my release, I told him also that it was really on that day that I found myself in prison, and that I was now facing much heavier tasks than those assigned to me while in gaol.

In a country where people suffer injustice and oppression and are denied their legitimate rights, their real duty lies in suffering imprisonment. And further, so 'long as the bonds that' bind us have not been snapped, I think it is better that we spend our days in gaol. This, I think, is the true meaning of religion for those who have faith in God.

I want to say a few words about the scene that was witnessed at the station today. My services have pleased the community. You have assembled today in such a large number because you wish to express your appreciation of my having worked for a day at breaking stones, of my having suffered imprisonment and of the other things that I did. Where there is God there is truth, and where there is truth there is God. I live in fear of God. I love truth only, and so God is with me. Even if the path of truth does not please the community, it pleases God. Therefore I will do what pleases God, even if the community should turn against me. The enthusiasm that was in evidence today was heartening enough. It shows that all of you, like others who could not be present, approve of the satyagraha campaign that we have launched. I have said at Standerton, Heidelberg and other places that the outcome of our campaign does not depend upon whether we win or lose in the Supreme Court. We should rather, if need be, bear separation from our families, sacrifice our property for the sake of truth, endure whatever other hardships we may encounter and thus make the voice of truth heard in the Divine Court. When the echoes of that voice strike the ears of General Smuts, his conscience will be stirred and he will acknowledge our rights, will see that we invite

suffering in order to secure them, that we have suffered more than enough. It is then that we shall get what we have been demanding. It is not the Imperial Government that will secure you your rights; you will get them only from God. If you fight truthfully with Him as witness, your bonds will be loosened in eight days according to your Chairman, but in less than 24 hours according to me. God is present everywhere; He sees and hears everything. I am sure that we shall be free when that God stirs their [our opponents'] conscience. We do not sacrifice as much as we should. The moment we do so, our fetters will fall away. I shall say more tomorrow. Today I have nothing more to say. I thank all the friends who have assembled here today. I want them to inscribe my words in their hearts and to pray to God that He may make everyone feel the same as I do.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 19-12-1908

### *132. SPEECH AT HAMIDIA ISLAMIC SOCIETY<sup>2</sup>*

[JOHANNESBURG,  
*December 13, 1908*]

I said yesterday that we had won. We have won because of the sufferings of our people. A community, 1,500 members of which have been to gaol, must certainly be considered to have emerged victorious. That out of a population of 7,000 as many as 1,500 have been to gaol must surely, I think, be counted as a victory. As things are reckoned in this world, it can be said that there has been no victory, because we have not yet secured what we demanded from the Government. The Chairman said that, as I was the leader of the community, you should do my bidding. But that is not right. It is my duty to place before you what I think and what I hear, and to do what you tell me. It is for you to decide whether or not to act upon my suggestions. We are still half-hearted about everything, and therefore never do anything in time. When we become punctual, we shall be able to attend to everything without loss of time. I place two things before you. The first phase of the struggle commenced with Ram

<sup>1</sup> Gandhiji then spoke in English. The report of his speech in English', however, is not available.

<sup>2</sup> A meeting of the Society was held in the Hamidia Mosque on December 13, to honour Gandhiji and Iman Abdool kadir Bawazeer on their release from gaol.

Sundar, the second with Sorabji.<sup>1</sup> What I wrote to Sorabji I wrote to others as well. The first reply I received was from Sorabji. I did not know him as well as I did Ram Sundar, and I was doubtful whether he would hold firm till the last moment. Personally, I take everyone at his word. The community knows what Sorabji has done. There were 75 prisoners with me in the Volksrust gaol; among them all I observed Sorabji to be the mildest, the most even-tempered and steadfast. He put up with everything that people said to him. Living with him, I have very well realized his worth.

Next, from among the Imam Saheb, Moosa Essakji and the two Madrasis who had received six weeks' imprisonment, I spent more time with the Imam Saheb. I used to feel concerned how he would be able, with his [poor] health and physique, to withstand the strain. But I saw that he endured all difficulties and performed every task. The Hamidia Islamic Society and the community are fortunate that the Society has a chairman like him. Once, when the gaoler asked for some men to go with him to mow grass, no one responded. Imam Saheb felt that it was our duty [to go]. When he got up, others started remonstrating with the gaoler, saying that he was an Imam and should not be put to work. They all rather felt ashamed on this occasion. Such habits of ours are also responsible for our struggle being prolonged. After the release of others, a few of us were left behind. Moosa Essakji took charge of cooking. The Imam Saheb agreed to help him. They used to get up at three o'clock in the morning and start the cooking. Because the community has such men among it, I believe that it has come out victorious. I strongly advise those who go to gaol that while there they must obey the gaol regulations. If everyone acts in the name of God, our fetters will fall away in no time. We are certainly not fighting on behalf of those who hold forged permits. The struggle is no longer what it was before. The fight is now only to uphold the honour of the millions who live in India. The Imperial Government is seeking ways and means of expelling Indians from South Africa. They want us to go and settle in regions with a bad climate. I therefore think it very important that we convince the Government of our courage. We are not to fight now for men who have no legitimate claims but we can live honourably if educated men, men who can teach us the right things, come in. So long as we do not understand even this, we cannot hope to win. I see that some men hanker after publicity. Why should they have such notions? To those

<sup>1</sup> *Vide* "Trial of Ram Sundar Pundit", 11-11-1907 "Trial of Sorabji Shapurji-I", 8-7-1908, "Trial of Sorabji Shapurji—II", 10-7-1908 & "Trial of Sorabji Shapurji—III", 20-7-1908.

who wish to serve, Who rely on God, what does it matter whether they get publicity or not? A true satyagrahi does not care for it. He merely works. The Natal gentlemen have promised me that they will be with us till the struggle comes to an end. I want the three leaders to reiterate that promise today. It has made me very happy to know that they have collected a very large amount and that all the gentlemen [approached by them] responded to their appeals without reserve. Of the four resolutions that were passed at the last mass meeting<sup>1</sup>, the second was explained to everyone by Mr. Cama. I explain it again today. It was resolved, in the name of God, to continue the struggle till the Government did justice. If the pledge was taken after full deliberation, everyone may please raise his hand<sup>2</sup>. We are here in the sacred premises of a mosque. Please remember that you have raised your hands in such a place in the name of God. Sheth Rustomjee sent [me] a book on religion for reading in gaol. It says that the righteous are dear to God. The pledge you took on oath in the name of God you must have taken after full deliberation. Is there any reason, then why you should not win? The scriptures of all religions declare: "I give unto those that are with me all they ask for." The Government may take your wealth or imprison your body, but it cannot deprive you of your soul. If you do in the right spirit what I have asked you to do, you will get not merely the two things you have demanded, but whatever else you want. The echoes of this campaign have already been heard in India and in the rest of the world. See that the campaign is intensified.

*[Gandhiji was then garlanded on behalf of the Hamidia Islamic Society. Speaking again, he said:]*

I take this to be a diamond necklace, offered not out of respect merely but out of love. It is with that feeling that I thank you. Dawad Sheth's son, a mere child, writes from England to know why we are not united. The Hamidia Islamic Society is an institution of Muslims. I take it as a great honour that I have been garlanded on its behalf. If both the eyes, Hindus and Muslims, remain unharmed, you will prosper. If 13,000 Indians continue the fight in the name of God and if the two communities remain united, you will also be the masters of India. What is happening here will have its repercussions out there and all people will be united.

[From Gujarati]

*Indian Opinion*, 19-12-1908

<sup>1</sup> This was held on November 29.

<sup>2</sup> Everyone present did so.

### 133. SPEECH AT TAMIL RECEPTION<sup>1</sup>

[JOHANNESBURG,  
December 14, 1908]

This garland<sup>2</sup> has in fact been earned by the Tamil community which has given such an excellent account of itself. Hence what you have offered to me I offer in turn to your Chairman. I have nothing more to say. If you feel that the Tamils have done very well, you should be worthy of the community. Should any of you fail, he would deserve all that might be said against him, and much more.

[From Gujarati]

*Indian Opinion*, 19-12-1908

### 134. TRIAL OF THE NAIDOOS AND OTHERS<sup>3</sup>

[JOHANNESBURG,  
December 18, 1908]

Upon several Indians, it is said, proceeding to the registration office on Von Brandis square yesterday morning (the 18th instant) in order to comply with Act 36 of 1908, the office was immediately picketed by “passive” resisters, says *The transvaal Leader*. The police were sent for, and soon after their arrival they arrested four members of the picket, amongst whom was C.K.T. Naidoo. The places of the four men were taken by four others, who, in turn, were arrested. A crowd of Indians collected; further arrests were made, and eventually about 27 Indians were charged with having refused to produce registration certificates and to give signatures and impressions of thumbs and fingers.

Later in the day, the arrested Indians were removed for trial to Government Square. The news of their detention had got abroad and, when Mr. Gandhi arrived to conduct the defence, he was escorted by about 200 compatriots.

The first quartette charged consisted of C.K.T. [Naidoo], L.R.[Naidoo] and L.D. Naidoo and A.V. Chetty. Pleas of “Not guilty” were entered.

Mr. Samuels, who prosecuted for the Crown, said that the charge was on the lines of that in the Randeria case. The circumstances were the same and the question was whether the Crown should proceed pending the result of Randeria’s appeal.

<sup>1</sup> Gandhiji spoke at a reception held in honour of Imam Abdool Kadir Bawazeer, some Natal Indians and himself.

<sup>2</sup> Gandhiji was garlanded before he addressed the audience.

<sup>3</sup> The report of the trial of C. K. T. Naidoo, L. R. Naidoo, L. D. Naidoo and A. V. Chetty was published in *Indian Opinion* under the title: “Pickets Arrested—Leaders Before the Court.”



MR. JORDAN: Why have they been arrested?

MR. SAMUELS: They have been arrested upon instructions received and, it is alleged, they have been acting as pickets and causing trouble amongst Asiatics who are desirous of complying with the law. I make this statement *ex-parte*, and possibly it is not correct.

Mr. Jordan said that such conduct, if report were true, was most serious. The statement seemed “to lend the colour of truth to statements upon oath made before me by Indians to the effect that they are frightened to register because of these pickets. Many of the men who have been charged before me have told me that they have been terrorised and now I begin to believe their stories.”

MR. GANDHI: If these men in the dock have been terrorising Indians anxious to comply with the law, surely there is some section amongst the Statutes for the contravention of which they can be charged. But why charge them under this section 9 of Act 36 of 1908? The watching will go on so long as the struggle continues. If these men have been terrorising others, then they should be punished, but my learned friend, Mr. Samuels, says he hardly credits the story.

MR. JORDAN: Men upon oath have told me that they have been terrorised by compatriots.

MR. GANDHI: Some people will say anything.

MR. JORDAN: And I'm afraid it will continue so long as your friends are permitted to do what you glibly term “watching.” (Laughter)

MR. GANDHI: Anyway, these four men can't be charged under this section, because there is no Registrar of Asiatics according to law.

MR. JORDAN: Oh! Then what's the use of your picketing if Indians cannot get registered?

MR. GANDHI: We only want to let those who forget their manhood know that there is such a thing as ostracism.

MR. JORDAN: I don't think it is ostracism. I think it is a wholesome fear of incurring grievous bodily harm.

MR. GANDHI: Then 500 would not have registered and been living upon the best of terms with the rest of the community and be supplying part of the sinews of war today.

MR. JORDAN: All right; the accused are remanded, *sine die*.

MR. GANDHI: If there is any terrorism brought into play, if it is brought to the notice of the officers of the Association, they will do all they can to help the Government.

The other Indians under arrest were similarly remanded.

*Indian Opinion*, 26-12-1908

### *135. MIGHTY STRUGGLE*

It is growing clearer every day that this is indeed a mighty struggle that is being carried on in the Transvaal. The Act must, of course, be repealed. Undoubtedly, this is an important demand. But as time passes, we have the advantage of being able to understand the real nature of the conflict. We have stated earlier that the Transvaal Indians are not fighting merely against the Transvaal Government; they are fighting against the Imperial Government as well. We have also stated that it is not as if the Transvaal Indians were fighting for themselves alone; they are fighting on behalf of all Indians in South Africa, on behalf of all Indians abroad; in fact, they are fighting for the whole of India. We have recently received support for this view from England. We give elsewhere summaries of a speech by Colonel Seely and Mr. Ritch's reply to it. Colonel Seely's statements in that speech deserve notice. He says that Indians must not migrate to a region with a good climate. The Coloured peoples and the whites cannot mix with each other and both stand to suffer by such mix-ing. Indians [he says] are rice-eaters and the whites cannot successfully compete with them. These statements express the views of the Imperial Government. They mean only one thing, namely, that in their view Indians are good enough to work merely as slaves of whites. Colonel Seely went on to say that Indians already settled in the Transvaal and in other Colonies should be allowed to live honourably, saying, in the same breath, that General Botha was right in the policy he was following. Colonel Seely is therefore hypocritical when he says that we should be treated honourably. His speech in fact implies that Indians residing in lands where whites had already settled should be gradually eliminated. The Transvaal Indians therefore have to shoulder a burden on behalf of the whole of India. We shall show later that they can easily do so, and they certainly will. Colonel Seely's views suggest a change [for the worse] in British policy. They represent a rather unworthy aspect of British policy and, if they gain currency, they will herald the decline of the Empire. Therefore, the Indians' resistance tends to the good of the British Empire, too. Colonel Seely's views will be endorsed only by those who wish that the British Empire should be destroyed. All the Colonists belong to that class. They are therefore enemies of the British Empire. Indian [passive] resisters, who have been opposing this view and will continue to do so, may be said to be friends of the Empire.

If our readers consider the matter in this light, they will easily see that the Transvaal struggle is not merely for permits, of no value in

themselves, nor for the entry of a handful of Indians. It is a fight for a noble cause. It is a battle of principles. Indians have pitted themselves against a mighty force. Even so, we make bold to say that it is possible for us to win. No one should imagine that this is like hoping that a black ant will carry on its head a potful of jaggery. The men who say this do not understand the efficacy of satyagraha—the power of truth. What can-not be done by millions can be done by a handful of men. We come across such instances everywhere. This is also true of the Transvaal Indians. It is because the Indians here are few that they can put up a good fight. It may take time to explain the position to most Indians, to convince them of the beauty of satyagraha, to stop dissensions amongst them. If, however, the seed of truth strikes root in a few men and blossoms forth, its branches can be planted elsewhere and the tree can thus be multiplied indefinitely. Let it not be imagined that mustard seeds cannot make a hill. This also is possible; in fact, it has often happened. That is the greatness of the Lord of this universe. The hill is made up of nothing but particles of earth. If one were to inquire how this came about, one would simply feel incredulous. And yet we know that the thing has happened. Not only do we believe that a few Indians can accomplish this task; we have also said that they can do so quite easily. Why do we say this? As the satyagraha campaign progresses, we see that it is the poor alone who can join it. The rich find the burden of their wealth too heavy; they are not able to carry the burden of truth. This means that the Transvaal Indians must embrace poverty. To think that this is impossible is to give up the effort in despair. In what way is this difficult? We can never rely on wealth. We may even be robbed of it. Therefore, let us ourselves renounce it and instead take the sword of truth in our hands. If we have the strength to think and act thus, we are bound to get what we have been demanding. We have already said that the fight will certainly be carried on. Is there any reason to believe that it will not be? We find that the community on the whole is united. Hundreds of Indians have been, as it were, sanctified through anointment in prisons. They have seen the beauty of gaol life and that are not likely to turn back. And most of the Transvaal Indians are in any case poor, so that the question of their retreating simply does not arise. We place Colonel Seely's speech before such Indians and beg of them not to be defrauded, while they live, of the glory of such a mighty battle, but win immortal fame for themselves—for India—throughout the world.

[From Gujarati]

*Indian Opinion*, 19-12-1908

### 136. INSCRIPTION IN A BOOK<sup>1</sup>

[JOHANNESBURG,]

December 23, 1908

TO MR. G. NELSON

FOR HIS MANY KINDNESSES WITHIN THE LAW DURING HIS<sup>2</sup> INCARCERATION AT  
VOLKSRUST

M. K. GANDHI

From the original in Gandhiji's hand Courtesy; Gandhi Smarak Sangrahalaya,  
New Delhi

### 137. BALANCE-SHEET

The year, according to the English calendar, is drawing to a close. In our present state, we attach less importance to our own than to the English calendar. We plan our affairs with reference to the English or European calendar. We do not wish to suggest that this state of affairs is deplorable in itself. But as things stand, it is a sign of our degradation. The same thing would hardly have been regarded as unusual if we were really free. Since we want to have good relations with all parts of the world, nothing will be wrong in our following the European calendar for the convenience of all. However, this is a digression. The object of this article is to set out the balance-sheet for the year.

Examining conditions in Natal, we find that the Government of the Colony wanted to enact many laws directed against us. But the Imperial Government did not sanction them. A commission has been appointed to consider the question of the continued import of indentured labour. There is every possibility of some good coming out of it. But the disallowance of the Bills should give us no reason to be particularly happy. Considering its internal difficulties, the [Natal Indian] Congress has done well. But those who manage its affairs must give thought to its continued financial difficulties. There is not enough enthusiasm among the people. Trade is ruined. Owing to a fall in land prices, many Indians have been reduced to poverty. Even servants are put to hardship. Cases of murders among Indians are on

<sup>1</sup> Gandhiji wrote this on a copy of Tolstoy's *Kingdom of God Is within You* which he presented to a warder in Volksrust Gaol, where he had served his sentence.

<sup>2</sup> This should have been "my".

the increase. The police feel helpless and Indians appear incapable of self-defence. This is an illustration of the fact that Indians are not free, do not even deserve to be free, for they depend on others for the safety of their lives and property. There is lack of education for the mind. On the one hand, the Government is withdrawing the educational facilities; the higher-grade schools are in a bad way. On the other hand, we ourselves do nothing for our education. We do not even mind losing a library. The only happy feature in the midst of all this is that some young men have been sent by their parents to England for education. The parents at least have thus done their duty. But no one can say whether the final product will be an earthen pot or a brass pot. Just now, the potter's wheel is at work.

Things seem quiet in the Cape. Whatever opportunities Indians have there are being thrown away. There are two rival bodies, engaged in mutual bickerings. The situation is likely to be exploited for its own advantage by the third party, their common enemy. The trading law and the immigration law there bear hard [on the Indians]. There, too, the internal situation is rather pitiable.

Rhodesia was threatened with a law similar to the Transvaal Act. The threat has not disappeared altogether, but there is little possibility of the Imperial Government sanctioning such a law.

The condition of Delagoa Bay Indians is as bad as the climate there. The Indian community is slumbering. There is no one to challenge the laws enacted. People there seem to think that, so long as their business is good and they make money, nothing else matters.

There are no Indians in the Orange River Colony to speak of. There has been no change in the situation there. It depends on Indians when a change will come about.

The Transvaal appears to hold the cards for all. That the Natal and Rhodesian Bills were disallowed was due principally, it may be said, to the Transvaal campaign. The campaign has now assumed a form which has won for it the admiration of the entire world. The prestige of the Indian community has gone up. In India, meetings are being held in every town over the transvaal. A [public] discussion has been going on in England. Within the space of twelve months, nearly 2,000 Indians have gone to gaol. People have been displaying great courage in facing hardships, and their campaign is being acclaimed one every side. They have found a new weapon and acquired a new strength. We have not yet fully realized the miraculous quality of this strength and this weapon. General Smuts played foul, but since the Indians were satyagrahis, his foul play has turned out to their advantage. Such is the marvellous power of truth. Falsehood pays

homage to truth, for falsehood cannot hold out against it. Moreover, as the struggle is being prolonged, people are growing more determined, [whereas] other modes of fighting have always the effect of wearying the people. Similarly, service of truth can never lead to weakness. The more one puts oneself in its service, the stronger one grows.

[From Gujarati]

*Indian Opinion*, 26-12-1908

### 138. LETTER TO MAGANLAL GANDHI

*Monday night [December 28, 1908]*<sup>1</sup>

CHI. MAGANLAL,

Your letters to hand. Jagatsingh's is a regrettable case. As I see it, it is more the fault of the Hindus. It was particularly their duty which they have failed to discharge.

One should not be carried away by Jagatsingh's *brahmacharya*. Lakshman and Indrajit were both celibates (*brahmacharis*) and had conquered sleep and were therefore equally valorous. But the valour of the former was divine, while that of the latter ungodly. This means that the vow of *brahmacharya* and other vows are holy and bring happiness only when they are taken as a spiritual discipline. If resorted to by a demon, they only add to misery. This is a very serious statement to make; but all the same, it is no doubt true. Lord Patanjali has shown this very clearly in his *Yogadarshan*<sup>2</sup>. This is the thing our religion teaches us. The phrase *madanugrahaya* — 'for my favour' — deserves to be always borne in mind. If you do not follow what I say or if you have any doubt about it, please write to me.

I am not surprised at your losing control over yourself. As you dive deeper into yourself and have experience, your mind will become calm, your passion will cool down and you will be stronger spiritually. Think carefully of every step you take or a piece of work you do, analyze it, always applying to it this test, namely, "Will this promote my spiritual progress?" The question "Will this lead to the progress of the Hindu religion or of India?" is covered by it. The country cannot rise, religions cannot advance by a step that will not lead to spiritual growth.

This has been found to be the result of the Swami's<sup>3</sup> impatience.

<sup>1</sup> This letter was written sometime toward the end of 1908.

<sup>2</sup> Book of aphorisms on Yoga, one of the systems of Indian philosophy.

<sup>3</sup> Shankeranand, a Hindu missionary who toured South Africa in 1908-9.

It is very regrettable. It was because of such results that the venerable Kavi<sup>1</sup> often used to say that in modern times we should beware of religious teachers. Our experience also confirms his view. Everyone is obdurate and wants to see his own opinion prevail. If instead of such obduracy in regard to one's opinion one devotes one's energy to self-realization, one will do good to oneself as well as to others. Otherwise, both will face degradation.

Mrs. Polak will leave tomorrow. This letter also will reach you the same day, perhaps later, for you must have gone to Maritzburg.

More from other letters.

*Blessings from*

MOHANDA

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4781

### 139. NEW YEAR

We examined the balance-sheet of the last year.<sup>2</sup> We were unhappy at the thought that we had to follow an alien calendar in making our calculations. No cause for unhappiness would remain if *swadeshi* were to replace everything foreign. We can easily attain happiness if we exert our-selves to that end during the year that has just commenced. *Swadeshi* carries a great and profound meaning. It does not mean merely the use of what is produced in one's own country. That meaning is certainly there in *swadeshi*. But there is another meaning implied in it which is far greater and much more important. *Swadeshi* means reliance on our own strength. We should also know what we mean by "reliance on our own strength." "Our strength" means the strength of our body, our mind and our soul. From among these, on which should we depend? The answer is brief. The soul is supreme, and therefore soul-force is the foundation on which man must build. Passive resistance or satyagraha is a mode of fighting which depends on such force. That, then, is the only real key[to success] for the Indians.

During this year a good deal will depend on the Transvaal and Natal. The Transvaal fight is continuing. In Natal, the issue of licences will come up. If the Indians in the Transvaal give up their fight, that will have an immediate adverse effect in Natal, because the course of events in Natal during the coming year will largely be determined by this movement. Nothing will be gained by submitting petitions to the

<sup>1</sup> Shrimad Rajachandra; *vide* "Guide to London", [1893-94]

<sup>2</sup> *Vide* "Balance-Sheet", 26-12-1908

Natal Government. How, then, may anything be gained? The Transvaal provides the answer to this. That is to say, the answer to the question as to what this year has in store for us will be provided by whether or not the Indians in the Transvaal fight to the last.

It may be hoped that a community from among which 2,000 men have been to gaol will never accept defeat, though there may be some traitors in it. Looking at the matter in this light, every Indian will find that what the new year will bring lies entirely in his own hands.

[From Gujarati]

*Indian Opinion*, 2-1-1909

#### 140. PHOENIX SCHOOL

We have received many requests from parents for admission of their children to this school. We are prepared to undertake their schooling. There are some financial difficulties, however, in providing residential facilities for them. We are trying our best to overcome them. We hope to give more details about this in our next issue.

In the meantime, those parents who want to send their children [to our school] may inform us accordingly. If they can also give as some idea of the monetary help they will be able to give, the matter will be settled soon.

[From Gujarati]

*Indian Opinion*, 2-1-1909

#### 141. NATAL-BOUND INDIAN PASSENGERS

Indian passengers arriving in Natal are facing more and more difficulties. The fault mainly is our own. Many of these people are rather impatient to enter [the Colony]. If they have no right to enter, that makes no difference to them. Others have to suffer in consequence. If the fault is ours, surely the remedy also lies with us. Only when and to the extent that we develop a sense of justice will there be an end to our troubles. Anything else that we may do will be of no avail. It will prove as ineffective as an attempt to stitch a patch on the sky.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 2-1-1909

<sup>1</sup> This is a Gujarati saying: If the sky were to get torn like a garment, it would be impossible to stitch a patch on it.



## 142. EXEMPLARY CASE OF SATYAGRAHA

In Maritzburg, there is a white named Mr. Green. He refused to pay the poll-tax. So he was produce before a magistrate. He declared bluntly that, as it was an unjust tax, he was not willing to pay it. The Magistrate has sentenced him to imprisonment. Mr. Green is at present undergoing the sentence. This is an unusual case. Mr. Green does not incite others. He feels that the poll-tax is an oppressive impost. He is not much of an orator. He, therefore, resolved in his mind that so far as he was concerned, he would never pay that tax. He does not mind the sentence of imprisonment imposed on him in consequence. This is satyagraha in the true sense of the term. Those who love truth never follow others blindly. They go on suffering for the sake of truth.

[From Gujarati]

*Indian Opinion*, 2-1-1909

## 143 MY SECOND EXPERIENCE IN GAOL [-I ]<sup>1</sup>

### INTRODUCTORY

I think my experience in gaol this time was better than in January 1908. It was good education for me personally, and I believe it will prove useful to other Indians.

A campaign of satyagraha can take many forms, but it is found that gaol-going is the most effective means of fighting political disabilities. We shall have to go to gaol often enough, I think; it is necessary not only during the present agitation, but is the only course that can be adopted in fighting future disabilities. It is the duty of every Indian, therefore, to know all that is worth knowing about gaol-life.

### ARRESTED

When Mr. Sorabji was arrested, I wished what I could follow him to gaol, or that the agitation would end before he was due to be released. I was disappointed. The same desire came over me again more intensely, when the brave leaders of Natal went to gaol, and [this time] it was fulfilled. While returning from Durban, I was arrested at Volksrust Station on October 7 [1908] for being without my certificate of voluntary registration and refusing to give my finger-

<sup>1</sup> For articles on his first experience, *vide* Vol. VIII.

impressions.

My object in going to Durban was to bring [along with me] educated Indians living in Natal and other Indians who had been previously resident in the Transvaal. I had hoped that quite a large number of Indians in Natal would show readiness to follow their leaders [to gaol]. The Government also felt the same way. Accordingly, orders had been issued to the gaoler to make arrangements for the accommodation of more than a hundred Indians, and tents, blankets, utensils, etc., had been sent on from Pretoria. I also found, as I alighted at Volksrust accompanied by several Indians, that a large number of policemen were present. But all this labour proved superfluous. The gaoler and the police were disappointed, for only a small number of Indians from Natal had offered to accompany me. There were just six in that train. Eight more started from Durban by another train on the same day. In all, therefore, only fourteen Indians came. All of us were arrested and taken to the lock-up. The next day we were produced before the Magistrate, but the hearing of the case was postponed for seven days. We declined to offer bail. Two days later, Mr Mavji Karsanji Kothari, who had joined [us] in spite of the fact that he was suffering from piles, was asked to bail himself out, as his trouble had become aggravated and there was need for a picket in Volksrust.

#### SITUATION IN GAOL

There were in gaol, when we arrived there, Mr. Dawad Mahomed, Mr. Rustomjee, Mr. Anglia [and] Mr. Sorabji Adajania who had initiated the second phase of the movement, and about 25 other Indians. It being the *Ramzan* month, Muslim friend had been observing the *raza*. By special permission, food was sent to them in the evening by Mr. Essop Suleman Kazi. Due observance of the fast had thus been made possible. Though there is generally no provision for lighting in mofussil gaols, orders had been issued in view of the *Ramzan* to arrange for lights and provide a clock. Mr. Anglia led the *namaz*. Those who were observing the fast were subjected to hard labour during the first few days, but later on no hard labour was exacted from them.

As for the other Indians, permission had been granted for one of them to attend to the cooking. This was done by Mr. Umiyashanker Shelat and Mr. Surendrarai Medh, who were joined later by Mr. Joshi when the number of prisoners went up. When these gentlemen were deported, cooking was attended to by Mr. Ratanshi Sodha, Mr. Raghavji and Mr. Mavji Kothari, Later still, when the number rose very high, Mr. Lalbhai and Mr. Omar Osman also

joined. Those in charge of cooking had to get up at two or three in the morning and keep busy till five or six in the evening. When a considerable number of Indians had already been released, Mr. Moosa Essakji and Imam Saheb Bawazeer took charge of cooking. I count it as the good fortune of the Indians concerned that they were served food prepared by the Chairman of the Hamidia Islamic Society and a businessman who had in fact had no experience of cooking. When the Imam Saheb and his companions were released, they left the legacy of cooking to me. Since I knew something of it, I experienced no difficulty. The work remained under my charge only for four days. It is now (that is, up to the moment of writing) being looked after by Mr. Harilal Gandhi. Though the information as to who was in charge of cooking when we arrived in gaol does not fall under the heading [of this paragraph], I have given it here for the sake of convenience.

When we entered the gaol, Indians were lodged in three bedrooms. In this gaol, Indian and Kaffir prisoners were always lodged separately.

#### ARRANGEMENTS IN GAOLS

There are two wards in the prison for males; one for the whites and one for the Kaffirs—the gaol [also] accommodates other non-whites. Though they were free thus to lodge the Indians in the Kaffir ward, the gaoler had made provision for them in the ward for the whites.

There are small cells, each with arrangements to accommodate ten or fifteen or even more prisoners. The prison is built entirely of stone. The cell has a good height. The walls are plastered and the floor is washed so that it always stays very clean. Moreover, the walls are frequently whitewashed, so that they always appear fresh. The area in front is paved with black stone, and is washed every day. It has a water-spout which enables three men to bathe simultaneously. There are two lavatories, and also benches. Above, there is a barbedwire covering intended to prevent prisoners from escaping by climbing the walls. Every room is well lighted and properly ventilated. The prisoners are locked in at six in the evening, and let out at six in the morning. The cell is locked from outside during the night. This means that, if anyone has a call of nature to answer, he cannot go out of the cell, and hence commodes, filled with water treated with a germicide, are placed in the cell itself.

#### DIET

At the time of my imprisonment in Volksrust, the Indian

prisoners were served mealie pap in the morning, and rice, with some vegetable, for the midday and evening meals. The vegetable served was mostly potato. No ghee was allowed at all. Under-trial prisoners were allowed, in addition, an ounce of sugar with mealie pap in the morning, and half a pound of bread for the midday meal. Some of the under-trial prisoners used to share a portion of their bread and sugar with the prisoners undergoing sentences after conviction. Prisoners were entitled to meat twice [a week]; since, however, it was not given to either the Hindus or the Muslims, they were entitled to a substitute. We therefore made a joint petition<sup>1</sup> and as a result it was ordered that we should receive an ounce of ghee and, on meat days, half a pound of beans in place of meat. Moreover, there was some *tandalja* growing by itself in the gaol garden, and we were allowed to pluck its leaves. We were also permitted from time to time to gather onions from the garden. There remained, therefore, nothing to complain of about food after ghee and beans had been sanctioned. The diet in the Johannesburg Gaol is somewhat different. There, only ghee is supplied with rice; no vegetables are allowed. In the evenings, there are green vegetables and mealie pap twice in the week, beans on three days, and potatoes, with mealie pap, once.

Though this scale cannot be considered adequate, as judged by our habits, it is not bad in itself. Many Indians have a strong dislike of mealie pap and obstinately refuse to have it. But personally I think this is an error. Mealie pap is a sweet and strength-giving food. It can be taken in place of wheat in this country. It is very tasty when sugar is added to it, but even otherwise it tastes quite good when one is hungry. If one can get used to it, the foregoing scale will not prove inadequate nourishment; on the contrary, one may actually thrive on it. With some adjustments, it can be a perfect diet. But it is a matter of regret that we have grown so fond of good eating and have pampered ourselves into such habits that we are quick to lose our temper if we do not get the food we are used to. This was my experience in Volksrust, and it made me very unhappy. There was incessant grumbling about food, and very often there were such fretful scenes as if eating and living were the same thing, or as if we lived only to eat. Surely it does not become a satyagrahi to behave in this manner. It is our duty to try to get some changes made in the diet. If we fail, however, we must remain content with whatever is offered and thus demonstrate to the Government our determination not to yield; this also is our duty. There are some Indians who are afraid of going to gaol only because of the inconvenience in the matter of food. They

<sup>1</sup> Vide “Petition to Resident Magistrate”, 11-10-1908

must make a conscious effort to overcome the craving for good food that might have enslaved them.

#### SENTENCED TO IMPRISONMENT

As I mentioned above, all our cases were postponed for seven days, so that they came up for hearing on the 14th, when some of us were sentenced to a month and others to six weeks with hard labour. There was a boy eleven years old who was sentenced to 14 days' simple imprisonment. I was much worried lest the case against me should be withdrawn. The Magistrate retired for some time after the other cases had been disposed of, which made me all the more nervous. The view generally expressed earlier was that I would be charged with failure to produce my register and refusal to give my thumb-impression, and also with inciting other Indians to enter the Transvaal without any right. While I was grappling with the problem in my mind, the Magistrate returned to the court and my case was called out. I was then sentenced to a fine of Rs. 25 or to two months' hard labour. This made me very happy, and I congratulated myself on what I considered to be my good fortune in being allowed to join the others in gaol.

#### CLOTHES

After the sentence was passed, we were issued gaol uniforms. We were supplied each with a pair of short breeches, a shirt of coarse cloth, a jumper, a cap, a towel and a pair of socks and sandals. I think this is a very convenient dress for work. It is simple, and wears well. We should have nothing to complain about such a dress. We should not mind having it even for everyday wear. The dress given to the whites is somewhat different. They get a rimmed cap, stockings and handkerchief, in addition to two towels. Indians, too, need to be supplied with handkerchiefs.

(To be continued)

[From Gujarati]

*Indian Opinion*, 2-1-1909

#### 144. INTERVIEW TO "THE NATAL MERCURY"

[DURBAN,

*January 5, 1909]*

Mr. Gandhi, the well-known leader of the Natal Indians, who has taken a prominent part in the agitation amongst the Indians in the Transvaal during the past year, is at present on a visit to Durban, and yesterday he was interviewed by a

representative of *The Natal Mercury*.

Asked to give a sketch of the present position in the Transvaal, and more especially what has led up to the second stage—or ‘‘Passive Resistance Movement’’, as it is called—Mr. Gandhi said:

I have read the editorial notes in the *Mercury* lately, saying that we have not been conducting this campaign with the same grace and dignity with which we started it, and I should like to say that, when I read that I felt rather grieved, because I have always understood that, whether the *Mercury* differed from the Indians in their struggle or agreed with them, we always received credit for fair fighting and good intentions. I may at once state that there has been no falling away from grace and dignity in our struggle. When we commenced that struggle, we did so deliberately, with a desire to use the cleanest weapons possible, and we have not departed from the principles then laid down.

Asked to give a concise definition of these principles, Mr. Gandhi said:

Well, we have eschewed resorting to violence in any shape or form, and we are simply trying to show the Government, by our personal sufferings, that we will not submit to a law which, we consider, wounds our consciences, and is otherwise objectionable. This is called ‘‘passive resistance’’ for want of a better term. To put it plainly, it is really fighting evil by patience, not returning evil for evil. In this struggle, therefore, there can be no question of violence or intimidation. At the same time, I am free to confess that some members of the Indian community, in their over-zeal for the cause, have not hesitated to use threats against those who have deserted [and decided] to submit to the law, but whenever such acts have come to the notice of the leaders, they have been promptly dealt with, and every effort has been made to dissociate ourselves from any such acts. The charge has also been brought against us that we have invited the Natal Indians to take part in the struggle. This is not true. The Natal Indians who have gone to the Transvaal have rights of residence there, and they have gone there because they felt that they could not reap the results of our sufferings without, a original residents of the Transvaal, taking their share in them. They had a right of access there, for under the new law any Indian who has lived in the Transvaal for a period of three years previous to the war is entitled to return. I notice it has also been suggested that we are trying, during this second stage of the struggle, to gain an advantage to which we were not entitled when we took up passive resistance, or at the time when the compromise of last January was effected. This, too, is wrong. The position at the time to the compromise was perfectly clear. The Indians were fighting for the

repeal of the Asiatic Act of 1907. This does not mean that we objected to the complete identification of every Asiatic who was entitled to remain in the country. What we objected to was the spirit of the Act of 1907, and some of the objectionable sections of that Act. It was the methods that we really objected to. For instance, with regard to the finger-prints question—for which I actually suffered physically—I never, at any stage of the struggle, said that the giving of finger-prints was objectionable as such. It was owing to the utter disregard of every representation made by the Indians, and of every sentiment which they cherished, that the struggle was really undertaken.

Proceeding, Mr. Gandhi dealt with the compromise entered into and said:

Whilst it is true, with regard to that compromise, that there was nothing written in so many words as to the repeal of the Asiatic Act of 1907, reading between the lines one can read even the repeal of the Act in the written terms of the compromise, but as I have said often, and repeat now, General Smuts deliberately, but verbally, promised to repeal the Act, if the British Indians fulfilled their part of the compromise, that is to say, underwent voluntary registration. As the whole of South Africa knows, we have done so. I might also point out that General Smuts repeated his promise in his speech<sup>1</sup> at Richmond three days after the compromise, and that speech, although it has been brought to his notice, he has never contradicted or qualified. If this Act had been repealed, there would certainly have been no agitation whatsoever, and there would have been no question either of the status of educated Indians, because, as has been shown by the latest decision of the Supreme Court of the Transvaal, an educated Indian is not a prohibited immigrant under the Immigration Act of the Transvaal, and his right to enter under that Act is affected and taken away only by means of the Asiatic Act of 1907. Therefore, the repeal of the Asiatic Act of 1907 would have meant the re-instatement of the educated Asiatics.

THE INTERVIEWER: You mean, of course, the new-comers?

MR. GANDHI: Yes; and let it be remembered that these educated Indians were not affected, either before the war or after the war, under the Peace Preservation Ordinance, so that the question of the educated Asiatic is in no sense of the term a new question. It is now mentioned prominently and separately, because of the controversy that has arisen over the repeal of the Act, and over the offer made by General Smuts to repeal that Act, and the fulfilment of certain other conditions which were not contemplated at the time of the January compromise, one of

<sup>1</sup> *Vide* "General Smuts' Speech in Richmond", 5-2-1908.

which was that we should forego the rights of educated Asiatics and allow them to be considered as prohibited immigrants under the Immigration Act of the Transvaal. I claim that no self-respecting Indian could accept a bargain of that nature. At the present moment the controversy has assumed, so far as the merits of the case are concerned, a purely academic shape. Everybody admits that the Act of 1907 is useless, if not actually harmful, even from the Colonial standpoint. The Supreme Court, in its two decisions given recently, has said as much. It is not required for the identification or registration of Indians. The new Act of last year brings about that satisfactorily. With reference to these educated Indians, it is admitted that we are entitled to a few highly educated Indians being allowed to enter the Transvaal for our wants, if we are to remain there as a progressive community. The only difficulty with reference to the educated Indians is that, whereas General Smuts states that they can only enter on sufferance on temporary permits, we maintain that they should be able to enter as a matter of right, provided that they pass an education test, which may be imposed by the immigration officer, and we have further added that the test may be so severe as to allow of only six such men being able to enter the Transvaal during any one year. That this could be easily done is shown by the practice in Natal and the Cape, and even in Australia, which has not allowed, so far as I know, a single Asiatic to enter that Colony by means of the education test.

Continuing, Mr. Gandhi said:

The passive resisters are now told that whilst these two very reasonable demands might have been granted before passive resistance was taken up, they could not now be granted, because of the influence that any yielding to passive resistance might create on the native mind. Personally, I consider that that fear is totally groundless. In the first place, if our demands are just, they ought to be granted, whether we are passive resisters or not; and, in the second place, if the natives were to adopt our methods, and replace physical violence by passive resistance, it would be a positive gain to South Africa. Passive resisters, when they are in the wrong, do mischief only to themselves. When they are in the right, they succeed in spite of any odds. It is not difficult to see in Natal, that, if Bambata, instead of murdering Inspector Hunt, had simply taken up passive resistance, because he felt that the imposition of the poll-tax was unjustifiable, much bloodshed would have been avoided, and a great deal of money would have been saved; and, at the same time, if the natives as a body did not feel the imposition of the poll-tax, Bambata's passive resistance would have been in vain. If, on the other hand, the natives did, in any large body, resent the imposition of the tax, no amount of physical violence by



the Government could possibly have been enough to collect such a tax from people who simply sat still and would not pay it. So that the South African Colonists should, in my opinion, rather welcome passive resistance in place of physical violence; and, after all, is it not merely the supersession of the Mosaic law of a tooth for a tooth by Christian law of non-resistance of evil by evil?

THE INTERVIEWER: To narrow down the point, I take it that you are insisting upon the promise, if it was made, or whether it was made or not—you are insisting upon the repeal of the Asiatic Act of 1907, because you only want to establish the absolute right of the educated Indian to go into the Transvaal. Is that so?

MR. GANDHI: If he can pass the test, certainly.

THE INTERVIEWER: But the Imperial Government has taken up the attitude that a self-governing Colony can exclude whom it will; at least, broadly, that is the position which has been taken up. On the other hand, you claim a right which the Imperial Government says the self-governing Colony is entitled to exercise, and say that it cannot exclude a certain class.

MR. GANDHI: I don't think that the Imperial Government has at any stage taken up the attitude that self-governing Colonies have a perfect right to exclude whom they will; but, if that has been stated, then it is a departure from the Colonial policy hitherto followed. I don't think the Imperial Government would pass any such law. The Imperial Government made a mistake with reference to the Immigration Law of the Transvaal—that is to say, in no section was there any mention of Asiatics, except in the most indirect manner; but the Government of the Transvaal has placed an interpretation upon one section which brings about that result, and the Imperial Government, having accepted that, now finds it most difficult to intervene effectively. If the Imperial Government is now going to say that the self-governing Colonies have a perfect right to exclude whom they will, then that is an innovation in Colonial policy hitherto followed. You know that, in 1897, the late Mr. Escombe actually submitted to Mr. Chamberlain a draft law to exclude Asiatics from this Colony, and Mr. Chamberlain then said that he would not pass it, and suggested that any exclusion law should not be racial, but should be of a general character. That suggestion was adopted, and since then the Natal Act has been copied everywhere throughout the Colonies. But, with regard to what members of the Imperial Ministry have said as to the rights of the Colonies to exclusion of whom they will, I don't think you will find any definite pronouncement.

Asked what was the position to-day in the Transvaal, Mr. Gandhi said:

The position to-day is that the Indians have gone through the struggle for the last two years, and over 2,000 have gone through the prisons of the Transvaal—that is to say, nearly one-third of the actual resident Indian population of the Transvaal, and one-sixth of the possible Indian population of the Transvaal. This has also carried conviction amongst some representative Europeans, and, as a result, a small Committee has been formed, with Mr. W. Hosken as Chairman, which Committee has pledged itself to support the British Indians in their struggle, even to the extent of facing imprisonment, if need be, until the claims put forward by the Indians, which these friends consider to be just, are granted. The Government considers that it will be able to starve us into submission. It is perfectly true that some may become exhausted and yield, but I believe that we have amongst ourselves a very large and sufficient number to carry on the struggle, in the face of all odds. There are some who have already sold out their businesses, given up everything, and are merely carry-ing on the struggle because they consider that a great principle is involved, and if my estimate is true, I can only say that the conclusion can be but one, viz., that our demands will be granted. How early or how late that will come about will depend upon our own strength. Then, in England we have the South Africa British Indian Committee, with Lord Ampthill—sometime acting Viceroy of India—as chairman, also working for the same object, and that Committee has on it many influential An-glo-Indians of wide experience, and I think that, if we are patient enough we will be able to gain sympathy from all quarters. Meanwhile, the Transvaal Government has again begun to take active steps. I have a telegram saying that nearly 30 Indians have already been deported to Natal, and they have immediately re-entered the Transvaal, and now await trial there. This time, I understand, they will be charged under a different section, and will, therefore, suffer imprisonment. The Natal leaders and 33 others will be brought before the Magistrate, probably to-morrow. They will share the same fate, so that the process of filling the gaols of the Transvaal has now commenced, and it remains to be seen whether they are equal to the task or not. The Government evidently thinks that by these drastic measures, and by the magistrates imposing the fullest penalties provided by the law, the Indians will succumb and submit to it, but I do not think so.

THE INTERVIEWER: Has the law-abiding Indian, rightly in the Transvaal, any substantial grievance against the laws there as they stand today?

MR. GANDHI: Certainly. Although we are not now fighting on the ground of any such grievances, there are grievances, For instance, the most law-abiding Indian is deprived of the ownership of land, and can not possess a piece of land in the country, except in special Locations. That may be said to be a most tangible grievance. But that is apart from what we are fighting for. The principle involved in this struggle is, or was, at one time, religious, that is to say, the law of 1907 strikes at the religious sentiment of the people, but the principal object now is on account of the honour of the Indian race, for we are to be treated as an integral part of the Empire, or we are not.

THE INTERVIEWER: That is a very wide principle, but, as I understand it, the real crux of the whole thing is this question of the right of educated Indians to enter the Transvaal. In that case there is the statement already referred to as to the Imperial Government not being prepared to quarrel with a self-governing Colony which denies that right of entry.

MR. GANDHI: Then, in that case, we fight both the local Government and the Imperial Government. But I still believe that the Imperial Government is with us.

THE INTERVIEWER: Well, it is a certain impasse just now. You are simply fighting to make the position so unbearable that some Imperial action will be taken.

MR. GANDHI: Well, I have so great a faith in the spirit of the struggle, that I feel that, before the Imperial Government, intervenes, all the Colonies in South Africa will say "No, we must grant those just demands." There are already signs of that in the Transvaal, and some prominent Europeans who had at first deprecated our entering on the second struggle are now strongly supporting us.

*The Natal Mercury*, 6-1-1909

## 145. SHOPKEEPERS VERSUS HAWKERS

### STOMACH VERSUS LIMBS

Once upon a time a great quarrel arose between the stomach and the limbs of the body. The hands said, "We shall do no work. We are tired of working. We carry food to the mouth every time, but it is the stomach that eats it and wastes it. We get no help from the stomach." The legs said, "We shall not walk a step. We have fruitlessly slaved for the stomach. It is only the stomach that really enjoys itself. The stomach is honoured like the king. It has fallen to us to do the drudgery." The other limbs of the body also made similar

complaints. The stomach did a good deal of explaining, saying, "The work I put in is not visible. The hands merely carry the food to the mouth, and their work is then over. The legs enjoy rest after fetching the food. But I have to work twenty-four hours a day, though you may not be able to see it. If I take rest even for a minute, all of you stop working. You yourselves will be the first to suffer if you stop working. So far as I am concerned, I can carry on my work for some time, though, without you, I too shall have to die ultimately. But if you stop working, know for certain that you are virtually dead before I die." However, the limbs were not convinced. They stopped working. In twenty-four hours, the hands, the feet and the other limbs of the body became weak. They repented. As the stomach did not receive any food, they became worried. In the end, they were convinced of the truth of what the stomach had said. They realized that the work done by the stomach was not inconsiderable, and that because the stomach worked for many limbs, [the benefit of] its work was spread all over, with the result that it could not be noticed by any particular limb. But when the limbs stopped working, they discovered that it was they who were the first victims.

We were reminded of this story by some letters which we have received. The correspondents accuse businessmen in a number of ways. Some have gone to the length of abusing them, while others hold out threats against them. Many of them put forward religion as the excuse, quite late in the day, for not going to gaol. As the limbs in the story became jealous of the stomach, all these persons have become envious of the shopkeepers. They charge the Transvaal shopkeepers with having betrayed the hawkers and ruined them. The businessmen are enjoying themselves [they say], having sent the hawkers to gaol. One of the correspondents, while he refers to hawkers in respectful terms on the one hand, states on the other that they cannot voice their views, freely at meetings because they are afraid of the shopkeepers. We have not published these letters, for they are not such as will enhance the prestige of the community. The reason for these charges is the fact that some traders have transferred their businesses to the names of their wives or of some whites. It behoves these traders to be generous, like the stomach, and reason with the hawkers gently. The community has submitted to slavery for a very long time and has never tasted independence. Now that we have reached the threshold of independence with the help of the weapon of satyagraha, and are being freed from slavery, everyone, great or small,

finds it difficult to adjust himself naturally to the new situation. We envy those whom we find to be superior to the rest. There is nothing surprising about this. Every nation which has attained freedom has passed through such a stage of heart-burning. Before a child is delivered, the mother suffers pangs which are like agonies of death. It is then that the child is born. In the same way, before we see the birth of freedom, not only shall we have to suffer the pangs inflicted by the Government, but also those of our own making. The charges against the traders mentioned above are ill-conceived. Those of them who have transferred their businesses to whites did so neither out of greed nor out of fear of going to gaol. Most of them are in fact ready to go to gaol. The only object of transferring businesses was to see that we did not ourselves place in the hands of the Government the ammunition that it might use against us. We must remind the hawkers that when hands were laid on Indians in January [1908], it was mainly the businessmen who were first attacked. Almost all the traders of Standerton have been to gaol. The Chairman of the Association, Mr. Cachalia, has been to gaol. Mr. Aswat and Mr. Nagadi, who had got themselves arrested with great difficulty, have completed their term of imprisonment and likewise Mr. Ebrahim Kazi is in gaol now; and he too got the opportunity only when he transferred his business to a white. Mr. Bhabha went to gaol in Middelburg, and Mr. Belim in Christiana. At present Mr. Mahomed Mia is in gaol. Thus, a large number of traders have suffered imprisonment. Those who came specially from Natal to help us are also leading merchants of the Colony. It is therefore not proper to accuse the traders. The hawkers ought to see that they do not envy the traders. They should be satisfied if the traders go to gaol. To say that the traders have ruined them suggests that they think they themselves made a mistake in going to gaol. In fact, we should believe that those who are responsible for sending us to gaol have done us good. Those who have gone to gaol have been the gainers. Those who have not gone to gaol have been the losers. Those who have sacrificed their wealth for the sake of their motherland have in reality earned it. Those who betrayed their country, their prestige and their pledge, and clung to their money are, really speaking, poor in spite of their riches. We hope therefore that those who have written letters to us and those who hold similar views will ponder over our words and will persist in the fight rather than, by abandoning it, lose the game that we are about to win.

If it behoves the hawkers to realize this, the traders too cannot be

let off. We cannot say that they are entirely blameless. No doubt there are some among them who are cowards, to whom their money is their God. Their heart is not in the movement. Some make big speeches and nothing more. All the traders should follow the example of the stomach. It gives more to the limbs than it keeps for itself of what it digests. Whereas the limbs work only for some time, the stomach slaves all the twenty-four hours, not for its own sake but for the sake of the limbs. In the same way, it is up to the traders to safeguard the interests of hawkers and their dependants. Though they are big men, they must learn to be humble and, though masters, they must act as servants. One may transfer one's business to another's name if it cannot be helped. But this is only the last resort, fit enough for half-cowards. We hope that those who are resolved to be lions, who are brave satyagrahis, will never take out licences in the names of third parties, but help the cause of the community by winding up their businesses and embracing poverty for the present. That is the only right way for a man who claims the privilege of social status, of wealth. We cannot say that the hawkers have had no reason to complain; no one would have any ground for complaint if every businessman did his duty and sacrificed self-interest for the common good. The Indians in South Africa have their eyes fixed at present on the Transvaal merchants. The hawkers have to fight their battle independently, but in case they give in, the traders will also share part of the blame for that. Day by day, the situation in the Transvaal is getting more delicate. We pray to God to show the right path to the traders, the hawkers and all other Indians, to keep them resolute, to give them the courage to bear all the hardships that their heroic undertaking may entail.

[From Gujarati]

*Indian Opinion*, 9-1-1909

#### 146. OTHER LEADERS OF NATAL

Every Indian will want to know what the leaders of Natal have been doing, apart from those who have sacrificed their all for the sake of the country and proceeded to the Transvaal. The question that our Johannesburg correspondent has posed for Natal is worth pondering over. Every Indian in South Africa is morally bound to help the Transvaal struggle. Natal's obligation is twofold. But we regret to say that the leaders who have remained behind are not doing their full

duty. This ought to make all of us hang our heads in shame. The first duty of the leaders is to start raising contributions to the Congress fund. The Congress is running short of money. It is in debt. Mr. Robinson's Bill is hanging over us. When the brave heroes of Natal go to gaol, it will be the duty of the Congress to dispatch telegrams; what does it propose to do in that case? Where will it get the money from? Will not the Congress offer any help if it is found that the families of those imprisoned in the Transvaal are facing starvation? If it wants to help, what source will it draw upon?

Movements for raising contributions were initiated again and again. They never made any progress. This is not they way to conduct the affairs of a big public body.

The futile dispute with the Main Line [Indians] is dragging on merrily. On behalf of the Main Line leaders, Mr. Mahomed Ibrahim and Mr. Kharsani had a meeting with Mr. Dawad Mahomed in the Volksrust gaol. A settlement was almost reached, but it appears everything is in the melting-pot again. It is obviously the duty of the leaders of the Main Line Indians to offer monetary help rather than raise issues. If only they will see the point, the position is simple: their demand can be easily met, nay, it is almost as good as met. They want that a large number of Main Line Indians should be included in the Committee as of right. This right has always been there. All the same, they can demand an assurance that the right will be duly respected. The other point in dispute is that their consent should be necessary for every item of expenditure exceeding £25. Though this is a trivial matter, the Congress can pass a resolution to that effect. The Main Line Indians should realize that it is for themselves, not for others, to ensure that they enjoy these rights. The Congress certainly cannot stand in their way. But it is not in the least proper to hold up the work of collection just for this reason. We hope that the Main Line Indians will not fail in their duty.

[From Gujarati]

*Indian Opinion*, 9-1-1909

#### 147. HINDU-MUSLIM RIOTS

Reuter cables received here report violent Hindu-Muslim riots in Calcutta. It is believed that several persons were killed. Some Hindus attacked a mosque, which provoked the Muslims. They retaliated. The

Army was called in. It appears from the cables that order has not yet been restored. None of us can judge how far these reports are true. It is, however, apparent that the cause of the riots was a white officer. There appears to be no reason why Hindus and Muslims should fight among themselves. In their short-sightedness, the officers imagine that they stand to gain if the two communities fall out with each other. The situation in India is so critical at present that the Government, as also the officer—a large number of them—believe, can rest secure if the two communities fight with each other. One must consider what the duty of overseas Indians in this situation is. It is clear to us that, whether we are Hindus or Muslims, we must not support either side. We should feel sorry that a third party has provoked quarrels among us and pray to *Khuda-Ishwar* in mosques and in temples to grant that there might be an end to the disputes that frequently arise between our two communities. We are convinced that every patriotic Indian will see that this is the only way to ensure the progress of India.

The war of satyagraha that we have been waging can be effective in every situation, and we may rest confident that, in case disputes arise between the two communities, we can meet them with this same weapon.

[From Gujarati]

*Indian Opinion*, 9-1-1909

#### 148. VANCOUVER INDIANS

It appears the Indians of Vancouver, in Canada, are standing up to the Government with great courage. They refused to walk into the trap laid by the Government there for removing them to a malarial region. They will now remain in Vancouver, instead of migrating to the British Honduras. Two of their representatives who had gone on an inspection tour of the Honduras reported that it was not suitable for Indian settlement. They allege that inducements were held out to them to submit a false report. But they were not influenced. They only thought of the interest of their compatriots. Both these Indians deserve congratulations.

Vancouver Indians are not men who can be trifled with. Another Instance of this kind has come to our knowledge. From reports in newspapers published there, we find that a professor named Teja Sing, who has settled there and passed the M.A. examination, addressing a



meeting of thousands of Sikhs and other Indians, spoke as follows:

As far as the present agitation in India is concerned, the country will put up a constitutional fight. But should redress be denied, an Indian will arise who, equipped with arms, will lead the people to fight with bombs and explosives.

The uncontrolled powers which the white officers in India enjoy have made some of them totally incapable of understanding the people. The eyes of the Sikhs are being opened. They are beginning to understand things. India wants justice. Mr. Cunningham wrote some years ago in a book of history that if England failed to do justice, there would arise in India a great military leader who would seize all power in his hands. No State can be built on the foundation of bad faith.

[From Gujarati]

*Indian Opinion*, 9-1-1909

#### *149. PHOENIX SCHOOL*

We hinted last week that we might write [more] about this school.<sup>1</sup> We are now in a position to report as under:

##### BOARDING

Those in Phoenix who live with their families can take in up to eight boarders. It is intended that the boys who may be accepted as boarders will be treated as one's own children. This practice prevailed in India in olden days, and it should be revived as far as possible. There is only one condition for a boy's admission, namely, he should be in sound health. Indians of any caste or community will be admitted. No distinctions will be made in such matters as food, etc. The boys will get the same food as the inmates, with certain modifications. It will be, in effect, as under:

Half a bottle of milk, two ounces of ghee, flour, mealie meal, pulse, rice, fresh fruit, green vegetables, sugar bread, nuts (mainly groundnut).

The diet will be provided regularly, spread over not less than three and not more than four meals as it may suit the boys. Which of these items should be included in which meal will be decided in the

<sup>1</sup> *Vide* "Phoenix School", 2-1-1909

light of our customary practice or in any other way that may be found to be best from experience.

The diet does not include tea, coffee or cocoa. It is our view, based on our knowledge and experience, that things such as tea are harmful even to adults, and much more so to children. Some medical men think that the introduction of tea, etc., has led to an increase in the incidence of ill-health.

Moreover, tea, coffee and cocoa are produced through the labour of men who work more or less in conditions of slavery. In Natal, for instance, it is the indentured labourers who work on tea and coffee plantations. Cocoa is produced in the Congo, where indentured Kaffirs are made to work beyond all limits of endurance. We think that slave labour is used even in the production of sugar. Though it is not possible to look too deeply into these matters, we are firmly of the view that these three things should be used as sparingly as possible.

Furthermore, if we claim to be fired with the spirit of *swadeshi* in Indian, we had better avoid these three things as far as possible. There is no need to go into these arguments, especially those against tea, in this place. Suffice it to say that boys do not need these things.

#### BOARDING CHARGES

We find that boarding charges come to not less than a guinea a month. The figure includes the barber's service charges. The provisions themselves amount to £1 [per head]. A shilling is added to this by way of washing charges. No separate charges for a barber's services are included since this work is mostly done by the inmates of Phoenix themselves and does not entail any expenditure.

#### LODGING

It will not be possible to provide lodging arrangements similar to the boarding tariff outlined above. There are not enough buildings to provide the requisite accommodation, nor can the boys be conveniently lodged with families. It will therefore be necessary to build a dormitory for them. We do not see any possibility of our being able to provide lodging for them before such a dormitory is built. To show that there will be no differential treatment as between the boys who may be admitted and the boys of the families which will provide board to them, it is intended that the two classes of boys will sleep in the same room. It is thus necessary to put up a building which

will provide sleeping accommodation to about 20 boys. The construction of such a building and of a reservoir to provide bathing facilities for the boys is estimated to cost £200. These arrangements for boys can materialize if those who want to have their boys admitted agree to raise this sum. The estimates have been prepared in consultation with the architect, Mr. Kallenbach, and an Indian carpenter. The ownership of the building will be vested in those who donate the money, provided they will have no rights so long as the school functions. If it ceases to function, the donors may, if they choose, carry away the building. The necessary amount may either be provided by the parents who want to send their boys, or may be raised through donations from others. Those who donate money will be serving a public cause. The inmates of Phoenix are so busy these days that they are in no position to undertake the necessary effort to raise a fund.

#### DRESS

It is more convenient to prescribe a uniform dress for the boys. The following will be the requirements of dress according to us:

	£	s.	d.
1 Hair-brush	1	6	
3 Half-length breeches	6	0	
3 Shirts	6	0	
4 Shorts	4	0	
2 Pairs of sandals or shoes	6	0	
1 Hat	2	0	
2 Night dresses	4	0	
2 Towels	2	0	
2 Napkins	1	0	
4 Pocket handkerchiefs	1	0	
	<u>1</u>	<u>13</u>	<u>6</u>

The cap will be of the model customary in one's community. The hat mentioned above is merely for use when working in the sun. Whether such a dress should be provided for the boys or not will depend on their parents. If any parents do not want to incur this expenditure or are not anxious to teach the boys such simplicity, they may send with the boys materials for the items indicated above in a small bag or packet. If they ask us, we suggest that they send nothing

with the boys, but give us a sum of £1.13.6, with permission to have the required garments made and given them to the boys to wear. The requirements of dress indicated above are for one year.

#### BEDS

We do not intend to provide Indian-style beds to sleep on, but think of using planks of the kind in use in gaols. They appear to be more conducive to one's well-being. We think it is healthier for the boys to be made to sleep on blankets than to be allowed cotton mattresses. But we shall make necessary alterations in this regard as desired by parents. According to us, the boys will need the following things:

3	Blankets	10 s
1	Pillow	1 s
4	Bedsheets	4 s
2	Pillow-covers	1 s
		<hr/>
		16 s

Parents may themselves send these materials; otherwise we shall be prepared to buy them. Leaving the expenditure on dress and blankets, etc., to the decision of the parents, we calculate that the other expenditure to be borne by them will amount to one guinea per month. It is proposed to charge admission fee at the rate of £1 for each boy. The sum is intended to be spent on buying the required books for him. It is not that books worth that amount will be necessarily bought. But the intention is to keep some provision for the miscellaneous expenditure on the boys that the school may find it necessary to incur. Books required for advanced boys will have to be provided by the parents.

#### TEACHERS

It will be observed from the account given above that we do not propose to charge any monthly fee. We are in a position to follow this course only because the teachers maintain themselves by their earnings from the [International Printing] Press. With the permission of the press, every teacher gives his services at certain hours. It is also planned to have a School Board which will consider methods of teaching, etc.

Among the teachers will be Purshottamdas Desai (Principal), Mr. West, Mr. Cordes, Miss West and others.

## CURRICULUM

The main object of this school is to strengthen the pupils' character. It is said that real education consists in teaching the pupil the art of learning. In other words, a desire for knowledge should grow in him. knowledge, however, is of many kinds. There is some knowledge which is harmful. If, therefore, the boys' character is not formed well, they will acquire the wrong kind of knowledge. Because of lack of proper planning in education, we observe that some persons grow to be atheists and some, though highly educated, fall a prey to vices. It is therefore the main object of this school to assist in building the moral character of boys. We can see this aim realized in Mr. Hassan Mia and Mr. Ravikrishna. We can form some idea of what Mr. Hassan Mia has been doing in England. Mr. Ravikrishna is in gaol today for the sake of the country. Both these have gone out from the school at Phoenix.

Boys will be taught their own language, that is, Gujarati or Hindi and, if possible, Tamil, as also English, arithmetic, history, geography, botany and zoology. Advanced pupils will also be taught algebra and geometry. It is expected that they can be brought up to the matriculation level.

For purposes of religious instruction, parents will be allowed to send any religious teacher of their choice. Hindu boys will be taught the fundamentals of the Hindu religion in any manner that may be desired by their parents. Indian Christians will be taught the elements of the Christian religion by Mr. West and Mr. Cordes and the basis of the teachings of Theosophy. For boys of the Muslim faith, we want to arrange for a Moulvi, if possible. They will be permitted to go to Durban on Fridays. We believe that the education of any people is fruitless without religious instruction. Therefore, it is they duty of parents with a religious bent of mind to provide their children with both religious and secular education. We shall find on reflection that what we call secular education is also for strengthening the religious instinct. We think education imparted without any such aim is often harmful.

Boys will be taught the history of ancient and modern India so as to inculcate in them love of India and help them grow patriotic.

Apart from this, there is no other information to be given. We hope that those who want to send their boys will do so indeed. As for the difficulty about the building, it is the duty of the parents to

remove it. It is hardly necessary to mention that a report on the school and a statement of accounts will be published regularly.

[From Gujarati]

*Indian Opinion*, 9-1-1909

### 150. HIGHER-GRADE SCHOOL

It is plainly the intention of the Government gradually to drive away Indian boys from higher-grade Indian schools and other Government schools. We have already shown that the remedy lies in having a school of our own, and have been saying this in connection with the Phoenix school<sup>1</sup>. All the same, it is necessary to fight the Government. There are two ways of fighting it and securing justice. One, through courts of law, and two, through petitions, etc. Whether we can obtain redress through the courts of law cannot be stated without careful study. We can come to no final conclusion from the fact that a suit was filed once and dismissed by the Supreme Court. Hence, a good lawyer may be consulted and, if advised by him, the matter should be fought out legally. If that is not possible, a petition may be made. The matter should be taken right up to the Imperial Government. Of course, we shall need to have sanctions behind all these moves. We can apply them through satyagraha. We need not at the moment go into the question of how this can be done. We can discuss it later. Meanwhile, it is necessary that the leaders take the steps outlined above as expeditiously as possible.

[From Gujarati]

*Indian Opinion*, 9-1-1909

### 151. MY SECOND EXPERIENCE IN GAOL [– II]

#### WORK

The Government can exact nine hours' labour daily from those sentenced to rigorous imprisonment. The prisoners are locked in every day at six o'clock. At half-past five in the morning, there is a bell to wake them up, and the cell-doors open at six. The prisoners are counted when they are locked in and again when they are let out. In order that the counting may be orderly and speedy, every prisoner is

<sup>1</sup> *Vide* the preceding item.

required to stand at attention near his bed. Each one must roll up his bedding, put it in its proper place and, after a wash, be ready before six. Then, at seven, work starts. The work assigned is of various kinds. On the first day, we had to dig up the soil in a field near the main road for purposes of cultivation.<sup>1</sup> About 30 Indians were there. No one was thus compelled to work if he was not fit enough. We were taken there along with the Kaffirs. The soil was very hard, and since it had to be dug up with spades, the labour involved was strenuous. The day was very hot. The place of work must have been at a distance of about one and a half miles from the gaol. All the Indians set to work with great energy. But only a few of them were used to hard work, so that we were all quite exhausted with the exertion. Among us was Ravikrishna, son of Babu Talevantsingh. I was much disconcerted to see him work, and yet the energy with which he went about it gladdened my heart. As the day advanced, we found the task quite hard. The warder was rather sharp of temper. He shouted at the prisoners all the time to keep on working. The more he shouted, the more nervous the Indians became. I even saw some of them in tears. One, I noticed, had a swollen foot. I was sorely distressed at this. However, I went on urging everyone to ignore the warder and carry on as best he could. I too got exhausted. There were large blisters on the palms, the lymph oozing out of them. It was difficult to bend down, and the spade seemed to weight a maund. For myself, I was praying to God all the time to save my honour, so that I might not break down, and to give me strength to keep doing the work as well as I should. Placing my trust in Him, I went on with the work. The warder started rebuking me. He did so because I was resting. I told him that there was no need to shout at me, that I would do my best and work to the utmost limit of endurance. Just then, I observed Mr. Jhinabhai Desai fainting away. I paused a little, not being allowed to leave the place of work. The warder went to the spot. I found that I, too, must go, and I ran. Two other Indians also followed me. Water was sprinkled over Jhinabhai. He came to. The warder sent away the others to their work. I was allowed to remain by his side. After plenty of cold water had been poured over Jhinabhai's head, he felt somewhat better. I told the warder that Jhinabhai would not be able to walk down to the gaol. Hence a cab was sent for. I was ordered to take him in it to the gaol. As I splashed cold water over Jhinabhai's head, I thought to myself, "A great many Indians have been going to gaol at my word. What a sinner I would be if I had been giving wrong advice ! Am I the cause of all this suffering on the part of Indians?" As I

<sup>1</sup> Later, this became the subject of a controversy; *vide* Appendix VII.

thought thus, I sighed deeply. I considered the matter afresh, with God as witness, and, after being plunged in reflection for some time, I collected myself with a smile. I felt I had given the right advice. If to bear suffering is in itself a kind of happiness, there is no need to be worried by it. This was only a case of fainting but even if it were to be death, I could have given no other advice. Seeing that our sole duty was to break free from our fetters by enduring every hardship rather than remaining bound for life, I felt light in heart and tried to instil courage in Jhinabhai.

As soon as the cab arrived, Jhinabhai was made to lie down in it and was taken away. A complaint was made to the chief warder. After inquiry, the warder was reprimanded. Jhinabhai was not taken out for work at noon. Similarly, four other Indians were found too weak [to work]. All the others resumed work. One is required to work from twelve noon to one. At noon, supervision over us was assigned to a Kaffir warder instead of a white one. He proved a little better. He did not go on prodding us. Occasionally, he would shout a few words. Moreover, at noon Kaffirs and Indians were deployed in the same place, though at different spots. We were given softer soil to dig up.

I had a talk with the contractor. He said that the labour of Indian prisoners was likely to put him to some loss. He admitted that Indians could not all at once equal the Kaffirs in point of physical strength. I also told him that they were not likely to work [harder] for fear of the warder, that they would do as much—and only as much—as they possibly could for fear of God. But I found it necessary later to revise this idea altogether. Let us see how that happened.

We were taken out [again] the next day. But we were sent with a Kaffir warder instead of a white one. The Kaffir, moreover, was not the same one as on the previous day. He had been advised not to bother us at all about work.

(To be continued)

[From Gujarati]

*Indian Opinion*, 9-1-1909



*152. LETTER TO “RAND DAILY MAIL”<sup>1</sup>*

PHOENIX,  
*January 9, 1909*

THE EDITOR  
RAND DAILY MAIL  
[JOHANNESBURG]  
SIR,

I notice that there still exists some doubt as to what is wanted by my countrymen in the Transvaal, who have now been fighting against tremendous odds for the past two years. I will, therefore, with your per-mission, endeavour to state the Indian submission as briefly as possible.

What we want is the following:

- (1) Repeal of Act 2 to 1907;
- (2) Legal recognition of the right of highly educated Indians to enter the Transvaal like any other immigrant, under the education test provided by the Immigration Act of the Colony with such administrative severity in applying the education test as to exclude all but six highly educated Indians in one year.

Repeal of the old Act is necessary,

- (1) for the honour of the country, because it is claimed that General Smuts is under promise to repeal the Act.
- (2) Act 2 to 1907 is in conflict with the new Act of 1908, and, a recent decision of the Supreme Court has shown, the running together of the two dissimilar Acts having the same purpose may lead to dangerous results.
- (3) Recent events have shown that Act 2 to 1907 is not meant, [as] was stated by General Smuts at one time, to be a dead letter.
- (4) The Act, being still on the Statute-book of the Colony, constitutes an offence to the Turkish Mahomedans, and,

<sup>1</sup> This letter appears to have been addressed to *Rand Daily Mail*. It has the superscription scored out and the words “Statement for Mr. Cartwright” substituted. The office copy available is imperfect and words in square brackets have been supplied in some places by conjecture.

therefore, continues to offend the religious susceptibilities of Indian Mahomedans.

- (5) It is open to the Government, if they wish to harass British Indians, to enforce the most objectionable clauses of the Act.

As to the educated British Indians, General Smuts [stated that there will be no] objection raised [to the entry] of such persons, if they apply under the Asiatic Registration Act. This is highly unsatisfactory, because

- (1) the powers granted by the Asiatic Act refer only to temporary permits;
- (2) such temporary permits, even though they may be of long duration, would still make the holders prohibited immigrants;
- (3) the permits, therefore, would prevent the holders [from] carrying on their profession;
- (4) temporary permits would leave their holders at the mercy of the Government.

What Indians want, in place of such makeshifts, is the retention of the undoubted right of highly educated Indians to enter the Transvaal as free immigrants, provided that they pass any education test that the authorities may impose.

If it be objected that there is no such power reserved in law as to enable the Minister to impose severe or discriminating tests—I deny that the present law is not enough for the purpose—my countrymen will offer no objection to administrative discrimination against them. Thus, power can be given to the Minister to set any education test, even different tests for different classes, the Minister's decision in such cases being final and not appealable to the Supreme Court. Under such a severe test, it will be competent for the Government to limit the entry of highly educated Indians to only six in any one year.

My countrymen resent a racial bar as regards educated Indians, it being deemed a national dishonour. Whilst, therefore, the matter with General Smuts is largely sentimental, with Indians it is one of vital principle.

Repeal of Act 2 of 1907 is necessary, whether we demand it or not. Amendment of the Immigration Act is necessary, because of the severe condemnation by the Supreme Court of its several clauses. Why not, then, at the time of amending it, free it from the taint of the

Asiatic Act, and alter it so as to give the Minister additional powers regarding the imposition of the education test? Indians on their part will undertake not to raise passive resistance over the administration of the education test, so long as six highly educated Indians are passed under the test during any single year.

*I am, etc.,*

M. K. GANDHI

From a photostat of the typewritten office copy: S.N. 4914

### *153. EDUCATION OF INDIANS IN NATAL*

We wrote last week about the decision of the Government not to admit boys above the age of 14 to the higher-grade Indian schools.<sup>1</sup> Whatever steps it is proposed to take in this connection must be taken immediately. On further inquiry, we find that there are two ways of filing a suit. First, a suit may be filed against the refusal to admit an over-age boy, and second, for securing admission of Indian children into an English school. The second approach may perhaps succeed. There is less possibility of success in the first. Even then, it is worthwhile to file a case of that kind. It will expose the Government's intentions. In filing a case of the second kind, we need not think of sending our boys to an English school afterwards; only, if we win the case, boys may get more concessions in the higher-grade [school].

Both these suits will cost money. If Indian parents raise it something can be done.

[From Gujarati]

*Indian Opinion*, 16-1-1909

### *154. IMMIGRATION COMMISSION*

The Natal Immigration Commission commenced its sessions in Durban on Tuesday. Anyone who wants may give evidence before it. It is the duty of the Congress to give evidence on this issue. Individuals may also do so. According to us, there is only one thing which all Indians can say, and that is to ask for an end to the system of indenture. There is hardly any difference between indenture and slavery. We assume that Indians who have come over under the system

<sup>1</sup> *Vide* "High Grade School", 9-1-1909

have stood to gain somewhat. But, in fact, by accepting slavery for the sake of pecuniary gain, they have only suffered a loss. Those who endure such slavery are as good as lost to the motherland. Their slavery is of no benefit to the country. So long as man is not able to work as an independent individual, the community derives no benefit from his work. Looking at the matter from other points of view, too, it appears necessary that the system of indenture should be stopped. This, therefore, is the evidence that should be tendered before the Commission.

[From Gujarati]

*Indian Opinion*, 16-1-1909

### 155. MY SECOND EXPERIENCE IN GAOL [—III]

We were advised to make a sincere attempt to do our best. The work assigned to us was also light. We had to dig up pits and fill them on municipal land adjoining the main road. This allowed occasional rest. But I found from experience that, left to our conscience and our God, we are shirkers. For I observed that the men slackened in their work.

It is my confirmed belief that we get a bad name because of this habit of shirking work and also that this habit is one of the reasons why our struggle is being prolonged. Satyagraha is a difficult as well as an easy method. Our *bona fides* must not be in doubt. We bear no ill will to the Government. We do not regard it as our enemy. If we are fighting it, it is with a view to correcting its errors and making it mend its ways. We would not be happy to see it in difficulties. We believe that even our resistance is for its good. It follows from this line of reasoning that we at any rate should work to the best of our ability in gaol. If we believe that we have no moral obligation to work [hard], it is not right that we put in the full amount of work in the presence of the warder. If it is not just that we should work, then we should not submit to the warder, but resist him rather and suffer any further term of imprisonment that may be awarded to us in consequence. But there is no Indian who holds such a view. If some of them do not work [hard enough], there is no more to it than mere laziness and desire to shirk work. It does not become us thus to be lazy or to shirk work. As satyagrahis, it is our duty to do whatever work is given to us; if we worked [as well as we could] without any fear of the warder, we would

be spared all harassment. There would then be no question of our being made to overwork ourselves. Because of the habit of shirking work, people were put to some difficulties in gaol.

After this digression, let us return to the main story. As days passed, our work became lighter, as I have pointed out above. The batch which included me was next assigned the task of maintaining cleanliness in the gaol garden and looking after its cultivation. Our work was mainly to sow maize seeds, clear the potato bed and dust the potato plants.

And then, for two days, they took us to dig a municipal tank. Our work there consisted of digging, piling up the earth and carrying it away in barrows. This again was hard work. We had a taste of it only for two days. I had a swollen wrist, which was cured when treated with earth.

The place being at a distance of four or five miles, we used to be taken there in a trolley. We had to cook our meal near the tank, so that we also carried with us the necessary provisions and fuel. Here, too, the contractor was not satisfied. We could not equal the Kaffirs. After making us work on the tank for two days, they gave us some other work. Hitherto they used to take out mostly such Indians as were strong enough for work. Now, however, they were formed into groups. Some of them were sent to dig out the weeds that had shot up round the soldiers' tombs. Others were sent to clean the graveyard. This arrangement continued for some time. Meanwhile, after the Barberton case, nearly 50 Indians were released.

During the remaining period, we were assigned work in the garden. This included digging, reaping, sweeping, etc. This cannot be considered to be heavy work; rather, it was conducive to vigour of health. One may at first get bored when engaged on such work for nine hours at a stretch, but one doesn't feel it after getting used to it.

Apart from the kind of work described above, it is the duty of the men in every cell to carry the bucket for urine, etc., placed in it. I observed that our people are unwilling to do such work. In fact, there is no reason why one should mind it. It is wrong to think of any work as humiliating or degrading. Moreover, those who have offered themselves for imprisonment cannot afford to stand on prestige thus. I saw that sometimes there was some argument as to who should carry the urine bucket. If we have understood the full meaning of satyagraha, we would compete with one another in offering to do such

work, instead of making difficulties about it, and one would feel honoured if the work fell to one's lot. That is to say, the honour would not consist in being required by the Government to work, but, since the work had in any case to be attended to, he who was the first to offer himself would deserve special honour.

Since we have resolved to bear all suffering, each one of us may as well come forward to suffer more than others, and he who suffers most should feel most honoured. An example of this was once set by Mr. Hassan Mirza. He has been suffering from a very bad disease of the lungs. He is delicate of health. All the same, he gladly took upon himself whatever work fell to his lot from day to day. Furthermore, he gave no thought to his health. Once, Kaffir warder asked him to clean the chief warder's privy, which he instantly started doing. As he had never done such work, he vomited. He was not upset by this. While he was cleaning another privy, I happened to come up and see him engaged upon the work. I was astonished. To be sure, I felt great affection for him. On inquiry, I learnt about the first privy. Another time, the same Kaffir warder was ordered by the chief [warder] to find two Indians to clean the latrines specially set apart for the Indians. The warder approached me about this and asked me to name two persons. I thought I was the best person for such work, and so I went myself.

Personally, I feel no shame in this kind of work. I think we should accustom ourselves to it. Because of the dislike we feel for such work, not only do we find the front of our houses and our lavatories generally dirty, but also originate, or spread, epidemics such as the plague, etc. We assume that lavatories are bound to be unclean, and thus we frequently invite the charge of being dirty. Once an Indian was sentenced to solitary confinement, that is to say, he was locked up in a cell by himself, for refusing to do such work. Of course, I see nothing wrong in our having to submit to any kind of sentence. But, in this particular case, the penalty could have been avoided. It is, moreover, not proper that we should hold ourselves back from such work. When I set out to attend to the work, the warder began to scold others and urged them to come forward. This spread the news about the order and forthwith Mr. Omar Osman and Mr. Rustomjee ran to my help; the work was very light, though. My object in narrating this story is to show that these men also felt honoured in doing such work when required by the Government. If we are hurt by the nature of the work assigned to us, we cannot take part in any fight worth the name.

## REMOVED TO JOHANNESBURG

I have given above an account of the work [assigned to us] in Vol-ksrust gaol. But I did not spend two full months in that gaol. I was suddenly sent away to Johannesburg for a few days. What happened there is worth recounting. I was taken there on October 25. The reason was that I was required to give evidence in the case of Dahya, the tailor. There were all kinds of speculations as to other possible reasons. Everyone was filled with hope and imagined that perhaps there might be an interview with General Smuts. It was found later that there was no such idea. A warder was specially sent from Johannesburg to fetch me. A railway compartment was placed at our disposal. We had second-class tickets, the only reason being that there were no third-class carriages in the train. It appears that prisoners are carried only in third-class compartments. I was in gaol uniform throughout the journey. I had some luggage with me, which I was made to carry myself. The distance from the gaol to the station had to be covered on foot. After arriving at Johannesburg, I had [again] to reach the gaol on foot, carrying the luggage myself. The incident provoked strong comments in newspapers. Questions were asked in the British Parliament. Many persons felt hurt. Everyone thought that, being a political prisoner, I should not have been made to walk the distance, dressed in gaol uniform and carrying a load.<sup>1</sup>

One can understand why this should have given offence to some people. When Mr. Anglia came to know how I was to go, there were tears in his eyes. Mr. Naidoo and Mr. Polak were at the station to see me, having received information [about my arrival]. They were also touched to see my condition. There is no reason why one should feel these things so much. It is not likely that in this country the Government will make any distinction between political and other prisoners. The greater the harassment we suffer, the earlier shall we win our release. Moreover, we shall find on reflection that it is not much of a hardship to have to wear a gaol uniform, or go on foot or carry one's luggage. But the world will always think of these things as hardships and that is why an outcry was raised in England.

I did not have the slightest trouble from the warder during the journey. I had resolved [while in Volksrust Gaol] that, unless openly allowed by the warder, I would not take any food other than what I

<sup>1</sup> *Vide* Treatment in prison : (a) marched in convict's garb, 31-10-1908.

was allowed in gaol. Hence I had carried on with the gaol diet all these days. But they had given me no food packet for the journey. The warder [accompanying me] allowed me to buy whatever food I wanted. The station master offered me some money. He was also very much upset [to observe my condition]. I thanked him, [but] declined his offer of money. I borrowed 10 s from Mr. Kazi, who was present at the station, and spent something from it to buy food for myself and for the warder on the train.

It was evening when we reached Johannesburg, so that I was not taken where I could be among other Indians. I was given a bed in a cell of the prison where there were mostly Kaffir prisoners who had been lying ill. I spent the night in his cell in great misery and fear. I did not know that the very next day I would be taken among our own people, and, thinking that I would be kept in this place all the time, I became quite nervous. I felt extremely uneasy, but I resolved in my mind that my duty required me to bear every suffering. I read the *Bhagvad Gita* which I had carried with me. I read the verses which had a bearing on my situation and, meditating on them, managed to compose myself.

The reason why I felt so uneasy was that the Kaffir and Chinese prisoners appeared to be wild, murderous and given to immoral ways. I did not know their language. A Kaffir started putting question to me. I felt a hint of mockery even in this. I did not understand what it was. I returned no reply. He asked me in broken English why I had been brought there in that fashion. I gave a brief reply, and then I lapsed into silence. Then came a Chinese. He appeared to be worse. He came near the bed and looked closely at me. I kept still. Then he went to a Kaffir lying in bed. The two exchanged obscene jokes, uncovering each other's genitals. Both these prisoners had charges of murder and larceny against them. Knowing this, how could I possibly sleep? Thinking that I would bring this to the notice of the Governor the next day, I fell asleep for a while late in the night.

Real suffering lies in this. Carrying luggage and such other troubles are nothing very serious. Realizing that the experience I have had must also sometimes be that of other Indians, and that they too would feel the fear that I did, I was happy that I had suffered in the same way as others. The experience, I thought, would impel me to agitate against the Government all the more tenaciously, and I hoped that I might succeed in inducing prison reforms in regard to these



matters. All these are indirect benefits of satyagraha.

As soon as we rose the following day, I was taken to where the other prisoners were lodged, so that I had no chance to complain to the Governor about what had happened. I have, though, resolved in my mind on an agitation to ensure that Indian prisoners are not lodged with Kaffirs or others. When I arrived at the place, there were about 15 Indian prisoners. Except for three, all of them were satyagrahis. The three were charged with other offences. These prisoners were generally lodged with Kaffirs. When I reached there, the chief warder issued an order that all of us should be lodged in a separate room. I observed with regret that some Indians were happy to sleep in the same room as the Kaffirs, the reason being that they hoped there for a secret supply of tobacco, etc. This is a matter of shame to us. We may entertain no aversion to Kaffirs, but we cannot ignore the fact that there is no common ground between them and us in the daily affairs of life. Moreover, those who wish to sleep in the same room with them have ulterior motives for doing so. Obviously, we ought to abandon such notions if we want to make progress.

(To be continued)

[From Gujarati]

*Indian Opinion*, 16-1-1909

### 156. *LETTER TO CHANCHALBEHN GANDHI*

VOLKSRUST,

*Saturday [January 16, 1909]*<sup>1</sup>

CHI. CHANCHAL<sup>2</sup>,

I was arrested, deported, again arrested and am now released on bail. I shall now proceed to Johannesburg. You will know more from Manilal.

I feel unhappy that I was not able to have much talk, rather any talk, with you. But such is my plight.

I purposely dictated to you that day. I want to make you adept in such work. I would even keep you with me when Rami<sup>3</sup> is grown

<sup>1</sup> Gandhiji was arrested on this day at Volkrust on his way to Johannesburg after seeing Mrs. Gandhi, who was seriously ill at Phoenix.

<sup>2</sup> Wife of Harilal, Gandhiji's eldest son

<sup>3</sup> Addressee's infant daughter

up. Be sure that if you give up the idea of staying with Harilal for the present, it will do good to both of you. Harilal will grow by staying apart and will perform his other duties. Love for you does not consist only in staying with you. At times one has to live apart just for the sake of love. This is true in your case. From every side, I see that your separation is for your benefit. But it can be a source of happiness only if you do not become restless owing to separation. I think Harilal will have to stay at Johannesburg till the struggle is over.

Considering your stage of life, I do not intend to treat you as a child. I wish you and Manilal take charge of the household. You two have to look after everything in the house, keep Rama<sup>1</sup> and Deva<sup>2</sup> in proper form, take care of their belongings, and teach them to do so themselves, see that they are clean and their nails are well trimmed. None can say when Ba<sup>3</sup> will completely recover. Even when she is fully restored, your role will not be affected. You have to behave as mistress of the house. Do not forget that we are very poor.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 9526

### *157. LETTER TO "INDIAN OPINION"*

To

THE EDITOR

*INDIAN OPINION*

SIR,

By the time this week's issue of *Indian Opinion* is out, I shall perhaps find myself lodged in the gaol-palace. I, therefore, think it necessary to address a few words to the Indian community concerning the present situation.

There is no doubt that some Indians have weakened. Many of them have given up the fight. Others, it appears, are about to do so.

A letter has been published in *The Star*<sup>4</sup> over the signatures of [some] Pathans in which they state as under:

<sup>1</sup> Ramdas, Gandhiji's third son

<sup>2</sup> Devdas, Gandhiji's fourth and youngest son

<sup>3</sup> Mrs. Kasturba Gandhi

<sup>4</sup> Dated 18-1-1909; the letter was entitled "Revolt against Picketing".

We, Pathans, wish to inform the Government and the public through your paper that the British Indian Association has raised a volunteer corps of pickets to keep a watch on the Asiatic Office and the Licensing Office. The pickets are dressed in *khaki* uniform, and wear bands like soldiers. We saw some of them smartly parading up and down the roads. These pickets have been posted with a view to defeating the intention of the Pathans to help the Government and inciting loyal Indians to resist it. And therefore we, Pathans, who have been loyal servants of the late Queen-Empress Victoria, and the present King-Emperor and Queen-Empress—may God save them—consider these volunteers of Gandhi and Polak as bullies. We pray to the Government not to oppose us in what we may do in this connection. Not only does Gandhi always make derogatory remarks about our religion and pass insulting remarks; against our Prophets, but he is ever disturbing the peace [of the land]. If the Government cannot remove him and his corps of volunteers from the Colony, we can do that much for the Government with all despatch. We shall be grateful to you if you give publicity to this letter.

I have said that the letter is over the signatures of Pathans. I cannot say that it was drafted by them. There was a time when the Pathans sent a petition to the Government to say that they would rather be blown up by its cannon than submit to the law. It is not likely that these very Pathans would submit to the same Act or help others submit to it. Should that happen, it would be a matter of shame for them and for us.

How, then, did this letter come to be written? I am sure that there is the hand of a well-known Indian behind it. Some whites have been indulging in intrigues against the community in order to protect their own interests. There are some Indians who, having burnt their own fingers, want others to do likewise and thus wish to drag down the entire Community. Both these classes of men want to use the Pathans as pawns in their game. The Pathans, being illiterate, are easily misled and induced to give their signatures. They ought to think before they do so. I should very much like some Indian to read out this letter to them in the right spirit. If the Pathans give their signatures to any sort of letter, without giving thought to its content, they will bedim the lustre of their swords. When a sword is used in the service of a wrong cause, I regard it merely as a piece of rusted iron.

The man who has written this letter or caused it to be written has held out a threat to the pickets. But the Pathans must realize that it is not proper for them to raise their hand against a single Indian.

I have not much to say about what has been said against me in the letter. The author of the letter wants to create dissensions among Hindus and Muslims. To charge me with insulting the Prophets of Islam betrays sheer ignorance. I have not even dreamt of such a thing. It is certainly not in the nature of true Hinduism to insult the religion of others. I believe myself to be a follower of that religion. Since my life is devoted to dis-covering the means of uniting Hindus and Muslims, how is it possible for me to insult the Prophets of Islam? But the enemies of the community, anxious to provoke dissensions, circulate all kinds of stories in order to break the bonds that have been forged, seeking to implicate the Pathans also.

The thoughtful members of the community, and those who want it to prosper, must be alert at a time like this. The first thing is not to be intimidated by threats from any quarter. The community is offering satyagraha against the Government, and it will do the same against any Indians who may act as their enemies. It is only *Khuda-Ishvar* that one must fear. Those who wish to harm the community must be pitied for their ignorance. But one must not be cowed down by them. The fight has been protracted—it will be prolonged still further. Everyone will see that we ourselves are the cause of its being prolonged. Likewise, it is in our own hands to hasten its end. The only way to achieve this is for those who know what the fight means to put their whole heart into it. They must not give way to panic or anger. Moreover, the greater the pressure on us, the more determined should our resistance be. Accordingly, those who understand the meaning of the struggle should put up with greater losses and bear heavier suffering. It is of the essence of the fight that we should be fearless and rejoice in sacrificing our lives and allowing our property to be ruined, recognizing that only by acting in this manner can we serve our own interests and those of the community. Only thus will the fight be won.

The attack on Mr. Polak should fill us all with shame. I, at any rate, cannot truly estimate his services to the community. I do not know how to describe his goodness. There is perhaps no Indian who understands the meaning of our struggle so well as he does. The remarks made against such a man in the letter mentioned above show

that we have fallen on evil days.

I do not know the author of the letter or the man who instigated it. I only pray to God that He may show the right path to that man, to the Pathans and to all Indians, and also that the community may remain firm in the great task it has undertaken.

MOHANDAS KARAMCHAND GANDHI

SERVANT OF THE COMMUNITY AND SATYAGRAHA

[From Gujarati]

*Indian Opinion*, 23-1-1909

### 158. LETTER TO THE PRESS<sup>1</sup>

JOHANNESBURG,  
*January 20, 1909*

[SIR,]

The Indian community is now entering upon the third and, perhaps, the final stage of the struggle, which has now been raging for the last two and a half years. Hitherto, it has not been necessary for the British Indian merchants to sacrifice their goods entirely, and to reduce themselves to poverty. They have, in order to free themselves for the struggle, largely contracted their businesses, but not given them up entirely. The saying that, under an unjust Government, only those who countenance and participate in their injustice can enrich themselves or retain their riches is about to be realised in the present case. In order further to circumvent us, and seeing that gaols have ceased to have any terrors for us, rules<sup>2</sup> have been framed under the Criminal Procedure Code, laying down the mode of selling the goods of those who may be fined by Magistrates without the alternative of imprisonment. This move is clearly aimed at Indian merchants. They have, therefore, to face voluntary poverty, enforced poverty, or disgrace. They have no desire to enrich what is to them an unjust

<sup>1</sup> This appeared in *Indian Opinion*, 23-1-1909. Gandhiji was present at the meeting of Cachalia's creditors on January 22 and presumably drafted this letter. *Vide* also "Letter to *Rand Daily Mail*", 22-1-1909.

<sup>2</sup> These rules framed by the Judges of the Supreme Court of the Transvaal under the provisions of Section 280 of Ordinance No. 1 of 1903 provided for the execution of a warrant for the levy of a fine as in civil cases, for the Crown to be in the position of the judgement creditor, for the bailiff to attach goods sufficient to cover the costs of execution as well as the amount of the warrant and for the term of imprisonment to be reduced in the proportion of the amount of fine realized. *Vide Indian Opinion*, 9-1-1909.

Government at the expense of their creditors or themselves. They have no desire to face disgrace. My advice, therefore, to my countrymen, both as a merchant and as Chairman of the British Indian Association, is that they must all for the present cease to be merchants, and return the goods they have to their creditors, if any, or otherwise close down their stores. To set an example, I have myself decided to take the first step, and I am doing so with the greatest deliberation, though not without some hesitation. No formal vote of the Association will be or can be taken as to the momentous step. It is most difficult to expect all Indian storekeepers, who have remained hitherto true to the struggle, to sell their all and follow the narrow path chosen by some of us. If they cannot rise to the occasion, I think that, even then, they will have deserved well of their countrymen, if not of the Colonists, in that they have braved dangers and difficulties during the past thirty months. Yet, if we prize our principle better than our pockets, the only advice that I can tender to my countrymen is that they should rise to the occasion and take this final step. Then will the Colonists realise, if they choose to, that this is not, so far as the Indians are concerned, a struggle for retaining our hold of the trade we have, or for unfair competition, or for bringing into the country men who have no right to be in it. The only question, so far as we are concerned, is that of national honour and our conscience.<sup>1</sup> In other words, we are endeavouring to show that we are worthy to be citizens of South Africa. It is likely that many Indians, during the last stage of the struggle, may fall. We see, also, that the struggle will be prolonged. Attempts are being made by ill-disposed persons within our own ranks and by interested Europeans to sow dissensions in our own camp. All these things we expected, but they cannot deter us from the course we have adopted; and whether, after many have fallen, we are a small or a large body, our sufferings will continue until justice is satisfied.

*I am, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

*Indian Opinion*, 23-1-1909

<sup>1</sup> The European merchants reacted differently to this move. *The Natal Mercury*, January 21, in a special telegram reported, "Hitherto, it has to be remembered that the commercial community has been practically solid in supporting the Government on the Asiatic question. The stand which is being taken by the Chairman of the British Indian Association is, therefore, construed into an attempt by Mr. Gandhi and his fellow-agitators to force their hands."

### 159. LETTER TO CREDITORS<sup>1</sup>

[JOHANNESBURG,  
*January 20, 1909*]

[GENTLEMEN,]

I regret to inform you that a meeting of my creditors will be called, at the Offices of the British Indian Association, 21-24 Court Chambers, Corner of Rissik and Anderson Streets, as 3 p.m., on Friday, the 22nd inst. My financial position is not the cause of calling this meeting, but I, as Chairman of the British Indian Association, in view of the determination of the Government to ruin the British Indian merchants who declined to accept the Asiatic Registration Act until the promise of General Smuts is redeemed, and until the status of the educated Indians is placed upon a firm footing, can no longer continue to carry on my trade with safety to my creditors or myself. I may state that, evidently on instructions from the Law Department, the magistrates are now imposing heavy fines upon merchants who trade without licences, without the alternative of imprisonment. Rules have been gazetted, laying down the manner in which goods are to be sold for these fines.

In saying this, I do not complain either about the magistrates imposing severe penalties or about the Government framing these rules. They are in their own estimation entitled to compel submission to their laws. I only claim that the British Indians are in their turn entitled to resist by their sufferings laws which they consider are in conflict with their national honour and conscience. Under these circumstances, so long as the struggle lasts, there is no course left open to me but to hand over what I possess to my creditors, rather than allow those possessions—which, after all, I hold in trust for them—to be sold. I am aware that I should also consider myself responsible to convert these goods into money, and pay my creditors in cash, but my private interests have to give way to the public interest, and seeing that I cannot sell my possessions by auction, to the advantage of my creditors, I have decided to call them together and place my position before them, and ask them to take over the goods and my other assets. Should the struggle happily come to an end in the near future, or

<sup>1</sup> Signed by A. M. Cachalia, Chairman, British Indian Association, it is possible that this and the preceding item were written at the same time.

whenever it ends, I should be pleased to take over the goods as they are, and sell them for the benefit of my creditors. But as to the disposal of my possessions at the forthcoming meeting, I shall place myself entirely in my creditors' hands.

*Indian Opinion*, 23-1-1909

### *160. INTERVIEW TO "THE NATAL MERCURY"*

[JOHANNESBURG,  
*January 21, 1909*]

Interviewed, Mr. Gandhi says that the step<sup>1</sup> involves such a large measure of self-sacrifice by the Indian community that, at the present early stage, it was difficult to say whether the Indian merchants, as a whole, would be prepared to adopt the idea, which occurred to him whilst he was in Natal. The creditors of the Indians consisted of wholesale British firms oversea [s], local wholesale and retail firms, banks, storekeepers, and firms in India. If unanimity could be secured among the Indians, the loss sustained by these would run into many thousands of pounds. Wholesale firms in England had supplied largely to the Indian merchants here. If the Indians surrendered their estates, wholesale firms here would be compelled either to cut their losses, or put Asiatic storekeepers in charge, as managers or clerks, which would enable them to trade, despite the registration laws. If creditors, of whatever kind, decided to sell up the Indians, the latter would be amashed, but the former would suffer severe loss. The success of the Indians, Mr. Gandhi said, depended upon unanimity. therefore the Transvaal Indians affected would all be circularised.

*Indian Opinion*, 23-1-1909

<sup>1</sup> It was suggested that Indians should return the goods they had to their creditors, if any, or otherwise close down their stores, *vide* "Letter to the Press". 20-1-1909



## 161. REPRESENTATION AT MEETING OF CACHALIA'S CREDITORS<sup>1</sup>

[JOHANNESBURG,  
*January 22, 1909*]

. . . Mr. Gandhi , who spoke for Cachalia, said that it was open to the creditors to take what action they thought fit. His client wished to return the confidence shown in him by the merchants. If they desired, they could use the assets to the best advantage by keeping the business running, or they could sell him out. He could not continue trading.

Eventually, the Chairman closed the meeting by stating that, as the representative of the majority of creditors, he was not prepared to make any composition, but he would give Cachalia till Monday next as noon to any 20s. in the pound.

Mr. Gandhi said that his client did not want time.<sup>2</sup>

*Indian Opinion*, 30-1-1909

<sup>1</sup> In pursuance of the letters to the Press and creditors, *vide* "Letter to the Press", 21-1-1909 & "Letter to The Press", 21-1-1909, a meeting of A. M. Cachalia's creditors was held in the office of the British Indian Association. Hall of the Merchants' Trust presided. Cachalia produced his balance-sheet, roughly showing assets of £ 7,500 and liabilities of £ 3,800. He said he could not pay his creditors in cash, whereas Hall demanded full payment. *Rand Daily Mail*, 23-1-1909, published a full report of the meeting.

Earlier in the day, the executive of the Johannesburg Chamber of Commerce had endorsed the resolutions of their wholesale soft goods trade section that, should any Asiatic call "a meeting of his creditors with a view to handing over his assets to his creditors and if this is done as a part of the passive resistance movement, such creditors be advised to apply for the sequestration of the estate, unless all liabilities are fully satisfied".

<sup>2</sup> The other creditors did not oppose Hall's decision and the meeting was dissolved.

162. LETTER TO “RAND DAILY MAIL”<sup>1</sup>

JOHANNESBURG,  
January 22, 1909

TO  
THE EDITOR

SIR,

Perhaps you will allow me to pass a few comments upon your leaderette<sup>2</sup> and the remarks made upon what you are pleased to call the “latest move” of the British Indian community. I will not go into many side-issues that arise out of your remarks; but I venture to say that either you do not understand the spirit of the struggle that my countrymen have been carrying on, or you do not care to understand it. The latest move is not intended to coerce European merchants into taking action. Your interviewer received the replies to the questions he asked.<sup>3</sup> There are, therefore, many gaps to fill up. He took away from me only one side of the question.

In the latest move, Indian merchants do not desire that a single European merchant shall suffer. On the contrary, they have undertaken voluntarily to suffer even on behalf of their creditors. In giving the notice to his creditors, Mr. Cachalia has simply informed the creditors of the danger in which the goods entrusted to his care have been placed by the action of the Government—you will perhaps add by the action of the British Indians as well. Mr. Cachalia presented to the meeting of his creditors<sup>4</sup> a balance-sheet of which any debtor would be proud, and he made a statement before his creditors which I hold to be perfectly honourable. He has shown not only 20s in the £ on paper, but he has also stated that he does not desire to receive from his creditors a clean discharge against the handing over of his stock to them, but he added that he was willing, in the event of any loss being incurred on these assets, to make good the loss to the creditors out of his future earnings, if he is allowed to make any by the Government of the country of his adoption.

<sup>1</sup> This was published in *Indian Opinion*, 30-1-1909, under the title “Letter from Mr. Gandhi”.

<sup>2</sup> *Vide* Comments by “Rand Daily Mail” 30-1-1909.

<sup>3</sup> The report of this interview is not available.

<sup>4</sup> *Vide* the preceding item.

Nor does the latest move consist in British Indian merchants simply calling a meeting of their creditors, and associating them by force of circumstances in their sufferings to some slight extent. All British Indian merchants are not debtors of Europeans only; perhaps 50% of Mr. Cachalia's creditors are Indian. In any case, British Indian merchants may be divided as follows: (a) those who have European as well as Indian creditors, (b) those who have European creditors only, (c) those who have no creditors. All these three classes have been advised to close down their businesses and dispose of their belongings. You will therefore see that only to a small extent will British Indians have to trouble their European creditors. The latest move, therefore, is not a matter of any coercion at all. If you imply that European creditors will now have to take greater interest in the question, I admit the charge; but it only means that the suffering of my countrymen have again told. Passive resistance consists purely and simply in the undergoing of every variety of suffering by passive resisters. To call this defiance is a prostitution of terms; and how can the surrendering of all their belongings, including their profits, by British Indian merchants, the consequent pecuniary loss, and the acceptance of voluntary poverty be called a degeneration!

You have also remarked upon picketing, and called it intimidation. Picketing, in the case of the Indians, will deserve to be called intimidation, when the missionary efforts of the Salvation Army and other such philanthropic bodies merit the term of open defiance, coercion and intimidation.

*I am, etc.,*

M. K. GANDHI

*Rand Daily Mail, 23-1-1909*

### *163. WHAT DOES THE STRUGGLE MEAN?*

The Transvaal struggle can be said to have entered on its third phase. It will be observed from our news-letters that some Indians are now giving in. It also appears that there are rifts among them. This need not depress us. It is so in every conflict. It is very difficult to climb the last steps. There are very few horses in a race; even then, not all of them remain on the course till the end—they cannot. Some of them just stall. Some others get exhausted. Some die while running; only a few reach the destination. The same thing happens in the history of every community. There is, therefore, no cause for disappointment in the developments mentioned above. In a campaign which produced thousands of Indians who have held out with determination for two years, there are bound to be some who will reach the goal.

We have yet to secure the repeal of the obnoxious Act and to safeguard the rights of the educated. But that is not the only purpose of the struggle.

That we should get training in organizing a movement, learn to be resourceful and demonstrate that we are not cowards but men—this also is a part of the meaning of our struggle, but not the whole of it. The main object of this fight is that we should learn to be men, to be a nation, to cease being the goats that we are and be lions, and to show to the world that we are one people, that we are the children of India ready to lay down our lives for her.

The great Thoreau said that one sincere man is more than a hundred thousand insincere men. We want to know how many of us are sincere. This the fight will tell us. Thus, to learn to be sincere is far more difficult than to secure repeal of the Act. It is wrong for us to get demoralized when we see others giving in. It is such behaviour that is the true mark of cowardice.

The white nations taunt us with being brave enough to start with, but betraying lack of purpose at the critical moment. We want to prove that we are nothing of the kind. The all-too-powerful Government of the Transvaal will not succeed in proving that we are [pliable] like wax.

True religion consists in learning all this, and hence we are prepared to sacrifice our lives in this righteous war. To show that we

are so prepared is one of the objects of the struggle; in fact, that is the main object. As for other things, they will follow as a matter of course.

Success in such a big task will require an equally big effort. In what way? Businessmen are the most important Indians in the Transvaal. They must prove their worth and be prepared to embrace poverty in the process. It is only by embracing poverty that they can serve their own interests as well as those of the community. In a tyrannical state, only those who subserve its purposes can be happy or grow prosperous. In such a state, it is not straightforward men who can amass wealth. They can live in such a state only if they are prepared to suffer. That is the position of the Transvaal Indians. The Transvaal Government wants to rob the Indians of their honour and wealth. Why should they allow that? In former times, when in any part of the world the subjects rebelled against their oppressive rulers, before joining battle they would first kill their womenfolk in order to save them from dishonour. At the present moment, the Transvaal Indians are engaged in the battle of satyagraha. They will have to sacrifice their money, as women were sacrificed [in the olden days]. If not, they will be dishonoured and find their money as bitter as poison. No religion believes it possible to worship God and Mammon at the same time. Every religion teaches that if one wants to devote oneself to God, one must forsake wealth. Since we started this struggle with faith in God and with prayerful hearts, we must be prepared to renounce wealth. When we stand in need of wealth, that same God will see that we get it.

In Italy, 300,000 men were buried together with their possessions—such is divine Providence. Keeping that in view, let us always be mindful of our honour. To preserve our honour is in our hands. It is not so with regard to wealth. We hope that the Indians will sacrifice wealth and preserve their honour.

[From Gujarati]

*Indian opinion*, 23-1-1909

#### *164. MY SECOND EXPERIENCE IN GAOL [-IV]*

I had one further unpleasant experience in the Johannesburg Gaol. In this gaol, there are two different kinds of wards. One ward is for Kaffir and Indian prisoners sentenced to hard labour. The other is for prisoners who are called as witnesses and those who have been sentenced to imprisonment in civil proceedings. Prisoners sentenced to hard labour have no right to go into this second ward. We slept in it,

but we could not use its lavatory as of right. In the first ward, the number of prisoners wanting the use of the lavatory is so large that a visit to it is a great nuisance. Some Indians find this a source of great inconvenience. I was one of them. I was told by the warder that there would be no harm in my using a lavatory in the second ward. I therefore went to one of the lavatories in this ward. At these lavatories, too, there is usually a crowd. Moreover, the lavatories have open access. There are no doors. As soon as I had occupied one of them, there came along a strong, heavily-built, fearful-looking Kaffir. He asked me to get out and started abusing me. I said I would leave very soon. Instantly he lifted me up in his arms and threw me out. Fortunately, I caught hold of the door-frame, and saved myself from a fall. I was not in the least frightened by this. I smiled and walked away; but one or two Indian prisoners who saw what had happened started weeping. Since they could not offer any help in gaol, they felt helpless and miserable. I heard later that other Indians also had to go through similar tribulations. I acquainted the Governor with what had happened and told him there was urgent need for separate lavatories for Indians. I also told him that Indian prisoners should never be lodged with Kaffirs. The Governor immediately issued an order for a lavatory for Indians to be sent on from the Central Gaol. Thus, from the next day the difficulty about lavatories disappeared.<sup>1</sup> As for myself, I had no motions for four days, and hence I suffered in health somewhat.

While in Johannesburg, I was taken to the court three or four times. I was allowed to see Mr. Polak and my son there. Others also came sometimes. I was even free, when in the court, to have food brought to me from home and accordingly Mr. Kallenbach used to bring bread, cheese, etc., for me.

When I was in this gaol, the number of satyagrahi prisoners in it mounted very high. At one time, there were more than 50. Many of them were asked to pound gravel with a small hammer, sitting on a stone. About 10 men were employed in mending torn clothes. I was given the work of stitching caps with a [sewing] machine. I learnt sewing for the first time here. It was not difficult work and therefore I learnt it in no time.

Most of the Indians were employed in pounding gravel. I also asked for the same work. But the warder said that he had orders from

<sup>1</sup> The incident was later discussed in the Press; *vide* Appendix X.

the chief warder not to let me out, and accordingly he did not allow me to go out for pounding gravel. One day it so happened that I had no sewing work to do on the machine or other work. I therefore started to read. The rule is that every prisoner must do some work or other assigned to him in the gaol. The warder therefore called me and inquired whether I was ill.

I replied: No.

Q. Why are you then not doing any work?

A. I have finished the work assigned to me. I do not wish merely to pretend being busy with work. If you give me any work, I shall be glad to do it. Otherwise, what harm is there if I read, having nothing else to do?

Q. That is true, but it will be better if you remain in the store when the chief warder or the Governor comes round.

A. I don't like to do so. I am going to tell the Governor also that there isn't sufficient work in the store and that I should therefore be taken out to pound gravel.

Q. All right. I cannot on my own send you out for that.

A little later, the Governor came. I told him everything. He did not allow me to go out for pounding gravel, but informed me that it was not necessary either, since I was to be sent back to Volksrust the following day.

#### MEDICAL EXAMINATION — UNDESSING OF PRISONERS

The freedom from some regulations which is permitted in the mofussil gaol of Volksrust is not possible in the Central Gaol of Johannesburg. For instance, in Volksrust Mr. Dawad Mahomed was allowed to have a shawi as head-dress, and breeches were allowed to others as well. Mr. Rustomjee, Mr. Sorabji and Mr. Shapurji were permitted to wear their own caps. This will not be easy in the Johannesburg Gaol. Similarly, when prisoners first come to gaol, they are examined by the physician. This is done in order to find out if any of them suffers from a contagious disease and, if anyone does, to give him treatment and isolate him from the others. For this reason, the prisoners are examined with great care. Some of the prisoners are found to suffer from diseases like syphilis, and therefore everyone of them has his genitals examined. For this purpose, the prisoners are totally undressed, while being examined. Unlike the others, Kaffirs are kept standing undressed for nearly 15 minutes so as to save the

physician's time. Indian prisoners are made to lower their breeches only when the physician approaches them. The other garments have to be removed in advance. Almost every Indian resents having to lower his breeches, but most of them do not create any difficulty in the interest of our movement, though at heart they feel ill at ease. I told the physician about this. As a special case, he examined some of the prisoners in the store but declined to adopt that as a practice. The Association has written about this,<sup>1</sup> and the matter is under correspondence. We are justified in making an issue of this. This is an old practice of these people,<sup>2</sup> which is not likely to be changed all at once. All the same, the matter deserves attention.

When in the presence of men only, there should be no need to conceal any parts of our anatomy. There is no reason to believe, moreover, that others will keep staring at the parts which we generally hide. We need not have any false sense of shame. If we are pure in our own minds, where is the need to be particular about hiding what is a part of our natural endowment? I know that these ideas will sound strange to every Indian, but I do feel that one must go deep into the matter and learn the right attitude to take. By raising difficulties of this nature, we harm our cause in the long run. Formerly, Indian prisoners were not examined by the physician at all. But once two or three Indians were interrogated. They replied that they had no disease. The physician examined them nevertheless, having felt somewhat suspicious, and found that they had not spoken the truth. He decided thenceforth to examine even Indian prisoners. We can thus see that whenever we are in some trouble, it is generally of our own making.

#### RETURN FROM JOHANNESBURG

As I said above, I was taken back to Volksrust on November 4. This time, too, I was accompanied by a warder. I was dressed in the prisoner's uniform, but on this occasion, instead of being made to

<sup>1</sup> In two letters, dated November 24 and December 1, 1908, the British Indian Association protested to the Governor of the Transvaal Gaol against the practice of keeping prisoners undressed for over an hour in public for medical examination. The Director of Prisons, replying to these representations, denied that the prisoners were kept in such condition longer than necessary for the check-up. This correspondence was published in *Indian Opinion*, 19-12-1908. The Transvaal Ministers, also, in a minute dated January 30, 1909 refuted the allegation.

<sup>2</sup> This might also have been intended to mean: the prejudice against undressing in public is an old sentiment of our people which cannot be given up all at once.



walk, I was taken in a cab. However, instead of second, third-class tickets were provided. By way of provisions for the journey, I was given half a pound of bread and bully-beef. I refused the latter, giving up my claim to it. On the way, I was permitted by the warder to buy some other food. When I reached the station, I found some Indian tailors present. They noticed me. Of course, talking was not allowed. Observing my dress, etc., some of them were filled with tears. Since I was not free even to tell them that I did not mind my dress or anything else, I merely remained a silent spectator. The two of us were assigned a separate compartment. There was a tailor travelling in the adjoining compartment, who passed on some of his food to me. At Heidelberg, Mr. Somabhai met me. He bought for me some eatables on the station. The woman from whom he bought them at first refused to accept any money, showing her sympathy for our cause. When Mr. Somabhai insisted on paying, she merely accepted a nominal sum of six pence. Since Mr. Somabhai had also sent a telegram to Standerton, several Indians had gone to the station there too, carrying some food with them. The warder and I had therefore more than our fill on the way.

As soon as we reached Volksrust, I was met by Mr. Nagadi and Mr. Kazi at the station. Both of them walked with me part of the way. They were permitted to walk at some distance from us. I was again made to walk the distance from the station [to the gaol], and carry my luggage. The matter even provoked much comment in newspapers.

All the Indians were happy to find me back in Volksrust. I was locked up in Mr. Dawad Mahomed's cell for the night, so that we kept awake till a late hour narrating our experiences to each other.

#### SITUATION OF INDIAN PRISONERS

When I returned to Volksrust, the situation of Indian prisoners had assumed a new aspect altogether. The number of prisoners had risen from about 30 to about 75. There was no way of accommodating such numbers in that gaol. Eight tents had therefore been pitched. For cooking, a special *chula* had been sent from Pretoria. Moreover, the prisoners were often allowed to go to a river nearby for a bath. The men looked like soldiers rather than prisoners. This was not a prison, but a camp of satyagrahis. What, then, did it matter whether we were treated well or ill by the warders? In fact, most of the warders were on the whole reasonable men. Mr. Dawad Mahomed had given a nick-name to every warder. One was called “

Oakly”, another “ Mafuto”, and so on.

#### VISITORS

We used to get a good number of Indian visitors in Volksrust gaol. Mr. Kazi was always hanging around. He looked after the prisoners' affairs outside, putting his whole heart into the work, and seized every opportunity to visit us. Mr. Polak used to come almost every week on official work. Mr. Mahomed Ibrahim and Mr. Kharsani came specially from Natal in connection with contributions to the Congress funds by Main Line Indians. On *Id* day, about a hundred Indian businessmen from Natal must have paid us a visit. There was also a shower of telegrams on that day.

#### SOME OBSERVATIONS

Prisons are generally kept very clean. If this were not so, there would be epidemics before long. But there is also lack of cleanliness in some respects. Blankets are constantly interchanged. A blanket that has been used by the dirtiest of Kaffirs may later fall to an Indian's lot. Frequently, the blankets are found to be full of lice. They have a nasty smell. Under the rules, they must be exposed to sunlight for half an hour every day, if the sky is clear. But this is rarely done. The difficulty about blankets is not a trivial matter to a man of clean habits.

The same thing often happens about dress. The uniform worn by a prisoner is not always washed after he is released, but is given to another prisoner to wear in the same dirty condition. This is a disturbing state of affairs.

Moreover, there was considerable crowding of prisoners. In Johannesburg, where the accommodation was just sufficient for 200 prisoners, nearly 400 were lodged. Thus, twice the number of prisoners permitted under the rules was often lodged in a cell, and sometimes there were not enough blankets to go round. This was not an inconsiderable difficulty. But it is a law of nature that man adjusts himself to any situation in which he is placed by circumstances beyond his control. This happened with the Indian prisoners too. Even in the midst of the very real difficulties mentioned above, Mr. Dawad Mahomed, especially, remained in good spirits the whole day and kept the Indian prisoners amused all the time by his wit and humour.

There was an incident in the gaol which made one unhappy.

Once a Kaffir warder approached some Indians who were sitting in a group. He asked for two Indians to go with him and do some grass-mowing. No one spoke for some time. Mr. Imam Abdool Kadir then offered himself for the work. Even then, no one got ready to accompany him. On the contrary, they told the warder that Mr. Kadir was their priest and asked him not to set him any task. This made matters twice as bad. For one thing, everyone ought to have offered himself for the work, instead of which, when the Imam Saheb came forward, out of consideration for the good name of the community, they divulged his status. By indicating their unwillingness to take up the work even when the Imam Saheb was ready for it, they proved that we—the community as a whole—are a shameless lot.

(To be continued)

[From Gujarati]  
*Indian Opinion*, 23-1-1909

### 165. LETTER TO CREDITORS<sup>1</sup>

JOHANNESBURG,  
*January 23, 1909*

GENTLEMEN,

I have seen a report of the meeting of creditors<sup>2</sup> of Mr. A.M. Cachalia of Johannesburg, merchant. I may state that my position is very similar to Mr. Cachalia's. Owing to the action taken by the Government, and referred to by Mr. Cachalia, my stock is in jeopardy. It is not possible for me to take out a licence. The question, therefore, is what am I to do with the stock that is in my possession. My liabilities are roughly £2,000, and my assets £4,000. In view of the decision arrived at by the meeting of Mr. Cachalia's creditors, and in view also of the reported concerted action of European merchants regarding cases like Mr. Cachalia's, I am not calling a meeting of creditors, but I merely advise you of the position. I shall be pleased, if you so desire, to call a meeting, or to attend any meeting that you may wish to call, and shall be pleased also to place my position before the creditors. Any further information that you may desire can be obtained at the offices of the British Indian Association, 21-24 Court

<sup>1</sup> This letter, presumably drafted by Gandhiji, as in the case of Cachalia's communication, was signed and addressed to his creditors by E. M. Aswat; later, he became the Acting Chairman of the British Indian Association in place of Cachalia, who was imprisoned.

<sup>2</sup> *Vide* "Representation at Meeting of Cachalia's Creditors", 22-1-1909

Chambers, Corner of Rissik and Anderson Streets, and I shall esteem it a favour if any communication you may wish to make is addressed as above.

E. M. ASWAT

*Indian Opinion*, 30-1-1909

166. *LETTER TO THE PRESS*<sup>1</sup>

JOHANNESBURG,

January 23, 1909

[SIR,]

As one-time Secretary of the Indian Association, and as a merch-ant, I beg to congratulate Mr. A. M. Cachalia on the most self-sacrificing step he has taken. In my opinion, he deserves the best thanks of the Bri-tish Indian community and, more especially, of the British Indian mer-chants, for having pointed the way out to them. The best manner in whi-ch I can express my approval of Mr. Cachalia's action is to follow him, and I have, therefore, placed myself in communication with my creditors.

I notice that the morality of the step taken by Mr. Cachalia has been questioned,<sup>2</sup> and that it has been construed into a desire on the part of the British Indian merchants to coerce European wholesale houses.<sup>3</sup> As to the morality or immorality of the step, it is largely a matter of opi-nion. According to the view taught by my religion, a merchant who does his best to pay his creditors 20/- in the £, and warns them of any danger in which their goods may be placed, is considered to have performed a meritorious act deserving of warm approbation from the community in which his lot is cast. With reference to coercion, I am sure that those who have used the term have done so hastily. It is quite clear that if [the] British Indian merchants do not take out licences to trade, they must be very properly prosecuted for trading without licences. The Government have every right, as they consider that their position is just, to impose every form of hardship on those traders who trade in disregard of the Licensing Law. What is an Indian debtor with a large stock on hand and with a conscience to keep to do? He has not cash enough to pay out his creditors immediately. He cannot, with any regard for his

<sup>1</sup> This was presumably drafted by Gandhiji and signed by E. M. Aswat.

<sup>2</sup> In a resolution of the Executive Committee of the Johannesburg Chamber of Commerce on January 22

<sup>3</sup> Vide "Letter to *Rand Daily Mail*", 22-1-1909

creditors, and without their consent, sell his goods by auction. He finds he has assets enough to pay out his creditors. Apart from any political considerations, I cannot but think that the only honourable course for a debtor, placed in the position above described, is to take his creditors into his confidence, and place himself at their disposal, telling them that, short of compromising his conscience, he is willing to do everything that the creditors may consider desirable in their interests. That my action will bear a political interpretation is unavoidable, for the simple reason that it is based upon the situation created by the Government; but, speaking for myself, I can assure the public that the action that I have taken is irrespective of whatever the European wholesale houses may do, so far as the political aspect is concerned. My desire is simply to protect my creditors, and certainly also to frustrate the design of the Government, in so far as they wish to receive monetary aid from me in order to bend me and my other countrymen to their wishes, which I hold to be unjust, immoral, and unrighteous.

*Indian Opinion*, 30-1-1909

### 167. INTERVIEW TO "RAND DAILY MAIL"<sup>1</sup>

[JOHANNESBURG,  
*January 25, 1909*]

...He [Gandhiji] says that he has sufficient faith in the sense of justice of the Colonists to believe that, as soon as they are in full possession of all the facts, they will give the Asiatics "their rights".

The Indians, he said, in the course of conversation yesterday, had secured the Kaffir trade to a large extent, because they treated the Kaffir better and more courteously than the European. He denied that the Indians under-sold the European storekeepers, but admitted that the Indian storekeepers paid their employees less than the European did.

Replying to the popular reproach that the Indians had ruined Ladysmith and Potchefstroom for European traders, Mr. Gandhi said that Ladysmith was largely supported by the indentured Indian community, just as Verulam was, and it was only natural that Indian stores should spring up there.

<sup>1</sup> This was reported in *Rand Daily Mail*, 26-1-1909, with the prefatory remarks that 40 Indian merchants of standing had decided to follow Cachalia's example in closing down their business houses; *vide* "Letter to Creditors", pp. 155-6. The report said that conferences were to be held at Krugersdorp and Johannesburg to discuss the implications of the move. "Meanwhile, Mr. Gandhi gives the movement active support, and views with much apparent optimism the outcome of the struggle."

He concluded by saying that, if the European traders took up so definite and uncompromising an attitude as it was suggested they would do, and if they applied for the sequestration of the Indians' estates, so that the latter were turned out of the country, then every Indian would go back to India and become a passive resister.

"I, personally," he concluded, "would endeavour to become a thorn in the side of the Indian Government, and I would not be satisfied until the Asiatic trader got his rights in South Africa, or until South Africa were declared no longer a British Colony."

*Indian Opinion*, 30-1-1909

### 168. LETTER TO SIR CHARLES BRUCE

[JOHANNESBURG,]

January 27, 1909

DEAR SIR,

On behalf of the British Indian Association, I beg to thank you for your persistent advocacy of the British Indian cause in the Transvaal. The sympathy of distinguished members of the Empire gives my struggling countrymen a great deal of encouragement and nerves them for what sometimes appears to be an interminable fight. We all feel that we are fighting not only our own cause, but we are fighting for the good name of the Empire.

*I remain, etc.,*

A. M. CACHALIA

CHAIRMAN,

BRITISH INDIAN ASSOCIATION

SIR CHARLES BRUCE, G.C.M.G.

LONDON

*Indian Opinion*, 6-2-1909

<sup>1</sup> (1836-1920); Governor of Mauritius, 1897-1904; author of several books on the Empire and Imperial policy; published in 1908 a pamphlet on the British Indian problem in the Transvaal based on articles in *Empire Review*; wrote frequently on the subject in the Press. In a letter to the *Morning Post*, 4-11-1908, he had refuted the paper's argument that the terms of Queen Victoria's Proclamation of 1858 did not cover the rights of British Indians outside the territorial limits of India. Quoting Lord Selborne's speech of 1897 in support of his interpretation of the Proclamation, he declared that to exclude Indians outside India from the "obligations of duty" is the Proclamation would be "the direct negation of Empire".

169. LETTER TO LORD CURZON

[JOHANNESBURG,]  
January 27, 1909]

TO  
THE RIGHT HON'BLE LORD CURZON<sup>1</sup>  
JOHANNESBURG  
MY LORD,

I beg to acknowledge the receipt of Your Lordship's note<sup>2</sup> of the 26th instant, in reply to a wire<sup>3</sup> from my Association requesting Your Lordship to receive a deputation, in connection with the struggle that is at present unfortunately going on between the Government and the community represented by my Association.

My Association is deeply thankful to Your Lordship for taking so much interest in the position of British Indians in the Transvaal; and regrets that, owing to Your Lordship's brief stay, the Association will be deprived of the opportunity of sending a deputation to Your Lordship to pay its respects.

I now enclose herewith a very brief statement of the position as it stands at present, a pamphlet<sup>4</sup> published by Sir Charles Bruce, which fairly summarises the position, and the petition<sup>5</sup> of the Association submitted to His Majesty's Government through the Secretary of State for the Colonies.

As a Committee of some influential Europeans has been formed in the Transvaal to help the Association in this particular matter, I took the liberty of showing Your Lordship's note to its Chairman, Mr. Hosken<sup>6</sup>, who, I understand, is also addressing a letter to Your

<sup>1</sup> (1859-1925); Viceroy and Governor-General of India, 1899-1905; British Foreign Secretary, 1919-1924

<sup>2</sup> Lord Curzon had written: "I have only just arrived in Johannesburg and have so short a time here being engaged all tomorrow, away all Thursday and leaving Friday morning, that I am afraid I cannot receive a deputation. If however your Association will give me as full a statement of their case as they can prepare before Thursday evening, I will study it on my way."

<sup>3</sup> Not available

<sup>4</sup> Not available. *Vide* also footnote to the preceding item.

<sup>5</sup> *Vide* "Petition to Secretary of State for Colonies", 9-11-1908

<sup>6</sup> As head of the European Committee, he had addressed a letter to *The Times*, London, on January 6, of which a copy was forwarded to the Secretary of State for the Colonies by L. W. Ritch. *Vide* Appendix XI.

Lordship.

If any further information is desired by Your Lordship, my Association will be pleased to furnish you with it.

In accordance with Your Lordship's wishes, all communications between Your Lordship and this Association will be kept private.

I beg to conclude with the hope that your intervention will result in a happy ending to the struggle.

*I have, etc.,*

[ENCLOSURE]

STATEMENT OF THE INDIAN POSITION  
FOR SUBMISSION TO  
THE RIGHT HON'BLE LORD CURZON

THE INDIAN CLAIM

Apart from matters of detail, the following are the two outstanding questions between the Local Government and British Indians:

1. Repeal of the Asiatic Act No. 2 of 1907.
2. The status of educated Indians.

ARGUMENT ON THE CLAIMS

As to the first, the Indian contention is that General Smuts was under promise to repeal the Asiatic Act. The promise was not reduced to writing, but, three days after the completion of the compromise of January, 1908,<sup>1</sup> General Smuts, in his speech<sup>2</sup> at Richmond, which has never been contradicted, stated as follows: "He had told them that the law would not be repealed so long as there was an Asiatic in the country who had not registered," and, again, "Until every Indian in the country had registered, the law would not be repealed."

Apart, however, from the promise, the above Act has been declared to be unworkable. The recent decisions of the Supreme Court have emphasised the opinion; and the Act of 1908, which was passed in partial fulfilment of the promise, in effect superseded the Asiatic Act 2 of 1907.

That the Indians understood that a promise had been made to

<sup>1</sup> *Vide* "Interview to "The Transvaal Leader", 30-1-1908.

<sup>2</sup> *Vide* "General Smut's speech in Richmond", 5-2-1908



repeal the Act as against voluntary registration can no longer be doubted, and it was in that faith that British Indians submitted to voluntary registration. The leading Indians, in their eagerness to carry out the Indian part of the compromise, did so at much personal risk, as even the voluntary giving of finger-impressions was resented by many Indians. The Secretary of the Association was, on his way to the Registration Office, brutally assaulted, and, later, the then Chairman of the Association was also assaulted for the same reason.

The giving of finger-impressions as such was never made a fundamental objection. The objection was raised against the spirit of the Act, based, as it was, on a false charge of an organized entry, on a large scale, into the Transvaal of British Indians who had no right to be in the country.

As to the status of educated Indians, it is contended that General Smuts puts upon the Immigrants' Restriction Act of the Transvaal an interpretation whereby British Indians possessing the necessary educational qualifications become prohibited immigrants; and this prohibition is brought about by means of the Asiatic Act of 1907.

British Indians submit that such prohibition, based on racial lines, is a departure from the Imperial policy; that when the Immigrants' Restriction Act was sanctioned, such a departure was not intended; and that, in any case, British Indians hold that they cannot accept such racial disqualification involving, in the words of Mr. Chamberlain<sup>1</sup>, "an affront upon millions of His Majesty's subjects".

British Indians state that, legal equality for Indians possessing educational qualifications being retained, they do not mind such an administration of the Law as would, under a strict examination test, prohibit the entry of all but six Indians of high educational attainments. Such administrative inequality is today in vogue at the Cape, [in] Natal and Australia; and British Indians, recognizing the prejudice, have submitted to it, but they claim that the importing of a racial difference in the matter of immigration would be intolerable.

#### PASSIVE RESISTANCE

In order to attain this end, British Indians have exhausted all their resources, by way of petitions and deputations. At one of their mass meetings,<sup>2</sup> they took a solemn oath not to submit to the Asiatic Act of 1907 and not to receive the benefits of the Act of 1908, until

<sup>1</sup> Joseph Chamberlain (1836-1914); Secretary of State for the Colonies, 1895-1903

<sup>2</sup> *Vide* "Mass Meeting at Pretoria", 6-7-1907.

the above redress was granted. Many Indians have, therefore, in virtue of the oath, suffered imprisonment. The struggle has lasted now for over two years; and over 2,000 Indians have undergone imprisonment, mostly with hard labour. Hundreds have been deported, only to return immediately. Many families have been ruined pecuniarily. Many Indian merchants have suffered enormous loss. Some have even closed [down] their businesses. The Chairman of the Association, in order to avoid confiscation of his property by the Government under fines imposed for trading without licences, has accepted sequestration of his estate.<sup>1</sup> Several Indian merchants are ready to follow his example. Some Indians have, no doubt, owing to their weakness accepted the Asiatic Acts, and more are likely to succumb; but, after a very careful examination, the Executive of the British Indian Association as a whole will remain solid in offering passive resistance until justice is done.<sup>2</sup>

From a photostat of the typewritten office copy: S.N. 4916-7

### *170. LETTER TO HARILAL GANDHI*

*Wednesday [January 27, 1909]<sup>3</sup>*

CHI. HARILAL,

Your letter to hand. I can see that you are unhappy. I have got to accept your opinion as to whether you would be happy or not on account of separation.<sup>4</sup> However, I see that you will have to undergo imprisonment for a long period. I would like to know what you think about it. Please write to me in detail. The struggle is likely to be a prolonged one. There are some indications of its being a short one also. There is a likelihood of Lord Curzon interceding. Let me know what arrangement should be made in regard to Chanchal during your absence. More when I have time.

<sup>1</sup> *Vide* "Letter to Creditors", 20-1-1909

<sup>2</sup> Lord Curzon, in his reply of February 2, 1909, wrote that, in his discussions with Generals Botha and Smuts, he had been assured of their anxiety to treat the British Indians with liberality and justice. Lord Curzon felt that the matter would be taken up as a broader issue later between the Union and Home Governments. *Vide* Appendix XII.

<sup>3</sup> The date is inferred from the reference to the probable intercession by Lord Curzon; *vide* "Letter to Lord Curzon", 27-1-1909 Lord Curzon finally wrote to Gandhiji on February 2 on the result of his talks with Smuts and Botha.

<sup>4</sup> *Vide* "Letter to Mrs. Chanchalbehn Gandhi", 16-1-1909

I have not been able to follow what you say about taking a stone in exchange for a pie. In what context have you written that?

You may not have to come here before the 5th.

*Blessings from*

MOHANDAS

[PS.]

Was the *Bhagwat* read?

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 9533

### *171. LETTER TO MRS. CHANCHALBEHN GANDHI*

*Thursday [January 28, 1909]<sup>1</sup>*

CHI. CHANCHAL,

Your letter received after a long time. I am pained to see that your mind is restless. However, I would always want to know your inner feelings. Do not hide them thinking that I shall be unhappy.

It is not right that you should think you are away from your father's house. I consider you to be my daughter, not a daughter-in-law. Had I considered you as my daughter-in-law, I would have looked upon you as a child. I take you to be my daughter, and hence I do not want to accept that you are a child. You have not been able to understand that. Just as I do not consider Manilal a child, so also I would not consider you one. Had I kept up our relations as between father-in-law and daughter-in-law, that is, had I kept up such a distance between us, I would have, in accordance with my usual nature, first tried to win you over and would have taken work from you freely only when a sense of oneness with the family had developed in you. But I had taken it for granted that you would forget our relationship of father-in-law and daughter-in-law as I have fondled you in my lap as a daughter long before your marriage to Harilal.<sup>2</sup> You have not forgotten that. Try to forget it now.

I must on no account behave in a way that may cause any harm to you or make you unhappy. There have been innumerable women in India who saw their ultimate good in separation from their husbands. Damayanti became immortal on account of her separation

<sup>1</sup> This letter seems to have been written after the preceding one wherein Gandhiji refers to her separation from Harilal during the struggle.

<sup>2</sup> Addressee's father, Haridas Vora, and Gandhiji were great friends.

from Nala. Taramati separated from Harishchandra and that separation led to the good of both. Draupadi's separation from the Pandavas proved a blessing to them and the entire Hindu nation sings the praises of her resoluteness. Do not think that these instances have not taken place. Lord Buddha left his wife and became immortal and so did his wife. This is an extreme case. By these examples I only want to show you that your separation is not going to do you any harm. That it would cause you mental agony is quite natural. That is a sign of love. But that does not necessarily mean that it will do you harm. Weal and woe depend on the purpose behind separation. My separation from Ba was almost involuntary; that is, it was not of my choice and yet it proved to be a blessing to us both. By giving these examples, I do not want to impress upon your mind that you have to live in separation for ever. I write this so that you are not unhappy over your separation during the struggle. I shall hardly be a cause of your separation after the struggle is over. My effort, however, is to change your mental attitude. That also will be effected after you understand and get used to it.

Preserve this letter. Read it again and again. Ask me whatever you do not understand. Do both of you read it. My object in writing this is your welfare. I am always eager to promote it. But I do not insist that you should accept my ideas. My only desire is that both of you should grow with your own effort.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 9527

### *172. LETTER TO MAGANLAL GANDHI*

[VOLKSRUST,]

*January 29, 1909*

CHI. MAGANLAL,

Received your letter. Please write to me what particular things you intend to say to me before I enter the gaol. Remember that my period [of bail] will be over on the 4th.<sup>1</sup>

Do keep seeing Camroodeen Sheth frequently. There is everything to gain by doing so. "Even hard black boulders are cut by a string." My enthusiasm is such that I may have to meet death in South Africa at the hands of my own countrymen. If that happens,

<sup>1</sup> Gandhiji was arrested at Volksrust on January 16, 1909 and was released on his own recognizance. Instead of February 4, he was tried on February 25 and sentenced to three months' imprisonment.

you should rejoice. It will unite the Hindus and the Mussalmans. In this struggle a twofold inner struggle is going on. One of them is to bring the Hindus and the Muslims together. The enemies of the community are constantly making efforts against such a unity. In such a great endeavour, someone will have to sacrifice his life. If I make that sacrifice, I shall regard myself, as well as you, my colleagues, fortunate.

I have written to you to see Mr. Subramanyam<sup>1</sup>, who is a clergyman. I have on the whole found him to be a good man.

When you come to know who is making the effort about me, please let me know. For the present I shall not write to anyone about it.

*Blessings from*

MOHANDAS

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 4918

### *173. CACHALIA'S SELF-SACRIFICE*

The fact that each successive Chairman of the Transvaal [British Indian] Association has proved himself worthier than his predecessor is an indication that the Indian community's star is in the ascendant. Mr. Cachalia has been to gaol. He has now declared his intention to embrace poverty. His financial position is so sound that no one can argue that he had little to sacrifice. He is prepared to forgo a flourishing business. He does not mind being declared a bankrupt at the instance of his creditors. Rather he takes pride in that. This is what we can claim as wealth well earned. All this Mr. Cachalia suffers for the motherland. He wants to honour his pledge. This is real self-sacrifice. We offer our congratulations to him.

This excellent step is already proving infectious. Mr. Aswat has emulated Mr. Cachalia's courage. We congratulate him as well.

This is a moment which will test the businessmen. We have often defended them in the past. They have suffered losses. Some of them have also courted imprisonment. We have mentioned all such instances from time to time. But this is the time when the businessmen will be really tested. They have never staked their all, as the hawkers did; now is the time for them to do so. Mr. Cachalia and Mr. Aswat

<sup>1</sup> Minister of the Queen Street Wealeyan Indian church, Durban

have shown the way. It is to be seen what the other businessmen do. Nearly 40 of them have signed a statement that they will not take out licences, but close down their businesses instead. Those who are prepared for this had better come out in the, open in support of Mr. Cachalia's action. The next phase of the campaign depends upon the businessmen; it is they who will stand to suffer, should the movement be unduly prolonged.

Everyone realizes that Mr. Cachalia has not lost his honour by having been declared an insolvent; rather, it has been enhanced. The creditors also know that it is none of Mr. Cachalia's fault. He has brought distinction to the post of Chairman. Why, then, should the other businessmen feel timid? If at all, what they should fear is a retreat. When engaged in a battle, one can have nothing to fear in rushing forward.

[From Gujarati]

*Indian Opinion*, 30-1-1909

#### 174. *ENGLISH INFLUENCES IN THE AIR*

In these days of *swadeshi*, it is necessary to bear in mind a few simple things. We observe that some Indian youths, having acquired a smattering of English, use it even when it is not necessary to do so, as if they had forgotten their own language or wanted to suggest how much more difficult it was to speak English, or for some similar reason. When talking among themselves, they use broken English rather than pure Gujarati, Hindi or Urdu. They even carry on their correspondence in English. These young men emphasize their spirit of *swadeshi* by using difficult English words which they themselves do not understand, and then take pride in what they do. This is a simple, and yet, a grave fault. Any nation that cherishes its individuality must love its own language and feel proud of it.

Let us consider the example of the Boers themselves. We are not concerned with their moral principles. Their patriotism, at any rate, is wonderful. That is the only thing that calls for emulation. Though it is very useful for Dutch children to learn English, they are taught their own dialect, a local variety of Dutch called 'Taal'. There are very few books in this language. But they are confident that in the course of time they will enrich that language. It is possible to do so. It is because of this spirit of theirs that they have succeeded in gathering

the reins of government in their own hands.

The Jews love their language, Yiddish, very much, though not as much as the Dutch love theirs. Until a few years ago; that language was only an uncultivated dialect. Some eminent Jews believe that only when they cultivate a real love for Yiddish will they be united as a people.

In our case, we already have a language of our own; what is necessary is to cultivate respect for it. It is our duty to enrich it, to read a great many books written in it, to write books in it and also to encourage others to write them.

This does not mean that we need not learn English or can be indifferent to it. It is the language of the Government, and has also become an international language, and hence it is necessary for everyone to learn it. One must learn to use it well, when it has to be used. One must learn to read and write in it with facility. But no useful purpose is served by behaving as some young men have been doing. There is no point in writing to another in English when that other person knows as little English as one does oneself. It would only lead to a total mis-understanding, apart from encouraging a bad habit. The right approach would be to use English [only] when the other person does not know our mother tongue. English may be learnt, but one's mother tongue must not be ignored. The learning of English must come second to learning one's mother tongue. Or, one may learn both the languages simultaneously, remembering, however, the general rule mentioned above. We do not believe that those who are not proud of their own language, who are not proficient in it, can have the true spirit of *swadeshi*. Gujarati, among the Indian languages, is a poorly-developed language, and we also observe that Gujaratis lag behind all the others [in India] in respect of the *swadeshi* spirit. It is for the Gujaratis to strive for the development of Gujarati. It is in that way that all of us can make ourselves true Indians.

[From Gujarati]

*Indian Opinion*, 30-1-1909

### 175. EXAMPLE OF TURKEY

The moment a parliament was established in Turkey, the British became respectful. more than 300 members of the House of Commons sent a message of goodwill to the [Turkish] Parliament. Mr. Asquith, who is a minister, was also among the signatories. It is reported that all the members who were present gave their signatures. Newspapers are now reporting the names of those whose efforts for the establishment of the Parliament were thus crowned with success. In the conflict that Austria provoked with Turkey, the latter gave it a resounding slap in the face without unsheathing its sword, or firing a single shot. Readers will recall that the Turkish people organized a boycott of Austrian goods, which has not yet been relaxed, though Austria has climbed down somewhat. According to newspaper reports, Austrian estimates place the loss Austria has incurred in such a short time at £ 1,700,000. Turkish estimates place the figure at £ 3,000,000. When the ships carrying Austrian goods arrived [at the Turkish port], the Austrian Ambassador made frantic efforts[to have the cargoes unloaded], but the Turkish Government took no notice. Even the porters sacrificed their wages, and not a single Turk was found ready to unload the Austrian goods. The Austrian Government thereupon lodged a strong protest with His Majesty the Sultan. The Turkish people concluded from this that Austria had received an unbearable blow; in the result, the boycott became more intense; First, the fez (the Turkish cap) and matches imported from Austria were boycotted. The boycott was then extended to other articles, as the people came to know what other goods were imported from Austria. Ahmed Reza Pasha, the well known leader of Young Turkey, stated when questioned in Paris, that they had certainly boycotted Austria, and that the boycott would continue still. It was not their duty [he added] to think of the losses that Austria would suffer. They had acted in self-defence, only raising their hands to ward off a blow. Austria [he said] had struck the first blow. It might as well enjoy the fruit [of what it had done]. Newspapers report that it was because of this extensive boycott that negotiations started between Istanbul and Vienna for a *rapprochement*.

This was a struggle for national honour, and neither the poor nor the rich gave a thought to their own losses in defence of that honour; that is the reason why Austria was brought to its knees so



easily. The Transvaal Indians ought to turn this example over and over again in their minds.

[From Gujarati]

*Indian Opinion*, 30-1-1909

## 176. MY SECOND EXPERIENCE IN GAOL [-V]

### MORAL DILEMMA

When I had completed about half the term of my imprisonment, there was a telegram from Phoenix saying that Mrs. Gandhi was seriously ill and asking me to go down immediately.<sup>1</sup> Everyone was unhappy at this. I had no doubt as to my duty. When the gaoler asked me whether I would agree to pay the fine to obtain my release, I replied without the slightest hesitation that I would never do so, and that it was implied in our movement that we should bear separation from our kith and kin. The gaoler smiled at this, but felt sorry too. On a superficial view of the matter, this attitude would appear to be rather harsh, but personally I am convinced that that is the only right attitude to adopt. I think of my love for the motherland as an aspect of my religion. It is, of course, not the whole of religion. But religion cannot be considered to be complete without it. If necessary, we should bear separation from our family in order to be able to follow the dictates of our religion. We may even have to lose them. Not only is there no cruelty in this but it is actually our duty to do so. If it is true that we have pledged ourselves to fight unto death, there is nothing further to think of. Lord Roberts lost his only son for a cause inferior to ours and, being on the front, could not even attend his funeral. This history of the world is full of such instances.

### QUARRELS AMONG KAFFIRS

There are some dangerous murderers among the Kaffir prisoners in gaol. We find these prisoners constantly engaged in disputes. After they are locked up in the cell, they quarrel among themselves. Sometimes, they openly defy the warder. One warder was twice assaulted by the prisoners. Indian prisoners are obviously in danger when locked up in the same cell with these. So far, Indians have not been placed in such a situation. But so long as Indian

<sup>1</sup> *Vide* "Letter to A. H. West". 9-11-1908

prisoners are classed with the Kaffirs, the danger will remain.

#### ILLNESS IN GAOL

There was for the most part no serious illness among the prisoners. I have already mentioned Mr. Mavji's case. There was a Tamil named Mr. Raju, who had acute dysentery. He was very much pulled down. The reason he gave for this was that he used to take 30 cups of tea [every day], and he got dysentery because he did not get them. He asked for tea. Of course, the request was rejected. But he was given some medicine, and the medical officer in the gaol ordered two pounds of milk and bread [for him]. This restored him to full health. Mr. Ravikrishna Talevantsingh kept indifferent health till the end. Mr. Kazi and Mr. Bawazeer were ill all the time. Mr. Ratanshi Sodha was observing a religious vow for the four months of the rainy season, and therefore he had only one meal a day. Since the food was not quite satisfactory, he nearly starved himself and as a result got oedema. A part from these, there were other cases of minor illness.

On the whole, however, we found that even those Indians who fell ill were not broken in spirit. They were happy to bear this particular kind of hardship for the sake of the motherland.

#### SOME DIFFICULTIES

It was observed that the more irritating difficulties were those of our own making rather than those created by others. There were occasions in the gaol when one sensed in the air distinctions between Hindus and Muslims, between high and low castes. Indians of all communities and castes lived together in the gaol, which gave one an opportunity to observe how backward we are in the matter of self-government. It was also discovered, however, that we were not altogether incapable of self-government, for whatever difficulties cropped up were always overcome in the end.

Some Hindus said that they were not prepared to take food prepared by Muslims or by certain individuals. Men who hold such views should never stir out of India. I also observed that no objection was raised if any Kaffir or white touched our food. It so happened once that someone objected to sleeping near a certain person on the ground that the latter belonged to the scavenger caste. This again was humiliating to us. On probing deeper into the matter, it was found that the objection was raised not because the man [who had raised the objection] was himself particular about it, but because he was afraid of

being declared an outcaste should other members of his community in India come to hear of it. Thanks to these hypocritical distinctions of high and low and to the fear of subsequent caste tyranny, we have, I think, turned our back on truth and embraced falsehood. How can we be called satyagrahis if, knowing that it is wrong to despise the scavenger, we still do so out of an unreasonable fear of members of our caste or other men? I wish that Indians who join this movement also resort to satyagraha against their caste and their family and against evil wherever they find it. As for myself, I am convinced that it is because we do not act in this way that the successful outcome of our struggle is being delayed. If it is true that we are all Indians, how can we cling to false distinctions and so quarrel among ourselves and, at the same time, demand our rights? How can we hope to achieve success in our struggle if, out of fear of what may happen to us in India, we do not do what we believe to be right? It is the mark of a coward to shrink from anything out of mere fear, and Indians who are cowards will not hold out to the last in this great war that is being waged against the Government.

#### WHO CAN GO TO GAOL?

We see from these facts that those who are slaves to bad habits, who observe vain distinctions of caste and community, who are quarrel-some, who are not able to look on Hindus and Muslims with an equal eye and those who are diseased in body—such men cannot go to gaol or remain in gaol for any length of time. It follows therefore that those who want to go to gaol as a matter of honour and with a view to the welfare of the motherland must be healthy in body, mind and soul. An ailing man will find himself exhausted in the end; those who are conscious of Hindu-Muslim differences, who think themselves superior to others, who are slaves to bad habits, who are possessed by a craving for tea, smoking or such other things, are incapable of fighting till the bitter end.

#### WHAT I READ IN GAOL

Though the entire day is taken up with work, one can find time for some reading in the mornings and evenings, as also on Sundays and, since there is nothing else to tax one's attention in gaol, it is possible to read with a peaceful mind. Though I had limited time on my hand, I managed to read two books by the great Ruskin, the essays of the great Thoreau, some portions of the Bible, life of Garibaldi (in

Gujarati), essays of Lord Bacon (in Gujarati), and two other books about India. We can find the doctrine of satyagraha in the writings of Ruskin and Thoreau. The Gujarati books were sent by Mr. Diwan for all of us to read. Apart from these works, I read the *Bhagavad Gita* almost every day. All this reading had the effect of confirming my belief in satyagraha, and I can say today that life in gaol is not in the least boring.

## TWO ATTITUDES

We can take two different attitudes to what I have written above.

First, why should we bear such hardships, submit ourselves, for instance, to the restrictions of gaol life, wear coarse and ungainly dress, eat food which is hardly food, starve ourselves, suffer being kicked by the warder, live among the Kaffirs, do every kind of work, whether we like it or not, obey a warder who is only good enough to be our servant, be unable to receive any friends or write letters, go without things that we may need, and sleep in company with robbers and thieves? Better die than suffer this. Better pay the fine than go to gaol. Let no one be punished with gaol. Such an attitude will make a man quite weak and afraid of imprisonment, and he will achieve nothing good by being in gaol.

Alternatively, one may consider oneself fortunate to be in gaol in the cause of the motherland, in defence of one's honour and one's religion. Gaol life, one may think, involves no [real] suffering. Outside, one has to carry out the will of many, whereas one has only the warder to reckon with in gaol. One has no anxieties in gaol, no problem of earning one's livelihood, no worry about getting one's bread, for that is provided regularly by others. One's person is protected by the Government. None of these things has to be paid for. By way of exercise, one gets ample work to do and, without any effort on one's part, all of one's bad habits fall away. The mind enjoys a sense of freedom. One has ready to hand the benefit of being absorbed in devotions to God. The body is held in bondage, but the soul grows more free. One is in full enjoyment of the use of one's limbs. The body is looked after by those who hold it in bondage. Thus, from every point of view, one is free. One might, perhaps, be in difficulties, be manhandled by a wicked warder, but then one learns to be patient. One feels glad to have an opportunity of dissuading [him] from such behaviour. It is up to us to adopt such an attitude and think of gaol as a holy and happy place and to make it such. In short, happiness and

misery are states of the mind.

I hope that the reader, after reading this account of my second experience [in gaol], will resolve in his mind that his only happiness will be in going to gaol for the sake of the motherland or his religion, in submitting himself to the suffering involved in it, or bearing hardships in other ways.

(Concluded)

[From Gujarati]

*Indian Opinion*, 30-1-1909

### 177. THE TRANSVAAL STRUGGLE

The Transvaal campaign is now in full swing. The Chairman of the [British Indian] Association is in gaol. Almost all the leaders of the Madras community are installed there. Thus, Thoreau's statement that in a tyrannical state those who do not wish to submit to its tyranny have their place in gaol is proved true.

This time, the sentences of imprisonment are not just for a week or two.<sup>1</sup> Our Johannesburg correspondent reports that the other leaders will be arrested shortly. We think all this is as it should be. If we had gained our object by a mere pretence of suffering, by being in gaol for a few days, we would not have been able to retain what we had gained, or derive any benefit therefrom. As a rule, we can hold on to anything in the world by the same means by which we gain it. The commonest illustration of this is that of territories acquired by force, which can be retained only by force. Following this logic, some arrogant, power-drunk and thoughtless Englishmen believe that India, which was conquered with the power of the sword, can be held only with the same power. This is an obvious fallacy. We have mentioned it here only as an illustration of the general rule referred to above. We shall therefore say no more than this about it, that they conquered India—not with the power of the sword, but by employing the strength of our own people [against themselves], thanks to the disunity prevailing among them. Therefore, according to the rule mentioned above, India can be retained only by perpetuating that disunity and employing the strength of our people [against themselves]. And

<sup>1</sup> Gandhiji himself was sentenced to three months on February 25.

taking this line of argument a step further, we see that if Hindus and Muslims in India were to unite and refuse to hold down their own people, the country would not remain dependent. India could, even then, remain under the British flag. But that would be on a different basis and with the freely-given consent of the people. People's consent is there even today. But it is, as it were, forcibly obtained. We shall stop here with the story of India. We only want to draw from it the lesson to be applied to the Transvaal situation.

We see, then, that it is with those very means which we employ to force the Government to yield our demands that we can avail ourselves of those demands when conceded. If so, it follows as a matter of course that satyagraha should be employed with full regard for truth. Satyagraha must not be satyagraha only in name. This way of thinking will enable us to bring all our strength into play. That will be of benefit to us. At this moment, if we display real strength instead of being theatrical, that strength will stand us in good stead in future.

The campaign has now reached a stage when everything depends on the businessmen. That is as it should be. It is they whose interests are most heavily involved. They enjoy a higher status [than others]. Therefore it is they who especially feel the disgrace of the Act. Hence, the businessmen must be very careful now as to what they do. Our correspondent reports of numerous businessmen having yielded. Even these, if they have any iota of decency left in them, can join the movement. They can take to hawking in order to court imprisonment. If they mean it, the Government cannot but send them to gaol. Men like Mr. Cachalia and Mr. Aswat are rare in this world. If the Hindu businessmen display even half as much strength, they can serve the movement. Whether they do so or not, those who are already in gaol and those who aspire to be installed in the gaol-palace have a clear duty before them. They must go to gaol again and again till redress is ensured. Let them not mind if their goods are auctioned. If they have staked their lives for the cause, everything else must be accepted as a matter of course. We wish that God should show the right path to Indians. Would it not be a great misfortune for us if, after the publication in England of the letter<sup>1</sup> addressed by Mr. Hosken and other whites, the Indians were to give way to fear and admit defeat? In fact, that would be the utmost limit of disgrace for us. We are

<sup>1</sup> Addressed to *The Times*, London, January 6, 1909. *Vide* Appendix XI.

confident that Indians, who have held out for two years, will certainly not bring on such disgrace upon themselves.

[From Gujarati]

*Indian Opinion*, 6-2-1909

### *178. MORE SACRIFICE BY CACHALIA*

We saw that Mr. Cachalia accepted honourable insolvency for the sake of the community.<sup>1</sup> He is now serving a term of three months' imprisonment with hard labour in Johannesburg gaol. From among businessmen, Mr. Amod Moosaji and Mr. Maimy have joined him. The entire Indian community, the Muslims especially, should be proud of what Mr. Cachalia had done. There is nothing more he can do. He has gone to gaol a second time, and that, too, with a smiling face. The community in which there exist such persons will never give way. Even a few such men can save the community from ruin.

We hope hundreds of Indians will emulate the glorious example of Mr. Cachalia. The greater the number of such Indians who undergo hardships, the more onerous becomes the responsibility of the community. Every Indian should bear this fact in mind. Should the other Indians give in, while Mr. Cachalia and his associates are in gaol, it is not Mr. Cachalia who will lose his good name. It is the community that will be disgraced.

The Tamils have surpassed all expectations. All their leaders are now in gaol. Now-a-days, imprisonment is not merely for a week, but for three months, and it is not simple, but rigorous. Unbounded is the courage of those Indians who have gone to gaol, undeterred by such sentences. To secure their release before the term of their imprisonment expires is in the hands of the Indians outside. How that can be done is very well shown in our Johannesburg Letter.

[From Gujarati]

*Indian Opinion*, 6-2-1909

<sup>1</sup> *Vide* "Cachalia's self-sacrifice", 30-1-1909

### *179. CONVENTION*

The report of the Convention which met to evolve a single Government for South Africa has been published. It is divided into 10 parts, and contains 153 sections. The report will be presented to all the four Parliaments in South Africa on March 30. If it is approved, the Convention will meet again in May at Bloemfontein and present its final report in June. It will be approved by the Parliaments. Delegates will then take the report to England and the new Parliament of South Africa will meet within a year thereafter. To some extent, the whites can be proud of all this. We congratulate them on having displayed a unity of purpose and sacrificed their individual interests. It should not be surprising that men who are capable of acting in this manner should succeed in their aims; whether or not, as a result of their action, others stand to suffer is a different question. In so far as the Convention itself is concerned, it has proved that men who unite for concerted action, for an unworthy or evil object, will always achieve some measure of success.

The Convention will lead to the establishment of a single Parliament and a single High Court for South Africa. Subordinate to the Parliament, there will be a council for each of the present Colonies for its internal affairs. The council will have power to enact ordinary laws. There will be uniform customs and a single railway. Pretoria will be the permanent capital, but one session of Parliament will be held in Cape Town. The new High Court will be located at Bloemfontein. There will be one Governor-General for South Africa. Parliament will have two Houses, the Senate and the Assembly. There will be 40 members in the Senate, of which eight will be nominated by the Government. The rest will be elected by the several provinces. The Assembly will have 121 members, 51 from the Cape, 17 from Natal, 36 from the Transvaal, and 17 from the Orange Free State.

The proposed Union has dangerous implications for Indians and other Coloured races. They will be left with no voting rights anywhere, and care has been taken to provide in the report that they should be deprived of whatever little measure of such rights they enjoy in the Cape. But franchise is a mere trifle. Where we are not allowed even standing room, voting rights can be of little avail. In a place where some are slaves and others masters of slaves, they may



have the same voting rights for the purpose of appointing supervisors over them both, the slave's vote will be of no use to him. Before the right can be of profit, the slave must be made free and educated to value his freedom. Otherwise, voting rights will hardly be worth the name. In this land, we are in a state of slavery. We have not even been educated to understand the meaning of freedom. We must have both at the same time. It is not likely that those who are our masters will break our bonds. Therefore, we have to educate ourselves and win freedom for ourselves by our own efforts. Till that is done, the franchise, in our opinion, will have no value. Let us therefore come to the other kinds of shackles [being forged for us] by the Convention.

The existing laws of the several provinces will remain intact, that is, whatever laws against us exist in the Orange River Colony, the Transvaal and elsewhere will remain unchanged. We shall be allowed no right of movement from one province to another; moreover, the new Parliament will be empowered to enact fresh legislation. The result will be that the harshest laws that exist in any of the Colonies or provinces will be taken as models elsewhere.

It is evident from the report of the Convention that it has not solved the Indian question in the Transvaal. And should the Indians remain inactive, they would be reduced to a miserable condition all over South Africa. Any Indian who would rather not live as a slave in South Africa must understand this and, if he belongs to the Transvaal, must join the fight, staking his head on it; if he is from outside the Transvaal, he must extend all possible support and encouragement to the Transvaal Indians.

[From Gujarati]

*Indian Opinion*, 13-2-1909

### 180. TO THE FALLEN

Potchefstroom and Klerksdorp have fallen. It appears that Indians in other towns have also given in. Potchefstroom has even sent a report to newspapers to the effect that since that town, which has been so firm, has fallen, other towns are bound to follow suit and that [consequently] there will be no more of satyagraha.

To those who have fallen, we want to give some idea of the duty that they owe. They know of course that the movement is worth carrying on. They gave in because they could not bear the sacrifices it

involved. Those who have fallen in this way must not think of bringing down others. They can even inform the Government that they have surrendered owing to their weakness, that they wish success to those who are standing firm and that they will do everything they can to strengthen these. This much they can certainly do. If they do not, it will be assumed that they did not give in out of weakness, but that they deliberately turned enemies of the motherland. They can give statements in newspapers to say that, though they have themselves fallen, they do not want that others should do the same.

If they do not act in this manner, the campaign will certainly not be wound up for that reason. It will continue. But it will be prolonged if they range themselves on the opposite side. If they admit their weakness in having surrendered, to that extent they will have helped the cause. The campaign will be the shorter for that.

Moreover, even those who have fallen can go to gaol, if they choose. When, in Italy, the people had the spirit of patriotism flowing in every vein of theirs, those who did not join the fighting would not obstruct it but, admitting their weakness, remained aloof and even helped in many other ways. The Indians who have surrendered can do likewise. They ought to heed these suggestions. They ought to have thought of Mr. Dawad Mahomed and others and remained firm. Since they have not done so, they can at any rate act as suggested above and so refrain from adding to the sufferings of these men.

[From Gujarati]

*Indian Opinion*, 13-2-1909

### 181 RANDERI APPEAL

We have lost Mr. Randeri's appeal.<sup>1</sup> This was not unexpected. It was evident from the attitude of the judges in Mr. Naidoo's case that this appeal, too, would be rejected. Both these appeals are a sort of hint to the satyagrahis that they must appeal to God alone. The courts of this world cannot help them. How can they? The courts of a blind king must also be blind. This does not mean that the officers of the court—the judges—were blind. But there can be no other result when the officers administer an unjust law. Therefore, a satyagrahi's appeal lies to his own strength, to his faith in God and his God-given strength. These will never fail him.

<sup>1</sup> For the first hearing of the case, *vide* "Johannesburg Letter", 31-8-1908

Some Indians appear to have lost heart altogether because of [the outcome of] this appeal. They seem to have received a rude shock. These Indians should be taken to be cowards. "Ah misery! Nothing but deportation is left!" But what does "deportation" mean? When deported, one is to return. If one must choose between imprisonment and deportation, deportation is better in some ways, for a man who is deported can continue to fight. The rejection of the appeal does not mean that we have lost our rights. Rights will be lost only when we forgo [them]. Those who have made the Transvaal their home will not allow themselves to be driven out by the Government. They may leave of their own accord. We must therefore advise everyone to think no more about the Randieri appeal.

[From Gujarati]

*Indian Opinion*, 13-2-1909

### 182. DUNCAN'S VIEWS

Mr. Patrick Duncan was Colonial Secretary in the Transvaal before it received self-government. Recently, he took a leading part in the Convention. *State* is an important monthly journal in South Africa. Only very prominent persons write for it. It is patronized by white millionaires.

To this monthly, Mr. Duncan has contributed an article on the Asiatic question that is of serious import and worth reading. The author, moreover, is a man of such vast influence that he can [if he chooses] get the Indian demands accepted.

Those who know English may read this article in that language. We do not have space enough to give a translation, nor is it necessary to do so. Much of it is past history, which is quite familiar to all Indians.

What is remarkable in the article is that it concedes that our demand is reasonable. It also shows conclusively that Mr. Smuts had entertained the thought of repealing the Act. It points out, further, that the Government felt heavily the pressure of satyagraha. In brief, the article offers conclusive proof that the Government cannot but yield to that pressure. All this is important. But the most important point is that the article shows why the Government has not yielded so far. Well, Mr. Duncan asserts categorically that the problem of [the immigration of] educated Indians is a serious one. Whether they should be given in

law the same freedom of immigration as the whites is the main issue. How can it be allowed? Mr. Duncan argues that if South Africa is to be settled by a predominantly white population, such freedom cannot be allowed. He says, moreover, that the problem is not limited to the Transvaal, but concerns the whole of South Africa. This realization led the Imperial Government to sanction the Immigration Law. It is the same realization which has led all the whites to resist [the Indian demand], and which accounts for the continuation of the [Indian] campaign. If the Transvaal Indians withdraw their campaign, there will be identical legislation in the Cape, Natal and Rhodesia. If the Transvaal Indians continue the struggle, it will not be possible to enact such a law for the whole of South Africa. Mr. Duncan has discussed these ideas at great length. One may infer from this that the solution of the Indian question will be found only after the Convention has concluded its labours.

However, before that stage is reached, we already hear people saying that the satyagraha has collapsed. If there is to be no more of satyagraha, why bother about the Convention? We are, of course, not bothered about the Convention, but satyagraha will not on that account be abandoned. All the Indians who fought for two years got a taste of this way of fighting. They realized something of its beauty. It is possible that they may give up fighting now. But even if a majority of Indians give up the fight, that will not mean the end of the movement. It will go on so long as there is one single person to carry it on. It is, however, our duty to commend this article of Mr. Duncan's to the attention of those who have not yielded so far, and they, on their part, must note Mr. Duncan's words and carry on the fight.

[From Gujarati]

*Indian Opinion*, 13-2-1909

### *183. DAWAD MAHOMED'S PATRIOTIC SERVICES*

Mr. Dawad Mahomed, though nearing old age, has been rendering wonderful services to the community. They deport him, but he is not deterred. Imprisonment holds no terrors for him. "No matter at what point on the border the Government sets me free, [ I shall go where I like, even as cattle do]". He has smilingly repeated this remark to a number of men. Serving repeated terms of imprisonment and indifference to wealth are no longer rare among

Indians in South Africa. We have already written about the invaluable services of Sorabji, who opened the second stage of the stayagraha. He goes on doing his duty silently, whether inside the goal or outside it. But this time it is of Mr. Dawad Mahomed's services especially that we wish to write. A man's work may be appreciated in two ways. First, with reference to its intrinsic worth, and second, with reference to the results, that is, by an assessment of its likely effects on other men in future. From this second point of view, no one can equal the services of Mr. Dawad Mahomed. It is not merely that he is the President of the Natal Indian Congress. He is a resident of South Africa of long standing. There must be very few Indians in South Africa who are his equals in resourcefulness. He is so intelligent that, had he known English, he would be occupying a big position today. He has a remarkable power of raillery with which he can chaff a great many people with effortless ease. He has had a long experience. He has been free with his money in helping people. He has done good turns to a number of men, either by putting in a good word for them or by offering them monetary help. He is a staunch Muslim, and exerts a powerful influence on the Surati community. For these reasons, his activities have proved to be of immense value from the point of view of their effect. We do not believe that any Indian in South Africa can be content to leave Mr. Dawad Mahomed in gaol. His continued imprisonment has made it the duty of the Indian community to intensify the campaign. The reader will now see why it is that Mr. Dawad Mahomed's part [in the movement] should be considered so very important, and we hope that every reader will be of this view and do his best to help the struggle. If this is done, we believe that Mr. Dawad Mahomed and his associates will not have to complete the full term of six months' imprisonment. Even if they have to, and be imprisoned again thereafter, what will it matter? They will earn thereby all the more enduring fame, and we who remain outside shall have an evil name. What Indian is there who wants to avoid imprisonment at the price of inviting disgrace upon himself?

[From Gujarati]

*Indian Opinion*, 13-2-1909

#### 184. RHODESIA VICTORY

We give in this issue a report to the effect that the Asiatic law which had been passed in Rhodesia, Similar to the Transvaal measure, has been disallowed. This is not a small thing. We must remind readers that the petition which was submitted against the Bill had referred to the resolution of the Indians not to submit to it if it was approved. Everyone will be able to see that the Transvaal fight is the main reason for the disapproval of the Bill. The Imperial Government is forced by the newly-acquired strength of Indians to act very cautiously. We hope the Indians will not readily allow this strength to vanish.

[From Gujarati]

*Indian Opinion*, 13-2-1909

#### 185. DUTY OF INDIANS OUTSIDE THE TRANSVAAL

It appears that the Transvaal struggle will be prolonged and also that there will be very few Indians now to take part in it. It has become doubly obligatory upon the Indians outside the Transvaal to help them. They can do so by holding meetings and passing resolutions. This will serve two purposes. One, those who have not given in yet will feel encouraged, and those who have may join the battle again. Two, the rulers will realize from such meetings and the resolutions passes there that the Indians are united in continuing the fight. Besides passing resolutions, it is necessary to collect funds. How much money will be needed in the Transvaal cannot be judged. But it has become imperative to remit some money to Mr. Ritch in England. We don't here enter into the question whether the Committee should continue to be maintained or not, but at least six months will elapse before the Committee is wound up. There is no option but to maintain the Committee till then. The Transvaal sent money to Mr. Ritch only recently. It will be therefore difficult to spare more funds [just now] from the Transvaal. Hence it is the duty of Indians in the other Colonies to shoulder this burden. Our eyes turn especially to Natal. It has played its part till now in maintaining the Committee and so we hope that it will do its duty this time as well.

[From Gujarati]

*Indian Opinion*, 13-2-1909

## 186. THE STRUGGLE

Readers of this journal will see from our columns this week that the Government have now begun to single out those passive resisters who have proved themselves strong, staunch and true. In this we think the Government deserve congratulations from all parties. At the rate the Government are going on, we should soon have most, if not all, of the passive resisters in gaol. We should find out the true from the false, and the Government will have provided a demonstration for themselves and also for the Colony that real passive resisters are not concerned with an Asiatic influx into the Colony. They are not concerned with bolstering up fraud. All they care for and all they are fighting for is the good name of the community to which they belong, and if it suits the Government to keep such men in gaol for the term of their physical lives, it will suit passive resisters also admirably. The honour of the community will be safe in their keeping, even though they may be in gaol. They will have kept their sacred oath. They will have lived up to the religion they professed. More cannot be expected of man. The Government may then, if they choose, pat themselves on the back for having put passive resisters out of harm's way, but the world will have then seen the righteousness of the struggle in a manner it could not have done otherwise.

There is no such word as defeat in the dictionary of passive resisters, for the simple reason that, in passive resistance, there is no trial of brute strength in which one must necessarily yield.

*Indian Opinion*, 20-2-1909

## 187. THE CONSTITUTION

The more the Draft Act of Union is examined, the less it appeals to us. It seems to be a document redolent of race-prejudice, reaction and weak compromise. The more we read it, the more it seems lacking in principle. An enormous effort was evidently made to deprive the Coloured voters at the Cape of their franchise rights, and even under the Constitution as it stands today, there is the chance, though it may be a remote one, that they will, in fact, be deprived of their electoral privileges. We understand that Section 35 has met with the approval in advance of the Imperial Government. That in no way surprises us,

after the lesson of the Transvaal. The Natal Coloured voter for the future is actually disfranchised. His future privileges are specifically taken away by the Draft Act of Union, and he is left in the lurch. Then, again, although the Cape will get an increase in representation in the course of time, such an increase will be based only upon an increase in the European population. The Coloured population is again ignored, and this increase of membership for the Cape will, in due course, be balanced by an increase of membership for the other Colonies on a similar basis, so that the Cape's advantage will have disappeared. Mr. Lyttelton knew well what he was talking about, when, in commenting upon the Constitution, he urged that, in the consideration of it, the position of British Indians in the Transvaal should be regarded with care and sympathy. That seems to apply all round. Frankly, we would rather see Closer Union, however admirable in itself it may be, postponed indefinitely, than that it should be accomplished at such a cost to the Empire. It will be worse than building upon sand.

*Indian Opinion*, 20-2-1909

### 188. PARSEE BRAVERY

We have mentioned the Tamils' bravery. Besides Mr. Chettiar, a number of Tamils are at present in gaol, so that they have certainly not allowed the light of the community to be dimmed. Mr. Pillay, Chairman [of the Committee] at Pretoria, has also been sentenced to six months' imprisonment. Like the Tamils, the Parsees, too, have shown themselves to be brave. It is one of the supreme wonders of God that, though the Parsee community does not number more than a hundred thousand in the whole world, it has made a name for itself everywhere by virtue of its many illustrious qualities. It can be said that it is this community which holds power in India. Bombay is the real capital of India, [and] it owes its prosperity mainly to the Parsees. Examples of their charity are to be found everywhere. They lead in the political field and India has had so far only one "Grand Old Man", Dadabhai. It could not be that members of such a community should behave differently in South Africa. We can say about the Parsees, as about the Tamils, that they have been fighting to a man. They are very few in South Africa, but, as we look round, we do not find a single Parsee who has complied with the Government's senseless law. Out of the five to seven Parsees in Natal, as many as



three are installed in gaol in the Transvaal. Mr. Nadirshah Cama sacrificed his job and has now been arrested; we hope he will shortly be imprisoned. His brother, Mr. Ardeshir Cama, has also been arrested. Elsewhere, Mr. Mulla Bupu Feroze has also been arrested. The other Indians ought to take a lesson from this. We congratulate members of the Parsee community. Their prestige is the prestige of all Indians, for they too are Indians. Other Indians, Muslims and Gujarati Hindus should hang their heads in shame before the Tamils and the Parsees. When we have the example of these two communities in our midst, why should we cite examples from others in order to whip up the Indians' courage? The Tamils and the Parsees have achieved a great victory for themselves, and though, at the end of the struggle, the entire Indian community will benefit by it, the credit will be theirs alone. They will be the rulers. They alone will deserve that position. The rest of us will be looked upon as subjects.

[From Gujarati]

*Indian Opinion*, 20-2-1909

### 189. WILL INDIANS YIELD?

Picking up some newspapers just now, we read how 500 men, who had gone to see a play in Mexico, were burnt to death in a fire in the theatre, and how 200 miners were buried [in a mine] in Durham in Britain owing to an explosion. It is only a few days ago that we read about the death of a large number of men when heavy rains caused the flooding of some mines near Johannesburg.

Though we receive such mysterious warnings from time to time, we turn back from the tasks that we may have resolved on. We fail to accomplish them either through fear of pecuniary loss, danger to our lives or other similar misfortunes. Day and night we are busy guarding out bodies from harm, though we cannot take their safety for granted even for an hour. For reasons such as these, the Transvaal Indians are turning back just when the ship is about to gain the shore; such behaviour brings no credit to Indians, is indeed unworthy of them. The greatest charge against us is that we lack the spirit of manliness, that we make a big effort for a while, but soon set tired of it, and that we do not put all our heart into anything that we do. It is one of the objects of the Trans-vaal movement that this charge should be disproved. From it is very nature, the movement will test most of the virtues of Indians or expose their faults. Naturally, therefore, a

number of things are involved in it.

Indians ought to realize that in this campaign no one is to wait for a lead from others [or] to point to others in justification of one's own lapses. Everyone must put his own courage to the test. We must remember that the people whom we are fighting have themselves passed through many sufferings. Only 300 year ago, they had heroes who preferred being burnt alive to betraying their principles. There was a white man of holy character, John Bunyan<sup>1</sup> by name, whom the whites adore today, but who in his life-time suffered much, having had to serve a harsh term of twelve year's imprisonment. In those days, gaols were veritable dungeons. It was only for his principles that John Bunyan suffered. In his time, men were put into prison if they did not attend a particular church. John Bunyan would not attend under compulsion even the most hallowed church. And for this he suffered imprisonment. He was as happy in gaol as if it were a palace. While there, he wrote a book which hundreds of thousands of whites read with great devotion. It is believed that there are very few books like it in other languages. This John Bunyan did not concern himself with what others did. All that mattered to him was his own principles; these he refused to betray, preferring to remain in gaol. He won, nevertheless. Even today, those who threw him into prison are despised by the world. Moreover, the imprisonment of a man like John Bunyan won freedom for his people. It is with the fellow-countrymen of such a man that we have to deal. We take that to be our good fortune. We cannot learn respect for a principle from a man who has much less of it than we have. In the company of a jackal, one can learn to be a jackal and nothing better, but in a lion's company one must learn to roar like a lion or face annihilation. We find ourselves thrown among such lion-like whites, who are extremely oppressive in their dealings with us. If we look at the matter in the right perspective, we shall succeed in holding our own against them, shall save ourselves from being reduced to slavery and live in freedom as their equals in the Transvaal. We have ventured through this campaign to claim equality with them, and success in the venture requires true knowledge and true education. True knowledge is not mere literacy, and true education, not mere reading of books. True knowledge and true education consist in knowing and understanding our true state, and in fashioning our lives and conduct in the light of that knowledge.

<sup>1</sup> *Vide* "Tyler, Hampden and Bunyan", 20-10-1906

It will be observed from our Johannesburg Letter that the Government has now started arresting men everywhere. It arrests everyone known to be strong. We congratulate those who are arrested. We pray to *Ishvar—Khuda* to keep up their courage till the end. Their daring will ensure a bright future for the Transvaal Indians, for the Indians of South Africa—in fact, for the whole of India. The fact that they are a small minority need not dishearten them. It is quite plain now that those who have not been arrested have yielded. We can generally assume that they have come to an understanding with the Government. It is true that there are several Indians, unyielding in their attitude, who have not been imprisoned. They will also find themselves arrested by and by. But a time is coming when almost all true satyagrahis will have been installed in gaol. It is therefore our emphatic advice to those who would strike with all their strength to come forward fearlessly and boldly [to court imprisonment]. Let them not be anxious as to who would attend to the work [outside] in their absence. God is present everywhere—behind, in front, to the right and the left, above and below. He is our only support. He will provide for everything. Why, then, depend upon the efforts of any human being? What can a human being do, after all? The brave Mr. Aswat will be in gaol in a few days. We hope that he will be followed by Chairman after Chairman, in a long line. We repeat once more that those Indians who have fallen can spring back again to their feet with a roar. All that they have to do to make themselves free is to tear off their licences, to make a bonfire of their certificates.

We have never known circumstances so favourable as in the Transvaal for giving a fight. How is it that Indians fail to notice this opportunity? If they have noticed it, it passes our understanding why they do not grasp it.

[From Gujarati]

*Indian Opinion*, 20-2-1909

### 190. NEW WINDS BLOW

The newspapers have reported that Dar-e-salam Indians propose to do what Natal Indians could have done. They want to boycott the German East Africa Line<sup>1</sup> since it does not book Indian passengers in

<sup>1</sup> Vide “Johannesburg Letter”, 26-10-1907 and “German East Africa Line”, 14-12-1907.

the first class and refuses to accept responsibility for loss of luggage, etc. There is a Reuter telegram to this effect from Berlin. Traders have decided not to book their goods on the steamers of this Line. They have gone to the length of saying that they will commission their own steamers if the Company's officers do not behave respectfully and conduct themselves properly. We thus find that the winds of self-respect and patriotism are blowing on every side. Everyone feels that Indians will sink into utter insignificance or be squeezed out of existence like fleas if, at this time when the nations of the world are competing with one another, they do not wake up and assert themselves.

[From Gujarati]

*Indian Opinion*, 20-2-1909

### 191. CABLE TO LORD AMPHILL

[Before *February 25, 1909*]<sup>1</sup>

LORD AMPHILL

LONDON

VEREENIGING	INDIANS	PUBLIC	MEETING	ASSOCIATED
THEMSELVES	ACTION	BRITISH	INDIAN	ASSOCIATION.
DETERMINED	PASSIVE	RESISTANCE	AND	CONGRATULATED
BRAVE	BROTHERS	AND	SISTERS	NOW
IMPRISONMENT	INDIA'S	HONOUR.	TRUST	UNION
WILL	GRANT	RELIEF	AND	ENGLAND
HELP .				AND
				INDIA
				WILL

ASWAT  
CHAIRMAN

From a photostat of the original: S.N. 5902

<sup>1</sup> E. M. Aswat was elected Chairman of the British Indian Association on February 1, 1909. The cable being in Gandhiji's hand must have been drafted before he was arrested on February 25, 1909.

## 192. TRIAL AT VOLKSRUST<sup>1</sup>

VOLKSRUST,

*Thursday [February 25, 1909]*

Today Messrs M. K. Gandhi, Somabhai Patel and six others were sentenced under the Regulations for refusing to produce certificates of registration and to give finger-prints or other means of identification, to a fine of fifty pounds or to undergo imprisonment for three months with hard labour. All went to gaol.

Addressing the Court, Mr. Gandhi said:

It is my misfortune that I have to appear before the Court for the same offence the second time.<sup>2</sup> I am quite aware that my offence is deliberate and wilful. I have honestly desired to examine my conduct in the light of past experience and I maintain the conclusion that, no matter what my countrymen do or think, as a citizen of the State and as a man who respects conscience above everything, I must continue to incur the penalties so long as justice, as I conceive it, has not been rendered by the State to a portion of its citizens. I consider myself the greatest offender in the Asiatic struggle, if the conduct that I am pursuing is held to be reprehensible. I, therefore, regret that I am being tried under a clause which does not enable me to ask for a penalty which some of my fellow objectors received, but I ask you to impose on me the highest penalty. I desire to thank the Court and the Public Prosecutor for the courtesy extended to me in granting so long a delay on account of my wife's illness.

The Magistrate, in passing sentence, said: As I stated before, it is a matter of opinion. You have your opinion. I can only act in accordance with the law. As you do not ask for different treatment, I shall treat you as I have treated others in the same position.

*Indian Opinion, 27-2-1909*

<sup>1</sup> The report of the trial was published as "From Our Own Correspondent" with the caption: "Mr. Gandhi Goes to Gaol—Three Months Hard Labour for Refusing to Degrade His Honour and Conscience."

<sup>2</sup> For the first trial at Volksrust, *vide* 14-10-1908.

### 193. MESSAGE TO INDIANS IN SOUTH AFRICA<sup>1</sup>

[JOHANNESBURG,  
February 25, 1909]

I am happy that I am going to gaol again. The only regret is that I received only three months' imprisonment, whereas other satyagrahi patriots have received six months.

As I go to gaol, I see that many Indians have given in. It is left only to a few Indians to continue the campaign now. I am undeterred by this fact. In some ways, it can be more vigorous now.

Those who have fallen can rise again. They can [still] go to gaol. I hope they will rise.

Even if they cannot, they can offer monetary help, and send statements to newspapers to say that, though they have surrendered, they are in favour of the fight and wish it success.

Men of education outside the Transvaal can enter and be installed in gaol. If they do not do this, they can serve as volunteers at meetings wherever they are. It is the duty of all Indians in South Africa to hold meetings, pass resolutions and send telegrams.

This is a fight on behalf of religion, that is, on behalf of the [universal] religion which underlies all religions. Had I not believed so, I would never have advised the community to invite grievous suffering on itself, I believe that sacrificing one's all in a struggle like this should in no way be difficult. It is the duty of every Indian to forget all thought of relatives and friends, to sacrifice wealth and life, in this struggle. I pray to God, and beg of Indians that all of them fulfil this duty.

It lies in our own hands to shorten the campaign.

M. K. GANDHI

COMMUNITY'S SERVANT & SATYAGRAHI

[From Gujarati]

*Indian Opinion*, 6-3-1909

<sup>1</sup> This appears to have been written on February 25, when Gandhiji went to gaol. *Vide* also the following item.

194. MESSAGE TO TAMIL BRETHREN<sup>1</sup>

[VOLKSRUST,  
February 25, 1909]

TO MY TAMIL BRETHREN

BEFORE GOING TO GAOL FOR THE THIRD TIME  
IN OUR STRUGGLE

I have addressed a letter in Gujarati<sup>2</sup> to our countrymen, but, as I do not know the beautiful Tamil language sufficiently, I write to you in English, hoping that I may reach some of you. The struggle has not reached the most critical stage. Whilst the majority of the other sections of the community have fallen, being too weak, the majority of the Tamils and the Parsis have stood firm. The brunt of the battle must, therefore, fall upon their shoulders. I pray to God that He may give you sufficient strength to bear it. You have discharged yourselves brilliantly hitherto. Remember that we are descendants of Prahlad<sup>3</sup> and Sudhanva, both passive resisters of the purest type. They disregarded the dictates even of their parents, when they were asked to deny God. They suffered extreme torture rather than inflict suffering on their persecutors. We in the Transvaal are being called upon to deny God, in that we are required to deny our manhood, go back upon our oath, and accept an insult to our nation. Shall we in the present crisis do less than our forefathers?

M. K. GANDHI

*Indian, Opinion*, 6-3-1909

<sup>1</sup> *Indian Opinion*, 6-3-1909, published this message under the caption: "Message to the Madrassis: Mr. Gandhi's Last Exhortation". *The African Chronicle* translated this into Tamil and published it as a supplement for free circulation through the British Indian Association, Transvaal

<sup>2</sup> *Vide* the preceding item.

<sup>3</sup> A child-saint, who resisted his father, King Hiranyakashipu, and affirmed his faith in God despite persecution.

## 195. LETTER TO CHANCHALBEHN GANDHI

VOLKSRUST PRISON,  
TRANSVAAAL,  
*February 26, 1909*

CHI. CHANCHAL,

I am sorry not to have any letter from you. I see that Ba is getting better. Please read good writings and poems to her. Always write to me after consulting her and let the letters be signed by both Manilal and you. You may ask Ba what she has to say and let me know that also.

Let me know about your own health as well as the condition of your right ear, feet and cough.

The change that I made in your diet is to be adhered to as an order from me. Take sago and milk regularly. Feed Rami at the breast for a few days more. Take sufficient food after feeding her also. Your health will not improve so long as you do not get open air. I need not write more.

Ask Willie<sup>1</sup> not to do any mischief at all. If Ramdas has a sore throat, apply an earth bandage.

*Blessings from*  
MOHANDAS

[PS.]

Harilal and I are quite well. Be sure that we are happier here than you.

Please read out this letter to Ba.

From a photostat of the Gujarati original in Gandhiji's hand: S.N. 9525

## 196. M. A. EXAMINATION

Much is at stake in the Transvaal struggle, and therefore we have been writing on it frequently and at some length. That seems to be the only right thing to do. We submit to all Indians that the community will not chance upon such a struggle again. It is no small matter that the fight has reached the present stage.

<sup>1</sup> Cordes's son



But some Indians have been asking: “Hundreds have yielded. What is the point in continuing the fight?” We think this betrays lack of understanding. If some Indians have yielded, the same thing has been true of other armies. There is nothing unusual in that.

The fight in which we are engaged at present is a kind of examination which we are to take. We have been studying [as it were]. Everyone came forward to study. Thousands went through the first grade. Some got tired of their studies when they came to the second grade. They left off. In this manner, we reached the seventh grade.<sup>1</sup> Things became rather difficult. A large number gave up. Even so, a considerable number reached the matriculation stage. But only a few had the courage to venture beyond that, though the number was not very low.

And now we are on the last stage. We are to qualify ourselves for the M. A. degree. That surely cannot be done by people in their hundreds. Only a few will succeed. Can it be said that those who appear at this examination are defeated because the rest did not offer themselves for it? No; it cannot. Those who take the M.A. degree will certainly have emerged victorious; not only that, but those who lagged behind will also share in the glory.

Thus, we liken the satyagrahis who still remain staunch to candidates for the M.A. degree. They should not in the least feel disheartened; rather, they should be proud that they have remained steadfast so long. There can be only a few highly educated men in any community. But, though small in number, they are of the greatest help. That is the situation in the Transvaal. Maybe there are only a few Indians still who are left fighting; but the highest value should be attached to the part they are playing.

[From Gujarati]

*Indian Opinion*, 27-2-1909

<sup>1</sup> The last stage of the High School course.

### 197. HELP FROM NATAL

We congratulate the [Natal Indian] Congress on having held a meeting in support of the Transvaal campaign. In our view, the meeting was rather thinly attended, not much enthusiasm having been in evidence, and it had not been called as expeditiously as it should have been, so that we rest content with the mere fact of the meeting having been held, on the principle that something is better than nothing.<sup>1</sup> All the same, the Natal leaders will be blamed for their lapse to the extent that they were found wanting.

We believe that they ought not to rest content merely with a meeting. The Government will arrest as many persons as it wants to, and then watch the fun. But Indians outside the Transvaal cannot afford to sit back. They must send frequent cable reports to India, revive the spirit of those in the Transvaal who have fallen and by such means focus public attention on the struggle all over the world. If that is done, the gods of heaven will descend to watch the battle that will ensue. If not, Indians will be ridiculed and lose their foothold in South Africa in the near future.

We spoke of a Natal meeting. Really speaking, it was only a Durban meeting. What has happened to Maritzburg and the other towns in Natal? Why should they not hold meetings? The main Line dispute has not yet been resolved. People are preoccupied with questions of prestige and dignity while their brethren are in gaol. This is not dignified behaviour. The Main Line dispute ought to be resolved. Even if it is not, work can be carried on in the other main towns of Natal.

What is Natal's duty is also the duty of the Cape, Delagoa Bay and other places. Cablegrams should be dispatched to England from all these places. Money too will be needed for such an agitation; for this regular provision should be made. If every Indian does his duty and performs the community's tasks in the same spirit that he does his own, it will not be surprising to see India being forged into a nation in South Africa.

[From Gujarati]

*Indian Opinion*, 27-2-1909

<sup>1</sup> The Gujarati saying used here literally means, "A squint-eyed uncle is better than no uncle."

198. LETTER TO A. H. WEST

PRETORIA PRISON,  
TRANSCAAL,  
March 4, 1909

MY DEAR WEST,

I am still left-handed. The right hand I can use only with difficulty.

The authorities will not grant permission for me to write to Mrs. Gandhi in Gujarati. I am sorry for her and Harilal's wife. I do not know whether wife would like me to write in English. I know that I can write nothing new. She wants to read my own writing. I feel that it is more dignified not to take advantage of a privilege grudgingly given. You may write to me, or Manilal may, in English how she progresses from day to day and also about Harilal's wife. If they wish to, they will let me have these letters and I shall know something about the health of the patient.

Please tell Mrs. G[andhi] that I am all right.<sup>1</sup> She knows that my happiness depends more upon my mental state than upon physical surroundings. Let her cherish this thought and not worry about me. For the sake of the children, she should help herself to get better. She should have the bandages regularly and add hip-baths if necessary. She should adhere to the diet that I used to give. She ought not to start [walking]<sup>2</sup> till she is quite restored.

Harilal's wife has all the directions. I shall be glad to learn that she follows them. She ought on no account to omit sago and milk in the morning. Let Manilal watch that she takes it. Rami should have the breast yet for a month. She can only be gradually weaned.

I am told that even if a letter in Gujarati were passed, it would take quite ten days before it could be transmitted.

With regards all round,

*Yours sincerely,*

M. K. GANDHI

<sup>1</sup> The original has "alright".

<sup>2</sup> Here the original is damaged.

[PS.]

Please get Manilal to translate this to wife.

I trust Mrs. West is getting on.

From the original in pencil in Gandhiji's hand: C.W. 4675 Courtesy:  
Sushilabehn Gandhi

### *199. DRAFT PETITION TO GAOL GOVERNOR<sup>1</sup>*

[PRETORIA,  
After March 11, 1909]

Your Petitioner is a British Indian, undergoing a sentence of three months' imprisonment with hard labour.

Your Petitioner received last week, as has been discovered, by mistake, one ounce of ghee every day with the rice that was issued to him for supper. Your Petitioner was admitted to this gaol on the 3rd instant.

Since last Sunday, the issue of ghee for supper as above has been stopped. Your Petitioner tried to take the rice without ghee on Sunday last but found it difficult.

Since Monday last, your Petitioner has had no supper at all, he having been obliged to return the rice issued to him.

Your Petitioner complained of the absence of ghee to the Chief Warder, who referred your Petitioner to the regulations and suggested that your Petitioner could see the Medical Officer if he so wished.

On the 11th instant, your Petitioner saw the Medical Officer who as a special concession was prepared to order a ration of bread for supper.

Your Petitioner, while appreciating the concession, has been unable to avail himself of it, not being desirous of receiving any special concession in regard to diet as apart from his Indian fellow-prisoners placed under similar circumstances.

Your Petitioner was shown the printed diet-scale which provides for one ounce of fat with rice as supper for Indian prisoners. The scale provides under Indian diet meat twice a week.

Your Petitioner has been informed that this scale has been changed and Indian prisoners now receive one [ounce] of rice without

<sup>1</sup> This was drawn up during Gandhiji's incarceration in Pretoria Gaol.

fat for supper and rice with one ounce of ghee in lieu of meat for dinner on meat-days.

Your Petitioner in common with the majority of Indians is prohibited by religion from taking meat or mutton fat or such other fat. Indian Mahomedans cannot take meat or fat not religiously killed. Indian Hindus with certain exceptions cannot at all take meat or fat.

In the humble opinion of your Petitioner, the change above referred to is a change for the worse. It is most difficult to take rice without some adjunct. Moreover, the scale is deficient in nutrition with only two ounces of ghee per week.

Your Petitioner has noticed that Natives receive one ounce of fat per day in addition to meat twice a week or at least once a week.

In the humble opinion of your Petitioner, reversion to the old scale with the substitution of ghee for fat and substitution of vegetables for meat on meat-days will meet the ends of justice.

If the above prayer is considered unreasonable, your Petitioner fears that he will suffer in health for want of sufficient nutrition.

Your Petitioner ventures to draw your attention to the fact that the change prayed for is in accordance with the scale at the Johannesburg gaol.

If the Governor is (not)<sup>1</sup> empowered in law to grant the petition, your Petitioner requests that the petition may be forwarded to the Director of Prisons for consideration.

And for this act, etc.

M. K. G.

From a typewritten copy Courtesy: H. S. L. Polak

<sup>1</sup> The brackets seem to have been retained in the original by mistake.

## 200. LETTER TO MANILAL GANDHI

NAME OF PRISONER: M. K. GANDHI

NUMBER (with Initial letter): 777

PRETORIA PRISON,  
TRANSVAAL,  
March 25, 1909

MY DEAR SON,

I have a right to write one letter per month and receive also one letter per month. It became a question with me as to whom I should write to. I thought of Mr. Ritch, Mr. Polak and you. I chose you, as you have been nearest my thoughts in all my reading.

As for myself I must not, I am not allowed to, say much. I am quite at peace and none need worry about me.

I hope mother is now quite well. I know several letters from you have been received but they have not been given to me. The Deputy Governor however was good enough to tell me that she was getting on well. Does she now walk about freely? I hope she and all of you would continue to take sago and milk in the morning.

And how is Chanchi<sup>1</sup>? Tell her I think of her everyday. I hope she has got rid of all the sores she had and that she and Rami are quite well. I was much struck by one passage in Nathuramji's<sup>2</sup> introduction to the *Upanishads*. He says that the *Brahmacharya* stage—i.e., the first stage—is like the last, i.e., the *Sanyasin* stage. This is true. Amusement only continues during the age of innocence, i.e., up to twelve years only. As soon as a boy reaches the age of discretion, he is taught to realise his responsibility. Every boy from such age onward should practise continence in thought and deed, truth likewise and the not taking of any life. This to him must not be an irksome learning and practice but it should be natural to him. It should be his enjoyment. I can recall to my mind several such boys in Rajkot. Let me tell you that when I was younger than you are, my keenest enjoyment was to nurse my father.<sup>3</sup> Of amusement after I was twelve, I had little or none. If you practise the three virtues<sup>4</sup>, if they become

<sup>1</sup> Chanchalbehn Gandhi

<sup>2</sup> Pandit Nathuram Sharma of Saurashtra, a man of religion and student of Hindu Philosophy; translated the *Upanishads* into Gujarati.

<sup>3</sup> Vide *An Autobiography*, Part I, Ch. IX.

<sup>4</sup> Truth, *Ahinsa* and *Brahmacharya*.

part of your life, so far as I am concerned, you will have completed your education—your training. Armed with them, believe me, you will earn your bread in any part of the world and you will have paved the way to acquire a true knowledge of the soul, yourself and God. This does not mean that you should not receive instruction in letters. That you should and you are doing. But it is a thing over which you need not fret yourself. You have plenty of time for it and after all you are to receive such instruction in order that your training may be of use to the others.

Remember please that henceforth our lot is poverty. The more I think of it, the more I feel that it is more blessed to be poor than to be rich. The uses of poverty are far sweeter than those of riches.

You have taken the sacred thread. I want you to live up to it. It appears that leaving one's bed before sunrise is almost indispensable for proper worship. Do therefore try to keep regular hours. I have thought much over it and read something also. I respectfully disagree with the Swamiji in his propaganda. I think that the adoption of the sacred thread by those who have for ages given it up is a mistake. As it is, we have too much of the false division between *shudras* and others. The sacred thread is therefore today rather a hindrance than a help. I should like to elaborate this view but I cannot for the present. I am aware that I am expressing these views before one who has made a lifelong study of the subject. Yet I thought that I would pass on to the Swamiji what I have been thinking over. I have studied the *Gayatri*<sup>1</sup>. I like the words. I have also studied the book the Swamiji gave me. I have derived much benefit from its perusal. It makes me more inquisitive about the life of Swami Dayanand<sup>2</sup>. I see that the meaning given by Swami Dayanand to the *Gayatri* and several *mantras* of the *Vajasaneya Upanishad* is totally different from that given by the orthodox school—now which meaning is correct? I do not know. I hesitate straightway to accept the revolutionary method of interpretation suggested by S. Dayanand. I would much like to learn all this through the Swamiji's lips. I hope he will not leave before I am out, but if he does leave, will he kindly leave all the literature he can or send it from India? I should also like to know what the orthodox school has said about S. Dayanand's teaching. Please thank the Swamiji for the handmade socks and gloves he has sent me. And get

<sup>1</sup> A Vedic *mantra*, the metre of which is known by the same name

<sup>2</sup> Swami Dayanand Saraswati (1824-1883); founder of Arya Samaj

his address in India. Show the whole of this letter to the Swamiji and let me know what he says.

I have not yet thanked Bhatt Keshavram for presenting me with the *Upanishad*. The book has been simply invaluable. It has given me much solace. Write to him thanking him on my behalf and tell him what I have said above.

How is the school progressing? Have any other boys come? How are Ebrahim<sup>1</sup> and Manikam<sup>2</sup>? If the building is being constructed, Chhaganbhai<sup>3</sup> should see to it that four tanks are put at the four corners. Mr. Ismail Gora should be approached regarding it.

How is Mr. Cordes? Tell him I have not forgotten the scene enacted at Mr. Kallenbach's the day I left for Volksrust. I often think of him, sit and say to myself, "After all, how egotistical we all are!"

Mrs. West by this time must be out of the woods. Let me know how she, Mrs. Pywell<sup>4</sup> and Devibehn<sup>5</sup> are keeping. I trust Mrs. Pywell continues to act the mother of the settlement.

Has Thakar<sup>6</sup> arrived? If he has, where is he housed? How is he? How is his wife?

I hope Kababhai's<sup>7</sup> son is quite all right<sup>8</sup> now and that Dhoribhai<sup>9</sup> and Nagar<sup>10</sup> are now fixed up.

Let Mr. Polak please keep his eye on the finances of the office. Dada Abdulla & Co. should be approached and asked to pay a portion of the debt they owe. Mr. McIntyre<sup>11</sup>, I hope, is looking after the business part of the office. What about Miss Schlesin's articles? I am entitled to receive one visitor during a month. Let Mr. Polak come. He has not yet sent the books I have asked for.

I received Purshotamdas'<sup>12</sup> letter. But I was not able to reply to it. He should have the verandah fenced. The other additions should, I

<sup>1</sup> Ward of Ismail Gora

<sup>2</sup> A Tamil student

<sup>3</sup> Chhaganlal Gandhi, a nephew of Gandhiji

<sup>4</sup> Mother-in-law of A. H West

<sup>5</sup> Miss West, sister of A. H West

<sup>6</sup> Harilal Valji Thakar, an inmate of Phoenix

<sup>7</sup> Compositors in the International Printing Press at Phoenix

<sup>8</sup> *ibid*

<sup>9</sup> *ibid*

<sup>10</sup> The original has "alright".

<sup>11</sup> An articled clerk with Gandhiji

<sup>12</sup> Purshottamdas Desai, in charge of Phoenix School



think, for the present, stay over unless they are absolutely required. I hope, tell him, he has well digested the conversation I had with him. He has raised in me great expectations to which he has to live up. How is poor Ani<sup>1</sup>? She must be loaded with work !

Please let me know how Messrs Sam, Behary, Muthu Rajcoomar, Ram and Mannering are getting on?<sup>2</sup> Remember me to them. I hope Mr. Mannering has not again got tired of the jungle life.

Remember me to Mr. West and ask him to recall the communion I had with him on the day of departure from Phoenix.

And now again, yourself. Do give ample work to gardening, actual digging, hoeing, etc. We have to live upon it in future. And you should be the expert gardener of the family. Keep your tools in their respective places and absolutely clean. I hope Ramdas and Devdas are keeping well, learning their lessons and not causing any worry. Has Ramdas got rid of his cough?

I trust you all treated Willie well while he was with us. Any balance of the foodstuff left by Mr. Cordes, I doubt not you have returned to him.

And now about yourself. How are you. Although I think that you are well able to bear all the burden I have placed on your shoulders and that you are doing it quite cheerfully, I have often felt that you required greater personal guidance that I have been able to give you. I know too that you have sometimes felt that your education was being neglected. Now I have read a great deal in the prison. I have been reading Emerson, Ruskin and Mazzini. I have also been reading the *Upanishads*. All confirm the view that education does not mean a knowledge of letters but it means character building, it means a knowledge of duty. Our own word literally means 'training'. If this be the true view and it is to my mind the only true view, you are receiving the best education—training—possible. What can be better than that you should have the opportunity of nursing mother and cheerfully bearing her ill temper, or than looking after Chanchi and anticipating her wants and behaving to her so as not to make her feel the want of Harilal or, again, than being guardian to Ramdas and Devdas? If you succeed in doing this well, you have received more than half your education. In your lessons you should give a great deal of attention to mathematics and Sanskrit. The latter is absolutely

<sup>1</sup> Purshottamdas Desai's wife

<sup>2</sup> The reference is to workers in the press.

necessary for you. Both these studies are difficult in after life. You will not neglect your music. You should make a selection of all the good passages, hymns and verses, whether in English, Gujarati or Hindi and write them out in your best hand in a book. The collection at the end of a year will be most valuable. All these things you can do easily if you are methodical, never get agitated and think you have too much to do and then worry over what to do first. This you will find out in practice if you are patient and take care of your minutes. I hope you are keeping an accurate account, as it should be kept, of every penny spent for the household.

Remind Anandlalbhai of his promise this time not to discontinue his studies. I am more anxious that he should give a proper training to Vijia<sup>1</sup>. Has he secured the garden?

Please tell Maganlalbhai that I would advise him to read Emerson's essays. They can be had for nine pence in Durban. There is a cheap reprint out. Those essays are worth studying. He should read them, mark the important passages and then finally copy them out in a notebook. The essays to my mind contain the teaching of Indian wisdom in a Western garb. It is refreshing to see our own sometimes thus differently fashioned. He should also try to read Tolstoy's *Kingdom of God Is within You*. It is a most logical book. The English of the translation is very simple. What is more, Tolstoy practises what he preaches.

I hope the evening service continues and that you and all attend the Sunday service at Mr. West's.

You should copy this letter. Get the others to assist you and send a copy of it to Mr. Polak and a copy to Mr. Kallenbach, another to Swamiji. You should read my letter carefully and give me a detailed reply. You should wait for a reply from Mr. Polak so that you may tell me what he has to say. As soon as you have read and understood my letter, you may commence writing your reply. It should be [in] ink and neat. Let it be as long as you want to make it. It should not contain any information about the struggle. Then there would be no difficulty about my getting it. You may take your time about the reply. This will be in your hands perhaps on Tuesday. I shall wait a week from that date. You may even take longer if you like. You should await Swamiji's and Mr. Kallenbach's letters also before

<sup>1</sup> Anandlal's daughter

closing your letter. You may tell me what they have to say. You may write a little from day to day. What you cannot express in English, you should get Purshotamdas to translate for you. If you do not understand any portion of this letter, you should get it translated to you.

Please send me a copy of Algebra. Any edition will do.

And now I close with love to all and kisses to Ramdas, Devdas and Rami.

*From*  
FATHER

MASTER MANILAL GANDHI  
C/O INDIAN OPINION  
PHOENIX  
NATAL

From a photostat of the original in Gandhiji's hand: C. W. 4676 Courtesy: Louis Fischer

### *201. CABLE TO S. A. B. I. COMMITTEE*

JOHANNESBURG<sup>1</sup>,  
*April 7, 1909*

TO  
SOUTH AFRICA BRITISH INDIAN COMMITTEE  
5 PUMP COURT, TEMPLE  
[LONDON]

URGENT LETTER RECEIVED HEIDELBERG PRISONERS STATING CONDITION STARVATION IMPROPER DIET FILTHY SURROUNDINGS UTTER INSANITATION NO WASHING BATHING FACILITIES NOR CHANGE CLOTHING. INDIAN PASSIVE RESISTERS TREATED WORSE KAFFIR CONVICTS. MANY HOSPITAL DYSENTERY FEVER HYSTERIA. GAOL AUTHORITIES BRUTAL. GOVERNMENT ENDEAVOURING BREAK DOWN MOVEMENT BY TORTURE.

M. K. GANDHI

Colonial office Records: 291/141

<sup>1</sup> Gandhiji was in Pretoria Gaol at the time. It may be that this was dispatched from Johannesburg under his instructions.

## 202. INDIANS AND ALCOHOL<sup>1</sup>

[PRETORIA GAOL,  
Before April 10, 1909]

I have seen your letter addressed to the British Indian Association regarding its evidence to be submitted to the Commission. I have not been able, my movement[s] having been uncertain, to submit my statement earlier. Nor has it been possible to call a meeting of the Association to consider the evidence to be given. The Chairman<sup>2</sup> and the Acting Chairman<sup>3</sup> of the Association are in gaol. The statement, therefore, that I am about to submit represents my personal views only.

I have been in South Africa now for the last fifteen years, and having, almost throughout that period, been officially connected with Indian public bodies, I have come in contact with all classes of Indians. Since 1903, I have been practising as an attorney in Johannesburg, and have held the office of Honorary Secretary of the British Indian Association.

The Transvaal has a population of not more than 13,000 adult male Indians. Indians actually resident in the Colony since the war have probably never been more than 10,000 at any time. At the present moment, owing to the Asiatic struggle, there are probably not more than 5,000 in the Colony. These are chiefly Mahomedans and Hindoos. For the purposes hereof, I do not consider the Christians and the Parsees, as they form, though an important, a numerically small section of the Indian community.

Both Mahomedans and Hindoos are prohibited by their respective religions from taking intoxicating liquors. The Mahomedan section has very largely conformed to the prohibition. The Hindoo section, I am sorry to say, contains an appreciable number who, in this Colony, have disregarded the prohibition of religion.

The method adopted by Indians who indulge in alcoholic drinks

<sup>1</sup> This statement was sent by Gandhiji from Pretoria Gaol by courtesy of the Governor as "written evidence" to the Transvaal Liquor Commission, Johannesburg. It was published with editorial comments, under the sub-title "Mr. Gandhi's Views", as "Special to *Indian Opinion*".

<sup>2</sup> A. M. Cachalia

<sup>3</sup> E. I. Aswat

is generally to secure the assistance of some unscrupulous whites. There are other methods, also, which I do not care to go into.

I am of opinion that the legal prohibition should continue. I think, however, that the prohibition has not succeeded in preventing Indians, who have wanted it, from obtaining liquor. The only use I see in continuing the prohibition is to let those of my countrymen, who indulge in it, retain the sense of shame they have in drinking liquor. They know that it is wrong for them both in religion and in law to obtain and drink liquor. This enables temperance workers to appeal to their law-abiding sentiment. I draw a fundamental distinction between wrongful law-breaking and a conscientious breach of man-made law in obedience to a higher law. Happily, those Indians who break the liquor law know that it is wrong for them to do so.

I am aware that some of my countrymen—themselves ardent temperance men—see in the liquor legislation one more disqualification based on the ground of colour. Superficially speaking, they would be right. But I believe that this legislation has little to do with colour. It is, in my opinion, a recognition on the part of the predominant race that the drink habit is an evil which, while they themselves are yet unable to get rid of, they do not want other races to contract. Viewing the position in this manner, I believe liquor prohibition among the Asiatic and Coloured races to be the forerunner of general prohibition.

Whether, however, general prohibition becomes an accomplished fact or not, so long as the predominant race continue to indulge in alcoholic drinks, be it ever so moderately, partial prohibition such as we now have cannot be of much practical use. This, it is submitted, is a forcible illustration of one of the evil incidents of contact between the European and other races. And unless those who preach abstinence are themselves ready to practise it, all liquor legislation must largely be a makeshift. I wish the Commission could see their way to point out to the electors of the Transvaal what a serious responsibility rests on their shoulders. They make it impossible for their representatives to pass legislation that is so desirable. It is they who must take the responsibility for the breaking up of many a home. I am writing under a full sense of my own responsibility. I know only too well how many Indian youths who never knew the taste of spirituous liquors have succumbed, after having come to South Africa or the Transvaal.

If the Commission desire me to answer any question, I shall be pleased to do so.

*Indian Opinion*, 10-4-1909

203. LETTER TO H. S. L. POLAK<sup>1</sup>

PRETORIA [GAOL,]

April 26, 1909

FROM

MR. GANDHI (CONVICT NO. 777)

MY DEAR HENRY,

Nothing has caused me so much worry as the financial question. I hate the idea of Phoenix being in debt; that is what the office debts mean. Besides the jewellery, then some of the law-books, i.e., the books I got out from England and the law-reports should be sacrificed, also the large safe in the office and the cyclopaedia in the revolving case. The law books may be placed before Playford, Benson, or Godfrey, if he is doing well. If none of them can take any or all up, you may circulate a list. They should go at cost price less 10 per cent. The safe should fetch at least £ 15. Godfrey owes £ 3 for the cyclopaedia (Curtis's). You know Curtis got £3 from me. This amount does not appear in the books. It might now be collected.

I had a long letter from Manilal, not badly constructed. I see that Mrs. Pywell is proud of her grand-daughter and considers her to be the ...<sup>2</sup> be careful. Waldo<sup>3</sup>, who may be claimed to be a Phoenixite *in posse*, is the pattern to be beaten. It is a hard feat. I should like to know how Cordes' lecture went off, and where it was given. Has Thakar brought any books and type from Bombay? I notice that the Thakars are staying with Chhaganlal. Now Chhaganlal Like Millie<sup>4</sup> has a habit of suffering mutely. But the suffering tells on both of them. They, therefore, make the friends' position embarrassing. I am, therefore, anxious that Chhaganlal should not overdo things. He is a man ... as his mother puts it, of being baked even under the s[hade of a] leafy tree. I have found this trait in him ever [since I have] known

<sup>1</sup> The original having been damaged, missing words have been conjectured and supplied in square brackets wherever possible.

<sup>2</sup> Some words are missing here.

<sup>3</sup> Son of the addressee

<sup>4</sup> Millie Graham Polak, wife of the addressee

him as a grown-up boy. And I have seen no [reason to change] my opinion. Please, therefore, tell him that he must not tax himself. I do not know Mrs. Gandhi's intentions. [The Thakars] should have stayed with her. Purshotamdas and Cordes [have each] a boarder now. It is grand of Cordes to [take a boarder.] It is so like him. But I am sceptical about the advisability of P[urshottamdas] having taken up any boarder at all. He has hardly enough floor space. Ani has more than enough having to look after four kids. P[urshottamdas] wishes to do her reparation for past laches. He has not begun well in that direction. I should, therefore, very much like to know what he has done to lighten his poor wife's burdens. The message he has sent me is sweet. More I will not say at present. I should like all in Phoenix to read Tolstoy's *Life* and *My Confessions*. Both are soul-stirring books. They can be easily read in two days. The Gujaratis should also read Kavi's two volumes—the books I have got. Thakar may have brought them. They may give 10 minutes of the half-hour evening service and half hour of the hour's service on Sundays, which the Gujaratis have [for] themselves. The more I consider his life and his writings, the more I consider him to have been the best Indian of his times. Indeed, I put him much higher than Tolstoy in religious perception. The books I have read have afforded me the highest solace. They should be read over and over again. So far as English books are concerned, Tolstoy is incomparable in my opinion in chastity of thought. His definition of the purpose of life is unanswerable and easy to understand. Both Kavi and Tolstoy have lived as they have preached. Kavi writes from richer experience. Will you ask Chhaganlal to write Revashanker Jagjiwan & Co. to let me know what I owe them and what they advance monthly to my sister<sup>1</sup>? Manilal is naturally somewhat dissatisfied with his studies. But it is inevitable. We are in the experimental stage and the first students have to be the victims. However, let him learn well what is given to him. I hope one of these days to examine him. He was sure of his geometry lessons, but he was found wanting. Let him cultivate regular and studious habits, and learn to rely on himself in his studies. One of these days I may be able to undertake part of his tuition myself. [I] understand too his worry about gardening. He should be patient[, give the] best that is in him and then remain perfectly cheerful [without] anxiety or fretting. I wish the boys would talk [to Mani]kum in Tamil. I am glad Kitchin

<sup>1</sup> Raliatbehn, Gandhiji's elder sister

was at Phoenix for a day. Manilal does not mention whether he was pleased with his stay there. I hope everything was done to make him comfortable there. I suggest to Maganlal that now that he has learnt so many English pieces by heart he should commit to memory some Tamil sentences. Is Chanchi cheerful? Or does she brood over her separation from Harilal? Does Mrs. G[andhi] now take part in household work? Pray thank Dr. Nanji<sup>1</sup> for his attention to the Phoenix settlers. He is ever adding to the debt I am under to him. What is the progress of the school-building? I think Chhaganlal should represent to Mr. Gora on my behalf that he should consent to the boarding allowance to be raised so as to free the guardians from eternal worry about half-pennies. I am glad Swamiji is prolonging his stay. I hope to learn more from him about the sacred thread on meeting. I hope he received my letter<sup>2</sup> addressed to him at Pietermaritzburg, from the train. I am anxious that he should do everything he can to promote the goodwill existing between Hindus and Mahomedans. I expect Anandlal to keep to his promise not to abandon his studies and to make the garden smile. Please ask West to continue the Sunday services in spite of difficulties, if any. During Mrs. West's illness, they may be held elsewhere but so far as possible should not be omitted. Will you please have the Phoenix part copied and sent to West? Then all can read it, and let Chhaganlal give me a detailed reply embodying messages from all who have any to send. I would expect a letter from Chhaganlal at the latest on the 7th May. That would give him ample time.<sup>3</sup>

From a photostat of the typewritten copy: S. N. 4925

<sup>1</sup> An Indian medical practitioner of Durban and a leader of the Natal Indian community; often treated the sick in the Phoenix settlement including Mrs. Gandhi.

<sup>2</sup> This is not available.

<sup>3</sup> The letter appears to be incomplete and represents, perhaps, the part which was sent to West.



## 204. SPEECH AT PRETORIA MEETING<sup>1</sup>

[PRETORIA,  
May 24, 1909]

I have no time to make a long speech. Having gone for breakfast, I was [as it were] locked up for some time. However, I will say a few words which I hope you will bear in mind. I can say from my experience of gaol that conditions of gaol life are satisfactory. We are bound to get what we have been asking for. I find on my release that those who are brave will stand firm. The Chairman said that this fight was being prolonged on account of disunity among us. But I do not think this is true. It is because our people have been cowed down that they do not fill the gaols. Those who are fearless do go to gaol, and will continue to do so. That is as it should be. Prisoners who have been released appear to be ready to go to gaol again at a moment's notice, notwithstanding the hardships that they have suffered there. He who has tasted the sweetness of gaol life will never shrink from it, but will welcome going there every time.

The Chief Warder told me at the time of my release that it was useless to advise me not to return to gaol, for he knew that I would not accept the advice. This shows what impression satyagraha has made on his mind. I find no happiness outside gaol. While in gaol, I could devote myself regularly to prayers. Now that I am out of it, I shall have no time for them. A lamp was lit at half past five in the morning in order to wake up the prisoners and enable them to roll up their beds and be ready, and it was put out after half an hour. In the darkness which followed, some prisoners engaged themselves in small talk, while I found it a good opportunity to pray to God. From tomorrow, I shall not get such opportunity and facility. Whatever you may think, I certainly do not subscribe to the view that life is difficult in gaol and happy outside. Those who are afraid of gaol have registered themselves, or are doing so. However, there is a duty that they also can perform. There can be no one who is opposed to us in the path of truth that we have been following, and if there is any such

<sup>1</sup> On completion of his sentence, Gandhiji was released on May 24, 1909 at 7.30 a.m. instead of at 9 a.m., the usual time, with a view to preventing a demonstration. Over a hundred Indians, however, had already assembled to greet him. Gandhiji marched at their head to the Mahomedan Mosque and later addressed a meeting there. Vally Mahomed presided.

man, he does not deserve to be called an Indian, but should rather be regarded as working for India's utter ruin. It was good that I had an opportunity for a talk with Mr. Hajee Cassim. If you ask him, he will tell you what should now be done and, if you act accordingly, that will be as good as helping the cause. I am not happy at being released; rather, I am unhappy. Mr. Vyas gave me sweetmeats for breakfast, but they were as bitter to me as poison. For, Mr. Dawad Mahomed, Mr. Rustomjee, Mr. Joshi and others, including, if I may be personal, my eldest son Harilal, are still in gaol, and they have more than two and a half months yet to serve. I would feel happy only if I were imprisoned [again] and released after them. I cannot say now how this can be brought about. As for me, all my pleasures and my happiness are in gaol. If we think of our pledge, going to gaol appears to be the only desirable course. I will try my best to see that I am imprisoned again and released after those others. But I cannot have my way as to how long I shall be in gaol. What I have to tell you or rather the request I have to make to you is this, that those who have the courage must go to-gaol. Others who cannot do so will do what I have advised Mr. Hajee Cassim to do. While in gaol, I learnt from Mr. Polak's letter that the British Indian Association has become bankrupt and the people have been financially ruined. Therefore, those who have been carrying on their businesses must lighten their pockets. I have heard that this is being done, but I do not think on an adequate scale. Please give more generously. Your generosity will be justified; it will also please God. I thank you for having assembled in such large numbers and I request you again to fill the gaols and not rest till our demands are conceded. You too can see for yourselves that there is no other course that I can advise. I am sure you agree with me.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 29-5-1909

<sup>1</sup> Gandhiji then spoke in English; *vide* the following item.

## 205. SPEECH AT PRETORIA MEETING<sup>1</sup>

[PRETORIA,  
May 24, 1909]

...He said that he had been released from gaol, but he felt no pleasure at that, many of the stalwarts among his compatriots had still to serve their sentences, and his own son had six months to do, but for all that, the struggle must go on until the Government granted them relief to which they were entitled; their sufferings must continue until justice was done. Those Indians who could not bear the hardships of gaol should give what assistance they could in other ways, for he took it that no single Indian could possibly approve of the harsh measures of the Government or fail in sympathy of one sort or another with the struggle which was now proceeding. There could only be one end to the struggle, and that end would be hastened or delayed by the strength displayed by the British Indian community. They were now in the hottest part of the fight, and it was possible that they might not carry all their countrymen with them, but that only meant that the brunt of the battle would fall on the shoulders of the few, but, concluded Mr. Gandhi:

whether our members be large or small, I earnestly pray God that He will give us strength to carry the burden until we have reached the goal.

*Indian Opinion*, 29-5-1909

## 206. INTERVIEW TO "PRETORIA NEWS"<sup>2</sup>

[PRETORIA,  
May 24, 1909]

...Mr. Gandhi said that he had no desire at the present moment to make any statement in regard to his treatment in gaol; he had now done five months and three weeks, having served three sentences.

In regard to the deportation policy, Mr. Gandhi said that he would have to go into the matter carefully. He could not see how it was possible for the Transvaal Government to retain authority over British Indians long enough to deport them to India. In any case, the policy of deportation, he said, was a very foolish one, it was unnecessarily cruel and would merely transfer the struggle to a country where it might

<sup>1</sup> This report of his speech in English was reproduced in *Indian Opinion* from *Pretoria News*.

<sup>2</sup> Gandhiji gave this interview at the conclusion of the meeting at the Mahomedan Mosque, Pretoria; *vide* the preceding item.

take [on] a much more serious aspect. Mr. Gandhi said:

It cuts me to the quick, to hear of a lad of sixteen being deported to India, while his father remained in gaol at Volksrust. The Government are very much mistaken if they imagine that they will break the heart of the Indians by resorting to such cruel methods.<sup>1</sup>

*Indian Opinion*, 29-5-1909

## 207. SPEECH AT JOHANNESBURG MEETING<sup>2</sup>

[JOHANNESBURG,  
May 24, 1909]

After so many months I have this opportunity to see you and to be with you. I am glad of it. But I am not happy at my release, for our leaders, and aged ones at that, are still in gaol. They have still more than two months to put in to complete their term of imprisonment. Among them, as you know, are Dawad Sheth, Mr. Parsee Rustomjee, Mr. Sorabji and others. Speaking of what touches me personally, I may say that my son Harilal is also in gaol. How can I then feel at ease? So long as we do not get what we want, we cannot feel happy at heart. God will grant what we have been demanding. But it is through the Government that we shall receive it. Why we do not get what we want has been explained by Mr. Cachalia. A task that needs a thousand men cannot be accomplished by ten, as it were. The struggle is being prolonged because not enough men join it. We at this moment are in the House of the Lord, where we took pledges on oath, raised our hands and declared that we would continue to fight till the law was repealed and the rights of the educated were conceded, and that we would not avail ourselves of the certificates [of registration]. We must go to gaol to carry out this pledge. I for one should very much like to run up to Natal and, returning, get arrested. That way I can join Dawad Sheth in gaol. My duty is to serve the community and its well-wishers. The right way of doing so for me is to join Dawad

<sup>1</sup> After the meeting, Gandhiji was escorted to the station by about two to three hundred Indians, and he left for Johannesburg by train.

<sup>2</sup> On arrival at Park Station from Pretoria, Gandhiji was given a hero's welcome. A gathering of about a thousand including Indians, Chinese and some European friends including Rev. J. J. Doke, received Gandhiji and his associates. Gandhiji was garlanded and escorted in a carriage to the Mosque grounds. A. M. Cachalia presided. Gandhiji addressed the assembly first in Gujarati and then in English.

Sheth in gaol. I was heralded today with the cry: "Salute the King of Hindus and Muslims." That was not right. I am a servant of the community, not its king. I pray to God to grant me the strength and the desire always to serve the community. My aspiration will be fulfilled only if I have to lay down my life in the very act of serving the community.<sup>1</sup> It is indeed my duty so to die. Those who have love for India and Indians must necessarily make themselves servants of the community. I did not, and do not, deserve the honour of a coach. I have not been able to serve as well as I ought to have done. For, there are others who are still in gaol as servants of the community. They return to it again and again, when they are released. The Chairman became a servant after sacrificing everything, and is still serving. My mind would be at ease only if I had to suffer imprisonment as others have to, and were released after they are released. Tomorrow, Mr. Omarji Sale, Chairman of the Hamidia Islamic Society, will be released. Mr. Vyas and Mr. David Ernest will be released from Diepkloof. Indians must go to receive them. I hope that Kanamias will show their highest spirit this time, and pull Mr. Omarji Sale's carriage. I am sure the old gentleman will prefer to court imprisonment yet again for the sake of the community. I pray for God's blessings on him so that he may be full of strength despite his old age. It is also the duty of others to act like him. People must take a carriage even to Diepkloof and bring [them] in it. I do not wish to say more for the present. If any Indian talks of defeat, that will mean that he himself is defeated. If a person going to gaol is firm in his resolve, he is ever victorious. It lies in God's hands as to when the obnoxious Act will be repealed and men of education allowed their rights; however, it is our faith in Him and the way we act that will determine the course of future events. God is with those who follow the right. Since we follow the right, victory is bound to be ours. When I arrived at Volksrust after two months' imprisonment, there was the same number of men present, as there is today. I should like to ask you whether you just come to say "yes" to everything I say, or want to join in shouldering the burden. Your duty is to bear the hardships of gaol life. Please bear that in mind. It is the same whether one is in gaol or outside. There were some Tamils with me in Volksrust [Gaol]. Mr. Naidoo writes to say that they remain unbending, and are ready to go to gaol at a moment's notice. We have a paper of our own, so that

<sup>1</sup> At this point, the report says, Gandhiji was overwhelmed with emotion.

we are able to carry on propaganda. There is no paper in the language of the Tamils, and yet what courage they have been displaying, and how well they have been doing their duty! They have faith in God. We ought to learn a lesson from them and follow in their footsteps. If we do, victory will be ours quite soon. I thank you all, and the Chinese as well, for having taken the trouble to come here to receive me. I am not in a position to say anything more at the moment without studying the community's mood. However, if you have any question to ask, I shall answer them at the office. We have had enough of taking of pledges and raising of hands. I do not want to have these things repeated. But if you are prepared unreservedly to go to gaol, all the ways are open to you. I shall, in that case, give the best advice I can. If you go to gaol, you will be assured of victory. There is still time. It will be enough if you do just this.<sup>1</sup>

[From Gujarati]

*Indian Opinion*, 29-5-1909

## 208. SPEECH AT JOHANNESBURG MEETING

[JOHANNESBURG,  
May 24, 1909]

He [Gandhiji] said it was not with any degree of pleasure that he came out of gaol. The reason was obvious. Some of the best men in the Indian community were still in one or other of the Transvaal gaols, and some of them were elderly men. His own eldest son was also still in gaol. Some of them had still two to two-and-a-half months to do. Some of them had worked with him as friends, and some had gone to gaol simply out of love and regard for him. Could he, as a human being, derive any pleasure from his freedom when all those men had a restraint placed on their liberty? He could not be happy under such circumstances. So long as justice, which was their due, had not been done to them, they could not take food and rest. When that justice was to come, God only knew, but that it was bound to come they did know. He had considered and reconsidered the position during the past three memorable months, and, after looking over the past two-and-a-half years, he was still able to say that he withdrew nothing of the advice that he had given to his countrymen. (Applause.) He could not withdraw a single word of his condemnation of the Law of 1907, and he still adhered to his statement that General Smuts was bound by his promise to repeal the Act. They wanted absolute and pure justice. No Indian could sit still under the insult offered to the whole Indian nation. As long as the present state of affairs lasted, the

<sup>1</sup> Gandhiji then spoke in English; *vide* the following item.

only place of safety in the Transvaal was the gaol. He did not wish to say much about his treatment in gaol or about the struggle; in the latter case because he knew little of what had been going on of late. He had nothing to say against the prison officials who were in immediate charge of him. The section warders treated him with every courtesy and kindness, and so did the other officials. He would shortly put in writing a great deal more that he had to say to his countrymen. There was plenty of work for them to do, and they must realise their duty. He preferred to see them work for the cause to being dragged through the streets in a carriage. During the last three months, he had found much consolation in reading the book of the prophet Daniel in the Bible. Daniel was one of the greatest passive resisters that ever lived, and they must follow his example. The laws of Generals Botha and Smuts were not for them (Indians) if they were in conflict with their consciences. They must sit with their doors flung wide open and tell those gentlemen that whatever laws they passed were not for them unless those laws were from God. Let them be up and doing, and not waste words or energy. He regretted that some of them had broken their solemn oaths by accepting the law, but they could still recall their act and do the right thing. He informed the meeting that several prominent Indians would be released tomorrow, and he asked them to give them a fitting reception. He thanked them heartily for their presence, and he asked God to give them strength to carry out the real work that lay before them.<sup>1</sup>

*Indian Opinion*, 29-5-1909

## 209. LETTER TO THE PRESS<sup>2</sup>

JOHANNESBURG,

May 26, 1909

SIR,

As there has been much talk, during my last incarceration, regarding the treatment I underwent, I shall thank you to publish the following statement. When I was sentenced to undergo imprisonment for three months with hard labour at Volksrust, and taken to the gaol there, I found myself in the company of over fifty fellow-workers, including my son. This, in itself, was to me a great pleasure. The food supplied was nice and clean, and included 1 oz. of ghee (clarified butter) per day, and was cooked by Indian cooks. All Indian prisoners

<sup>1</sup> The meeting was later addressed by Rev. J. J. Doke and Chettiar, Chairman, Tamil Benefit Society.

<sup>2</sup> The letter was addressed generally to the Transvaal Press. It was published in *Indian Opinion* under the caption "Mr. Gandhi's Experiences in the Pretoria Gaol".

were completely separated from the Natives, and had separate sanitary accommodation also. Those who occupied cells had bed-boards, in addition to the usual supply of blankets, etc., and all had a pillow each issued to them. The work was out-door work, and consisted for about thirty of us in road-repair or weed-ing the school ground, either of which, so far as I was concerned, was very agreeable and healthy, I was sentenced on the 25th February last.

#### “ ISOLATED ”

On the 2nd March, I was ordered to be removed to Pretoria. I had to travel in a third-class compartment, and, as most of the travelling was done during the night, it was naturally cold, more so as no blankets are issued, evidently, to prisoners. Arriving at Pretoria on the 3rd March, I was, after the usual formalities had been gone through, locked up in a cell. For, I think, five days, I had to pass the whole of the time in the cell or the corridor, except when I was allowed out for bathing and for such other purposes. My cell-door was marked “isolated” and I found, too, that I was isolated along with four other prisoners, one of whom was convicted of having made an attempt to murder, two of having committed sodomy, and one bestiality. Here there was no pillow and no bed-board issued, and, for food, there was no ghee allowed except on Wednesdays and Sundays. The work given to me consisted in polishing the floor of my own cell and polishing the cell-doors in the corridor of the section in which I was accommodated, along with the Native prisoners. It was during this time that Mr. Lichtenstein<sup>1</sup> visited me, and I told him that I considered the treatment to be brutal, and that there was evidently an intention on the part of General Smuts to bend me, but that I was not likely to succumb. Subsequently, I was given half-hour’s exercise twice a day, and the work was altered to that of blanket-quilting, or such other tailoring work.

#### ONE MEAL PER DAY

I went practically without any breakfast, because the mealie-meal was not cooked sufficiently for my taste. I made no complaint about it, as all the other prisoners, I noticed, took their porridge with relish. I went without supper, because the rice issued contained no ghee. I complained about the absence of ghee to the Chief Warder,

<sup>1</sup> Lawyer and a professional colleague of Gandhiji



but he pleaded helplessness, because the regulations did not provide for the issue of ghee to Indian prisoners. I may state, parenthetically, that 1 oz. of fat per day is given to all Native prisoners. I then approached the medical officer and submitted that the Indian diet-scale should include 1 oz. of ghee per day. He would not make the change, but, for me specially, ordered 8 oz. of bread, along with the rice. I told him that, while I appreciated it, I could not accept a special privilege, unless ghee was issued to all Indian prisoners, as I considered it to be absolutely necessary for their health. I then approached the Director of Prisons in the matter.<sup>1</sup> A fortnight after, an order was made that I was to have 1 oz. of ghee allowed with my rice. I took this for a day, believing that the order was generally applicable. When, however, I found that it was a concession only for me, I was obliged to revert to the original position, that is, one meal per day. I again drew the attention of the Director of Prisons to the fact that I was being partially starved, and a reply came, after I had served for a month and a half, that ghee would be issued, pending an alteration of the Indian diet-scale, wherever there was a body of Indian prisoners. I felt thankful for this, and had no hesitation thereafter in taking my supper. After this, absence of breakfast was no loss to me.

#### HEALTH IMPAIRED

The Director of Prisons paid a visit, and made kind inquiries about myself, and, when he asked me whether I had any complaints, I pointed to some of the facts I have already narrated; and a bed-board, felt-mattress, night-shirt and handkerchief were issued to me, and I was allowed the use of pencil and note-book, which had been hitherto denied to me. I would also mention here gratefully that I was allowed an unrestricted use of books, which to me were a source of the greatest consolation. The tailoring work in my cell, which required bending to it for nearly seven hours per day, began to tell upon my health. I, therefore, requested that I should have more active work, or, at least, that I should be allowed to do the tailoring in the open. Both the requests were at first rejected. I suffered, I believe, owing to this close confinement in the cell, from violent neuralgia for nearly ten days, and I developed symptoms, too, of chest disease. On repeating my request, I was allowed to do the tailoring work in the open air.

<sup>1</sup> *Vide* "Draft Petition to Gaol Governor", After 11-3-1909

## GOVERNMENT ALONE TO BLAME

The opinion I expressed to Mr. Lichtenstein about General Smuts underwent a change upon further observation, and I felt that he had directly nothing to do with the treatment described above. Indeed, I gratefully recall here the sending by him of two nice books for me to read, testifying, as I took it, to the fact that he entertained no personal ill will against me, and that he gave me credit for doing what I believed to be right. Nor do I blame any of the officials for what I had to undergo. They were all courteous and kind, and I cannot be sufficiently thankful to the section warders, who seemed to realise the peculiar position in which I was placed, and showed me every consideration. And yet I must adhere to the opinion that the treatment itself was brutal. My sentence was imprisonment with hard labour, but, for the larger part of the term, it was practically solitary confinement. The officials of the Prison Department could do no otherwise because, Indians being classed with Native prisoners, I could only be placed in the Native section. The same, however, can hardly be said of the Government, who, having so many Indian prisoners on hand, gave no thought to the matter. They must have known, when I was cruelly separated from my fellow-prisoners at Volksrust, that, at Pretoria, I would be obliged to undergo hardships not warranted by the sentence imposed upon me. I do not say that Indian prisoners should be classed with Europeans. Their lot would, then, probably, be much worse than it is now. But I do say that they should be separately classed and separately accommodated. I may be told that, having invited imprisonment for myself, I can hardly complain of the prison system with any justification. This taunt is inapplicable, because, I submit, avoidable misery was inflicted upon me, and, in any case, it is as well for the public, in whose name the Government is supposed to be acting, to know what is being done to Indian passive resisters.

## OTHER PRISONERS

After my discharge I learnt that, if I fared somewhat ill, the majority of the other passive resisters fared no better, if not worse; for the majority of the Indian passive resisters at the Johannesburg Fort were removed to the penal settlement at Diepkloof, and the majority of those at Volksrust to Heidelberg, at both of which places, in the initial stages, they had to undergo hardships for which there was no

warrant. The Indian prisoner may not complain about the labour to which he is put so long as it is tolerable, but I think that he has every right to complain about improper, unsuitable, or insufficient diet. It is hardly any credit to the Colony that one of the bravest and the truest of Indians in the Colony, an Indian who has occupied the position of Acting Chairman of the British Indian Association, and who is a well-know merchant, has been made to carry slop-pails.

No amount of harassing that may be applied will turn those who have passed through their experience during the last few months from their purpose. Several have already again been imprisoned, one young man of nineteen for the fifth time. The public has no knowledge of the fact that an Indian is nearly every day arrested and imprisoned for three months with hard labour, at Vereeniging, for managing the store belonging to Mr. Aswat, who is himself locked up at Diepkloof. Eight such Indians have already been offered up as a sacrifice, and volunteers are still forthcoming to take charge of this store. Passive resistance is not then dead. It cannot die, because it represents truth.

*Indian Opinion*, 5-6-1909

## 210. WHO CAN OFFER SATYAGRAHA?

The satyagraha campaign in the Transvaal has lasted so long and has been so conducted that we have been able to see—learn—a great many things from it. Many have had personal experience of it. This much at least has been realized by everyone—that, in a struggle of this kind, there is no room for defeat. If, on any occasion, we fail, we shall discover that the failure was due to some deficiency in the satyagrahi and did not argue the inefficacy of satyagraha as such. The point needs to be carefully grasped. No such rule can be applied to physical fighting. When two armies engage in such fighting, defeat [of either] will not necessarily be the result of the inferior fighting quality of the troops. The combatants may have a high morale, and yet, insufficiency in other matters may lead to defeat. For instance, one side may have better arms than the other, or may be favourably placed in the battle-field, or may command superior technical skill. There are many such extraneous factors which account for the victory or defeat of the parties to a physical fight. But such factors offer no difficulties to those fighting the battle of satyagraha. Their deficiency alone can come in their way. Moreover, in the usual kind of fighting, all the members of the losing side should be deemed to have been defeated,

and in fact they do think that way. In satyagraha, the victory of a single member may be taken to mean the victory of all, but the defeat of the side as a whole does not spell defeat for the person who has not himself yielded. For instance, in the Transvaal fight, even if a majority of Indians were to submit to the obnoxious Act, he who remains unyielding will be victorious indeed, for the fact remains that he has not yielded.

That being so, it is necessary to inquire as to who can offer so admirable a battle—one which admits of no defeat—which can have only one result. The inquiry will enable us to understand some of the results of the Transvaal campaign, and to decide how and by whom a campaign of this kind can be fought elsewhere or on some other occasion.

If we inquire into the meaning of satyagraha, we find that the first condition is that anyone who wants to engage in this kind of fighting should show a special regard for truth—should have the strength that flows from truthfulness. That is to say, such a man should depend on truth alone. One cannot have the best of both worlds.<sup>1</sup> A man who attempts to have it so will be crushed under pressure of both kinds.<sup>2</sup> Satyagraha is not a carrot, to be played on as a pipe.<sup>3</sup> Anyone who thinks that it is, so that he may play on it if he can or bite it off if he cannot, will find himself lost in the end. It is absurd to suggest that satyagraha is being resorted to only by those who are deficient in physical strength or who, finding physical strength unavailing, can think of no alternative but satyagraha. Those who hold such a view, it may be said, do not know what this fight means. Satyagraha is more potent than physical strength, which is as worthless as straw when compared with the former. Essentially, physical strength means that a man of such strength fights on the battle-field with little regard for his body, that is to say, he knows no fear. A satyagrahi, on his part, gives no thought whatever to his body. Fear cannot touch him at all. That is why he does not arm himself with any material weapons, but continues resistance till the end without fear of death. This means that the satyagrahi should have more courage than the man who relies on physical strength. Thus, the first thing

<sup>1</sup> The Gujarati saying used here literally means, “One cannot have one foot in curds and the other in milk.”

<sup>2</sup> Of physical strength and moral argument

<sup>3</sup> The reference is to a Gujarati saying, denoting a course of action that one expects to be profitable either way, whether one succeeds or fails.

necessary for a satyagrahi is pursuit of truth, faith in truth.

He must be indifferent to wealth. Wealth and truth have always been in conflict with each other, and will remain so till the end of time. We have found from many examples of Indians in the Transvaal that he who clings to wealth cannot be loyal to truth. This does not mean that a satyagrahi can have no wealth. He can, but he cannot make his wealth his God. Money is welcome if one can have it consistently with one's pursuit of truth; otherwise one must not hesitate even for a moment to sacrifice it as if it were no more than dirt on one's hand. No one who has not cultivated such an attitude can practise satyagraha. Moreover, in a land where one is obliged to offer satyagraha against the rulers, it is not likely that the satyagrahi will be able to own wealth. The power of a king may be unavailing against an individual. But it can touch his property, or play on his fear of losing it. The king bends the subjects to his will by threatening them with loss of property or physical harm. Therefore, under the rule of a tyrannical king, for the most part, it is only those who make themselves accomplices in his tyranny can retain or amass wealth. Since a satyagrahi cannot allow himself to be an accomplice in tyranny, he must, in such circumstances, be content to think himself rich in his poverty. If he owns any wealth, he must hold it in some other country.

A satyagrahi is obliged to break away from family attachments. This is very difficult to do. But the practice of satyagraha, if satyagraha is to be worthy of its name, is like walking on the edge of a sword. In the long run, even the breaking away from family attachments will prove beneficial to the family. For, the members of the family will come to feel the call for satyagraha, and those who have felt such a call will have no other desire left. When faced with suffering of any kind—loss of wealth or imprisonment—one need not be concerned about the future of one's family. He who has given us teeth will provide us with food to eat. If He provides for such dangerous creatures as the snake, the scorpion, the tiger and the wolf, He is not likely to be unmindful of mankind. It is not a pound of millets or a handful of corn that we hanker after, but the delights of the palate; not just the clothes that we need to enable us to bear cold, but garments of brocaded silk. If we abandon all this restless craving, there will hardly be any need for anxiety as to the means for maintaining one's family.

In this connection, it is worth while to bear in mind that many of these things have to be sacrificed even if physical force is resorted to. One is obliged to suffer hunger and thirst, to bear heat and cold, to sacrifice family bonds, to put up with pecuniary loss. The Boers went through all this when they resorted to physical force. The one great difference between the physical resistance that they offered and our resistance based on truth is that the game they played was in the nature of a gamble. Physical strength, moreover, has made them proud. Their partial success made them forgetful of their former condition. Having fought with deadly arms against a deadly enemy, they are bearing hard upon us as deadly tyrants. When a satyagrahi wins in battle, his success cannot but be beneficial to him and to others. A satyagrahi, if he is to remain loyal to truth, can never be a tyrant.

This inquiry, then, leads at last to the conclusion that he alone can offer satyagraha who has true faith in religion. "The name of Rama on the lips, and a dagger under the arm"<sup>1</sup>—that is no faith. It is no religion to speak in its name and to do exactly the opposite of what it teaches. But anyone who has true religion and faith in him can offer satyagraha. In other words, he who leaves everything to God can never know defeat in this world. Such men are not defeated in fact simply because people say that they are defeated. So also one cannot claim success simply because people believe that one has succeeded. [There can be no arguing about this;] if you know the difference, you know it, else you don't.

This is the real nature of satyagraha. The Transvaal Indians have partially understood it. Having done so, they have been faithful to it in practice, again partially. Even so, we have been able to taste its priceless sweetness. He who has sacrificed everything for satyagraha has gained everything, for he lives in contentment. Contentment is happiness. Who has ever known any happiness other than this? Every other kind of happiness is but a mirage. The nearer we approach it, the farther it recedes.

We hope that every Indian will think of the matter this way and make himself a satyagrahi. If we learn the use of the weapon of satyagraha, we can employ it to overcome all hardships originating from injustice. It is not here [in South Africa] alone that the weapon is useful; it will be more so in our home-country. Only we must know its true nature, which is easy to do, and yet difficult. Men of great physical strength are rare. Rarer still must be those who derive their strength from truth.

[From Gujarati]

*Indian Opinion*, 29-5-1909

<sup>1</sup> A Hindi saying

## 211. MY THIRD EXPERIENCE IN GAOL [-I]

### VOLKSRUST

When, on February 25, I was sentenced to three month's imprisonment with hard labour and I embraced my fellow-prisoners and my son in the Volksrust Gaol, I did not imagine that I would have much to say or write about this pilgrimage to gaol. But my expectation, like many other expectations of man, proved false. The experience I had this time was somethings new altogether. What I have learnt from this I would not have been able to learn even from years of study. I think these three months have been of inestimable value to me. In that brief period, I had many vivid experiences of satyagraha and I think I am a better satyagrahi today than I was three months ago. For all this, thanks are due to the local (the Transvaal) Government.

Some officers had sworn that I should in no circumstances get less than six months' imprisonment this time. My fellow-prisoners—elderly and prominent Indians—and my son—were all serving a six months' term each, so that I wanted the officers' wish to be fulfilled. However, since I had been charged under the Regulations framed under the Act,<sup>1</sup> I was afraid that three months would be the utmost I might get, and that is what happened .

After the sentence had been passed, it was a pleasure to join Mr. Dawad Mahomed, Mr. Rustomjee, Mr. Sorabji, Mr. Pillay, Mr. Hajurasingh, Mr. Lalbhadursingh and other veterans. Except ten of them, all were provided with beds in tents pitched on the ground in front of the gaol. The scene had therefore the appearance of an armed camp rather than a gaol. Everyone liked sleeping in a tent. Arrangements for food were satisfactory. As on previous occasions, cooking was in our own hands. It was therefore possible to prepare food to our taste. In all there were about 77 (satyagrahi) prisoners.

Those who were taken outside for work were set a rather difficult task. They had to build a road in front of the magistrate's court. This required quarrying out stone, digging into heaps of stones that had been piled up, and carrying them in loads. After the work on the road

<sup>1</sup> Gandhiji was charged with refusing to produce certificate of registration and to give finger-prints or other means of identification; *vide* 25-2-1909.

was over, they were set to uproot the grass in the school compound. But, on the whole, everyone worked cheerfully.

I also went with the gangs for three days to join in this work. There was a telegram meanwhile that I should not be taken for work outside. I was rather disappointed, for I liked going out. It improved my health and kept me fit. Ordinarily, I have two meals a day, but on account of this exercise, the stomach insisted on my having three meals while in Volksrust Gaol. I was now assigned only the work of sweeping. That kind of work, I thought, would do me no good. And then came a time when I was denied even this.

#### WHY WAS I MADE TO LEAVE VOLKSRUST?

On March 2, I heard that my removal to Pretoria had been ordered. I was asked to get ready the same day. It was raining, the roads were bad; despite this, my warder and I were obliged to leave, with my luggage on my head. I was taken by the evening train the same day in a third-class carriage.

Some thought that this might possibly mean a settlement; others felt that the intention was probably to harass me by isolating me from the rest. Some also thought that the object might be to keep me in Pretoria and give me more freedom and better facilities so as to prevent a discussion in the House of Commons.

I did not like leaving Volksrust. Happy during the day, the evenings too we passed in cheerful conversation. Mr. Hajurasinh and Mr. Joshi, especially, asked a number of questions, which were in no way flippant but were quite instructive. Which satyagrahi would like to leave a place where conditions were so happy and where the largest number of Indians were congregated?

But man would not be man if things always happened as he wished. And so I left. On the way, Mr. Kajee saluted me. The warder and I found ourselves huddled up in a compartment. It was cold, and it rained the whole night. I had my overcoat with me, which I was allowed to put on. I felt a little better after that. I had been given bread and cheese to eat on the way. I did not touch them, since I had had my meal before starting. They were consumed by the warder.

#### IN PRETORIA GAOL

I reached Pretoria on the 3rd. Everything appeared unfamiliar. Even the gaol is of recent construction. The men were strangers. They gave me something to eat, but I had no appetite. They placed before



me mealie meal porridge; I tasted a spoonful, and left it off. The warder was surprised. I told him that I was not hungry. He smiled. Then I passed on to the charge of another warder. He said: "Gandhi, take off your cap." I did so. He then asked me: "Are you Gandhi's son?" "No," I replied, "my son is serving six months in Volksrust." I was then locked up in a cell. I began pacing up and down. Before long, the warder peeped through the watch-hole, saw what I was doing and shouted: "Gandhi, stop walking about like that: my floor is being spoiled." I stopped, and stood in a corner. I had nothing even to read. I had not yet received my books. I must have been locked in at eight. At ten, I was taken to the physician. He asked me if I suffered from any contagious disease, and dismissed me. Was locked in again. At eleven, I was removed to another small cell. It was in this that I spent the rest of my term. It was a cell of the kind intended for one prisoner at a time. It measured, I believe, ten feet long and seven broad. The floor was covered with black pitch. The warders were constantly engaged in keeping it shining. For ventilation, it had a very small glass window, with iron bars. It was provided with an electric light for keeping a watch on the prisoner during the night. The light is not meant for the prisoner's use, for it is not powerful enough to read by. Standing close to it, I could read a book printed in large type. The light is put out exactly at eight. But it is switched on five or six times in the night when the warders have a look at the prisoner through the watch-hole mentioned above.

After eleven, the Deputy-Governor came. I asked for three things from him: books, permission to write to my wife who was ill, and a small bench to sit on. As to the first, the reply was: "I shall see"; as to the second: "Yes"; as to the third: "No." When, however, I wrote in Gujarati, the letter was returned to me with the remark that I should write in English. I said in reply that my wife did not know English, that my letters served as medicine for her, that they contained nothing of special significance. In spite of this, however, I did not get the permission. I refused to avail myself of the permission to write in English. The same evening my books were handed over to me.

When the midday meal arrived, I had to eat it in the cell standing, with the doors shut. At about three, I asked permission to take a bath. The sopt for bathing must have been at a distance of about 125 feet. The warder replied: "All right. Undress (make

yourself naked) and go.” I asked him if this was necessary, suggesting that I could place my clothes on the screen. He then gave his permission, but asked me to be quick. While I had yet to wipe my body after bath, the gentleman shouted: “Are you ready, Gandhi?” I said I would not take long. I hardly ever got an opportunity to see an Indian face. When it was evening, I was given a blanket, with half a piece in addition, and a coir mat by way of bedding; there was no pillow or bed-board. Even when I went for evacuation, a warder stood by to keep watch. If by chance he did not know me, he would shout: “Sam, come out now.” But Sam had the bad habit of taking a long time for evacuation; how could he get out so soon, and if he did, how would he feel easy in bowels afterwards? Sometimes a [white] warder, and sometimes a Kaffir, would thus stand by, and keep peeping over or shouting to the refrain of “Get up”, “Get up”.

The next day, I was given the work of polishing the floor and doors. The latter were made of varnished iron. What was the point of polishing them every day? I have often spent three hours at a stretch on polishing one door. But I could not observe the slightest difference. Yes, it did make some difference to the floor. There were some Kaffirs working with me. They would sometimes talk in broken English of how they had come to be imprisoned, and ask me questions about my imprisonment. One asked me whether I had committed theft, and another whether I had been imprisoned for selling liquor. When I explained the correct position to one of the intelligent Kaffirs, he exclaimed, “Quite right.” “*Amlungu bad*” (The whites are bad). “Don’t pay fine.” My cell bore the description “isolated”. I saw five other cells adjoining mine bearing the same description. My neighbour was a Kaffir who had been serving a term of imprisonment for attempted murder. The three next to him were convicted of sodomy. It was in the company of such men and in such surroundings that I commenced my experience in Pretoria Gaol.

#### DIET

The food was in keeping with the conditions described above. Mealie pap in the morning, mealie pap with potatoes and carrots thrice a week for the midday meal, beans on other three days and rice without ghee for the evening meal. On Wednesdays, I received beans and rice with ghee for the midday meal, and on Sundays, rice and ghee with mealie pap. It was difficult to eat rice in the absence of ghee. I decided not to eat it till I was allowed ghee. The mealie pap

served at breakfast and for the midday meal was sometimes not well cooked, and sometimes it was cooked so as to taste like *rab*<sup>1</sup>. The beans were only half-cooked sometimes, [though] generally they were good. On the days for vegetables, only four small potatoes [were served], which counted towards the [prescribed] eight ounces and, if it was the turn for carrots, only three, and these too rather small-sized. Sometimes I would take four or five spoonfuls of mealie pap in the morning. But on the whole, I spent one and a half months on one meal of beans only at midday. My fellow-prisoners at Volksrust-should realize from this how wrong they were to be angry with our own men when they did not sometimes cook well or when there was occasionally an insufficient supply of a particular item. One may be angry to some purpose, when our own friends attend to the cooking. What could one do in the circumstances described above? It would be possible, of course, to express one's resentment. But I think it would not be proper for us to make any such complaints. How can we complain when there are hundreds of prisoners who accept these things? A complaint must have only one object—to secure relief for other prisoners. How would it mend matters if I were occasionally to complain to the warder about the small quantity of potatoes and so get him to serve me a little more? I once observed him giving me [an additional helping] from a portion meant for another, and thereafter gave up complaining altogether.

That no ghee was allowed with rice in the evening I knew before-hand, and I was determined to have the matter set right. I immediately brought it to the notice of the Chief Warder. He replied that ghee was allowed only with the midday meal on Wednesdays and Sundays in lieu of meat. He asked me to approach the physician if I wanted it oftener. The next day I asked for permission to see the physician. I was taken to him.

I asked him to order ghee for all Indian prisoners in lieu of fat. The Chief Warder was present. He said, "Gandhi's demand is not justified. Most of the Indians have been taking fat, and even meat. Those who refuse fat are given plain rice, which they readily accept. When there were satyagrahi prisoners here, they also accepted it. They were weighed when entering and again when leaving the gaol. It was found that they all weighed more when leaving." The physician asked me, "Come on, now, what do you say to this?" I said I could not

<sup>1</sup> A liquid preparation of wheat nour boiled in water, generally for invalids

believe it. And speaking for myself, I said, I would certainly suffer in health if I had to go without ghee. The physician said that in that case he would order bread for me. I thanked him, but told him that I had not approached him specially for myself. So long as ghee was not ordered for everyone, I could not accept bread. Whereupon he said, "Please don't blame me now."

What was I to do now? If the Chief Warder had not intervened, ghee would have been ordered. The same day, I was offered bread and rice. I was hungry. But, as matters stood, how could a satyagrahi accept the bread? I therefore refused both. The next day I asked for permission to make a petition to the Director of Prisons which was granted.<sup>1</sup> In the petition, I cited the instances of Johannesburg and Volksrust [gaols] and asked for ghee to be ordered for all prisoners. A reply to the petition was received after 15 days. It was to the effect that, pending the revision of the diet-scale for Indians, I should be given ghee with rice every day. Since I did not know the exact terms of the order, I readily accepted rice, ghee and bread on the first day. I pointed out that there was no need for bread, but was told that it had been ordered by the physician and so would continue to be supplied. Hence, I went on accepting that also for 15 days.<sup>2</sup> But my joy lasted no more than a day. I discovered the next day the terms of the order mentioned above, so that I again declined to accept rice, ghee and bread. I told the Chief Warder that I would not accept ghee so long as it was not ordered for every Indian. The Deputy-Governor, who was present, replied, "As you please."

I wrote again to the Director. I had been informed that the diet-scale would be modified so as to bring it in line with the one in force in Natal. I expressed dissatisfaction with this and stated the reasons why I could not accept ghee. In the end, after more than a month and a half in all had elapsed, I was informed that ghee had been ordered for Indian prisoners wherever there was a large number of them [in one gaol]. It may thus be said that I broke the self-denial (*roza*) nearly a month and a half after I had taken up the matter. During nearly the whole of the concluding month [of my term of imprisonment], I took rice, ghee and bread, but went without a meal in the morning; and even after I had started taking rice and bread,

<sup>1</sup> *Vide* "Draft Petition to Gaol Governor", After 11-3-1909

<sup>2</sup> This is contradictory to the sentence which follows; *vide* also "Letter to the Press", 26-5-1909.

whenever I was served mealie pap for the midday meal I would hardly take ten spoonfuls, for it had a different taste every day. The bread and ghee, however, stood me in good stead, and I was restored to health.

I have said above that I was restored to health, for it had broken down during the time that I lived on only one meal a day. I had lost my strength and had severe neuralgic pain in the head for ten days, and had also developed symptoms of some affection in the lungs.

#### CHANGE OF WORK

There was another reason why the lungs had been affected. I said above that I was asked to polish the floor and doors. After ten days of this work, I was given two worn-out blankets to be sewn into one. This was rather intricate work. It required me to bend down the whole day towards the floor, and that, too, while sitting in the cell. This used to give me back-ache by evening, and my eyes also began to feel the strain. Besides, I had all along believed that the air in the cell was unwholesome. Once or twice I asked the Chief Warder to give me some work outside, such as digging, etc. If that was not possible, I asked to be allowed to work on the blankets in the open air. He rejected both requests. I brought this matter also to the notice of the Director. In the end, the physician passed the [necessary] order and I was allowed to sew the blankets in the open air. If that had not been done, I think I would have suffered still more in health. There were some other difficulties after the order was passed, which it is not necessary to describe here. It so happened, therefore, that I got permission to work in the open air at about the same time that a change in my diet was ordered. The resulting gain was twofold. When I was [first] given a blanket to sew, it was expected that it would take a week to finish it, so that my entire term would be taken up with that work. But, contrary to expectations, after the first blanket had been finished, I could manage to sew a pair into one in two days. So they found some other work for me, such as knitting a sweater, stitching purses for holding tickets, etc.

I had earlier told many satyagrahis that, if anyone came out of gaol with impaired health, that would be a reflection on his spirit of satyagraha, for it should be possible for us, given sufficient patience, to find remedies [for all difficulties in gaol]. Moreover, one might suffer in health through worry. The satyagrahi must learn to live in gaol as if it were a palace. Arguing thus, I used to feel anxious lest I

myself should have to leave gaol in poor health. The reader must remember that I had suffered in health in the course of satyagraha because I could not accept ghee which had been ordered for me alone. But this rule does not apply to others. Whenever there is a single [Indian] prisoner in gaol, he can represent his own grievances for redress. In Pretoria I had a special reason for not doing so, and that is why I was not in a position to accept ghee when ordered for me as a special case.

(To be continued)

[From Gujarati]

*Indian Opinion*, 29-5-1909

## 212. SPEECH AT RECEPTION TO ASWAT AND QUINN<sup>1</sup>

JOHANNESBURG

*June 2, 1909*

I am happy beyond words today that Indians and Chinese have as-ssembled here together. Only yesterday I decided in consultation with the Chairman of the British Indian Association that Mr. Aswat should be invited here and entertained at Mr. Cachalia's. I did not think it even possible that my countrymen and the Chinese would come together in such large numbers. I am very happy that these two groups—the Chinese and the Indians—who took part in this struggle, have been brought to-gether. This manner of welcoming heroes like Mr. Quinn and Mr. Aswat deserves no small praise. Both of them are leaders of their respective communities and sincerely cherish their welfare. The more I think about the campaign, the more convinced I am that we are bound to win in the end if we fight with the weapons of goodness and virtue. Whatever the number of those who are continuing or may continue the fight, the two demands we have made will surely be conceded. If you think of the other things we have gained in this prolonged struggle, you will realize that we have been brought close together through self-sacrifice and mutual co-operation. We are keen on such co-operation. We have now learnt how to maintain our self-respect and how to respect others. There is something in me which tells me that we need not be disappointed even if we get nothing [more at present], for what we have gained so far is

<sup>1</sup> A meeting of Indians and Chinese was held in the West End Hall to welcome Messrs Quinn and Aswat on their release. Gandhiji spoke at the reception.

not insignificant, and we shall gain much more yet in future. It does not matter if the satyagrahis' army is a small one. History will tell you that real fighters are but few. In the war between England and Russia, the Light Brigade consisted of only a few men and yet it attained immortal fame. Similarly, satyagrahis will enjoy immortal fame, at least in South Africa. I humbly advise you to follow in the footsteps of Messrs Quinn and Aswat, and may you remain firm in that path till the end and so attain happiness.

[From Gujarati]

*Indian Opinion*, 5-6-1909

### 213. SPEECH AT TEA PARTY<sup>1</sup>

[JOHANNESBURG,  
June 2, 1909]

It would not be proper if I did not speak in Gujarati on this occasion of Mr. Aswat's and Mr. Quinn's release. This is the least that we can do when Mr. Aswat is released. I mentioned this when Mr. Omarji Sale was released. I shall not say anything more about it. Men can have their way even if they are a few in number. There were thousands who applauded and showed themselves ready for gaol. But only a few come forward now. I am not dissatisfied with this. To any inquiry about his health today, Mr. Aswat says that he is all right; but, according to Mr. Vyas, that is not correct. This brave man [while in gaol] did not obtain tobacco, etc., as personal favour. I am proud of this. He has done all that he promised, and he will act in the same manner till the last. There are very few men who, without hankering after publicity, would act as he has done. To honour others is as good as honouring oneself, for that shows one's own worth. Yesterday, Messrs Manji, Fakir, Shah, and others whose names I do not remember, came. We could not go to receive them. And they too were not—and are not—hungry for honour. However, it is our bare duty to honour those whom we consider to be our seniors. Mr. Quinn is also the same to us as our two leaders and he has been reduced to much the same condition as theirs. He used to get mealie pap and maize in gaol and when the Governor offered to order rice for him, he said he would accept it only if it was ordered for all Chinese. As the Government did not agree, he firmly refused the rice, which was no small thing. Truly, Mr. Quinn is a pillar of satyagraha. The Acting Chair-

<sup>1</sup> After the reception, Messrs Aswat and Quinn had tea at Cachalia's residence; *vide* the preceding item.

man of their Association is now impatient to go to gaol. All these persons will have justice at least from God. I feel proud when I come across a man of his type during my experience of our struggle. I am not disheartened by those who drop off. Be sure victory is ours.

[From Gujarati]

*Indian Opinion*, 5-6-1909

## 214. WHO CAN GO TO GAOL?

Last week we briefly considered the question: Who can be a satyagrahi? In the Transvaal, satyagraha consists for the most part in going to gaol. But imprisonment is not the end of the matter. Satyagrahis have had to mount the gallows,<sup>1</sup> embrace a pillar of red-hot iron<sup>2</sup>, suffer being rolled down a mountain, swim in boiling oil in a big frying pan,<sup>3</sup> walk through a blazing forest<sup>4</sup>, suffer loss of a kingdom and be sold [as slave] in a low-born family<sup>5</sup> and stay in a lion's den. Thus, satyagrahis have had to pass through different ordeals in different parts of the world.

In the Transvaal, the ordeal for the satyagrahis consists merely in going to gaol. Hence, it will be useful to inquire as to who can go to gaol. Some Indians were willing to go to gaol, but did not do so—could not do so—owing to one reason or another. What could have been those reasons? This question will answer itself if we find out who can go to gaol.

Every person, then, who wants to go to gaol must have, in some measure, the qualities which, as we have seen, are essential in a satyagrahi. But, in addition, he should have the following strong points:

- (1) Freedom from addiction to harmful things.
- (2) A well-disciplined body.
- (3) Disregard for comfortable seat or bed.
- (4) Extreme simplicity in food habits.
- (5) Total freedom from false sense of prestige or status.

<sup>1</sup> The reference probably is to the crucifixion of Jesus.

<sup>2</sup> These are references to legends of Prahlad, Sudhanva, Nala-Damayanti and Harishchandra, respectively.

<sup>3</sup> *ibid*

<sup>4</sup> *ibid*

<sup>5</sup> *ibid*



(6) Fortitude.

Friends who would go to gaol must particularly have these qualities, (which we may call the six forms of wealth in a prison.) Let us examine each of them. It was our experience that those prisoners who were addicted to smoking, drinking, betel-nuts or even tea found the strain of gaol life too much. In consequence, they either managed to get these things surreptitiously in gaol, that is, abandoned [the path of] truth, or gave up speaking of going to gaol again. One must therefore avoid every form of addiction. One addiction alone is permissible, and that is repeating the name of the Lord in prayer.

Cowards can never become satyagrahis. Likewise, a physical wreck will not generally be able to bear gaol life. There have been many cases of men who, though physically weak, have braved hardships through sheer will-power. These are exceptions. As a general rule, one must have a healthy and sound constitution; lacking this, some of the prisoners were unable to bear the strain [of gaol-life]. A satyagrahi knows that his body is [as it were] lent to him on hire. He should prove a worthy tenant by keeping it clean and glowing with health.

One can understand that a man who is accustomed to a spring cot with a soft mattress cannot all at once bring himself to sleep on the floor. One must therefore get rid of this pampering of the body.

Diet, it seems, has proved to be much the most important problem. That also is not surprising. He who has his tongue under control, being both sparing in speech and moderate in his taste for good food, must be reckoned to have achieved a great conquest. We hardly come across anyone who does not relish good food. Even the poor Kaffirs die with craving for good food. Of course, this is not a simple problem. However those who want to offer themselves for imprisonment in a public cause must learn to master their palate. The proper thing is to offer thanks to God for whatever we get. Every Indian must ponder over the fact that, in India, thirty million out of a population of three hundred million get only one meal a day, and that, too, nothing more than *roti* and salt. Compared to this, it is not much of a hardship to have to maintain oneself in gaol on three meals a day, each different from the other. Hunger accepts everything. Though one may not feel at ease for a few days, by and by one does come to like gaol food. Any Indian who wants to be a satyagrahi—a prisoner—must accustom himself to simple food as quickly as

possible.

A person with a false notion of prestige or status cannot afford to go to gaol. One is subjected there to the authority of the warder and is asked to do work which is thought rather degrading. If one refuses to do such work, considering it dishonourable, or on the ground that one has never done it before, the result will be unwelcome. Whether one thinks of anything as a mark of servitude or not depends entirely on one's mind. He who is free in his mind will feel as free as a king even when carrying buckets [of night-soil]. Rather than feel that carrying of buckets is a mark of servitude, such a man will consider it a matter of honour in the present circumstances.

And last, Lady Fortitude. Everyone starts counting days the moment he is in gaol, with the result that they appear to grow inordinately long. Years wore on while we were outside and were lost to us for ever. And yet we did not think much of that. In gaol, three days appeared to be as long as three years. Why? The answer is that we were not happy to be in gaol. Just as a mother takes pleasure in suffering for the sake of the child, so also must we take pleasure in suffering for the motherland—for truth. One must patiently serve out the full term of one's imprisonment, bearing always in mind that one could never have passed one's days outside in the same manner as in gaol and put the time to good use, that is, spent the days in devotion to God, in good thoughts, in self-examination. In this way, going along a single path one will have accomplished two tasks.

These six qualities, therefore, a [satyagrahi] prisoner must have. There may be other qualities which will suggest themselves to the reader. But we urge every reader to ponder, at any rate, the suggestions made above.

[From Gujarati]

*Indian Opinion*, 5-6-1909

### 215. MY THIRD EXPERIENCE IN GAOL [–II]

#### OTHER CHANGES

As I mentioned above, the warder in charge of me was somewhat harsh in his behaviour. This did not last long. When he saw that with the Government itself I took up a fighting attitude about food, etc., but carried out all his orders his manner changed, and I was allowed to

do as I liked. Thus, the difficulties about lavatory, bath, etc., disappeared. Moreover, he never allowed me to feel that I was subject to his authority. His successor was a happy-go-lucky man. He was careful to provide me with all reasonable facilities. He used to say: "I love a man who fights for his people. I am myself something of a fighter. I do not regard you as a prisoner." Many a time he would console me with such talk.

Moreover, after a few days they used to let me out into the gaol-yard for half an hour's stroll in the mornings and similarly, in the evenings. This exercise was continued even after I was allowed to sit outside for work. The rule about exercise applies to all prisoners who have to do work sitting.

And then the bench which had been refused to me was later sent by the Chief Warder of his own accord. Meanwhile, I received from General Smuts two books on religion, and I inferred from this that it was not under his orders that I had been subjected to hardships, but that it was the result of his negligence and that of others, as also a consequence of the fact that we are equated with the Kaffirs. One thing appeared certain, that the only object of isolating me was to see that I had no opportunity of talking to anyone. With some effort, I could also secure a pencil and a note book.

#### DIRECTOR'S VISIT

Within a few days of my being brought to Pretoria, Mr. Lichtenstein came to see me with special permission. He had come on official business, but he made inquiries about my health, etc. I was reluctant to give a reply, but, being pressed, I said to him: "Without going into details, I shall only say that I am being subjected to brutal treatment. General Smuts wants to bend me, but I am not likely to succumb. I am prepared to suffer everything. My mind is at peace. Please do not make this public. I shall tell the world everything after my release". Mr. Lichtenstein conveyed this to Mr. Polak. The latter could not contain himself and talked about it to others. The result was that David Pollock wrote to Lord Selborne, and an inquiry was made. There was a visit by the Director, to whom I said exactly what I had said to Lichtenstein. In addition, I also pointed out the other discomforts which I mentioned in the beginning. As a result of this, they sent me ten days later a bedboard, a pillow, a night-shirt and a

handkerchief. I accepted them. In the statement<sup>1</sup> which I have submitted on this matter, I have pointed out that all the Indians [in gaol] stand in need of these things. In fact, Indians are more comfort-loving than whites in regard to sitting and sleeping. They find it difficult to do without a pillow.

Thus, simultaneously with improvement in diet and facilities for work in the open air, I was provided with better comfort for sleeping, as described above. But man can never escape his fate. The bed-board was full of bugs. I did not use it even for ten days. At last, the Chief Warder had it repaired and I started using it. Meanwhile, I had grown used to sleeping on a blanket spread out on the floor. The bed-board, therefore, appeared to have made no difference to me. In the absence of a pillow, I had been using my books for the purpose, so that even the provision of a pillow made little difference to me.

#### HANDCUFFED

The conclusion to which I had been led by my initial treatment [in Pretoria Gaol] was confirmed by the following incident. Four days later, I was summoned as a witness in Mrs. Pillay's case. I was, accordingly, taken to the court. I was handcuffed on the occasion.<sup>2</sup> Moreover, the warder locked up the handcuffs rather tight. I think he did this unintentionally. The Chief Warder saw this. I had obtained his permission to carry a book with me to read [on the way]. Thinking probably that I felt ashamed of the handcuffs, he asked me to hold the book with both hands, so that the handcuffs might not be seen. I was rather amused at this. To me the handcuffs were a matter of honour. It happened by chance that the title of the book which I was carrying, if rendered in Gujarati, would be: *Khuda-no Darbar Tara antar-man Chhe*.<sup>3</sup> I regarded this as a wonderful coincidence. Whatever the difficulties that pressed on me from outside, so long as I kept my heart worthy of God's presence in it, what need had I to mind anything else? I was taken on foot in this fashion. For the return journey, a truck was sent from the gaol. Indians must have come to know that I was to be brought [to the court]; some of them were, therefore, present there. From among them, Mr. Tryambaklal Vyas was able to see me through Mrs. Pillay's lawyer.

<sup>1</sup> This is not available.

<sup>2</sup> For official correspondence and other material on this subject, *vide* Appendix VIII.

<sup>3</sup> *The Kingdom of God Is within You* by Tolstoy

I was also taken to the court on another occasion, this time, too, in handcuffs. There was a truck to carry us to the court as also to bring us back.

#### MAGIC POWER OF SATYAGRAHA

Some of the facts which I have given above will appear rather trivial, but they have been described in such detail in order to show that satyagraha is feasible in every situation, serious or otherwise. The result of my having submitted to the physical hardships inflicted by the junior warder was that I could preserve my peace of mind. Not only that, the warders themselves removed all those hardships. If I had resisted, that would have distracted my energies from the bigger tasks on hand and the warders would have become my enemies.

On the question of food also, I remained firm in my principles and bore some hardships initially, with the result that this difficulty, too, disappeared. The same thing can also be seen [to have happened] in respect of the smaller difficulties.

The biggest gain, however, has been that I find myself, beyond any shadow of doubt, to have grown in mental strength in consequence of having endured physical suffering. I believe that the last three months have been of great profit to me and I am ready today to bear much heavier suffering without flinching. I see that satyagraha is assured of divine help, and that in testing a satyagrahi the Creator imposes on him at every step only as much burden as he can bear.

#### MY READING

The story of my suffering or of my happiness, or rather of both, ends here. But I had a great many benefits in the course of these three months. One of the most important, to be sure, was that I got an opportunity for reading. I must admit that, during the earlier part [of my imprisonment], I often found myself lost in thought and felt dejected. The moment I had succeeded in withdrawing my mind from an unpleasant thought, it would again wander off like a monkey. In such circumstances, men often go mad. My books saved me. Thanks to them, I did not feel much the absence of contacts with Indian friends. Everyday I had three hours for reading. I had an hour to myself in the morning, which could be spared [for reading] because I went without a breakfast. It was the same about evening. At noon, I read while eating. Besides, in the evening, I continued reading even

after the light was switched on, if I was not too tired. On Saturdays and Sundays, I had plenty of time on land. I read over 30 books during this period, and reflected on some of them; among these, there were books in English, Hindi, Gujarati, Sanskrit and Tamil. Notable among the English books, I would say, were those by Tolstoy, Emerson and Carlyle. The first two were on religious subjects. Along with these, I also borrowed a copy of the Bible from the gaol. Tolstoy's writings are so good and simple that a man belonging to any religion can profit by them. Moreover, he tries to put into practice what he preaches, so that, by and large, they command greater confidence.

There is a forceful book by Carlyle on the French Revolution. I realized after reading it that it is not from the white nations that India can learn the way out of her present degradation. It is my belief that the French people have gained nothing of value through the Revolution. Mazzini also thought the same way. There is much difference of opinion on this subject. We cannot enter into a discussion on it here. I came across many instances of satyagraha even in this history.

The books in Gujarati, Hindi and Sanskrit which I read were *Veda-Shabda-Sangna*, sent by Swamiji, the *Upanishads* received from Bhatt Keshavram, the *Manusmriti* received from Mr. Motilal Diwan, the *Ramayana* printed in Phoenix, *Patanjal-Yoga-Darshan*, *Ahnika-Prakasha* prepared by Nathuramji, and *Sandhya-ni Gutika*, Given by Professor Parmanand, the *Gita* and the writings of the late worthy poet Raychand<sup>1</sup>. All of them gave me much food for thought. The *Upanishads* proved a great source of peace to me. One statement in them has made a deep impression on my mind; in substance, it means that everything one does must be done for the welfare of the soul. The thought is expressed in words of great beauty. There is much else in it worthy of attention.

But it was the writings of the poet Raychand which proved the most satisfying. So far as I can judge, they should appeal to all. His way of life was noble, like Tolstoy's. I memorized a portion of his writings and of the book on *Sandhya*. I would repeat them over and over again in my mind whenever I happened to wake up at night, and every morning I spent half an hour meditating on them. I would recite most of what I had memorized, and this kept me cheerful all the time. If ever I gave way to despair, I would smile with happiness again the

<sup>1</sup> Also known as Rajachandra; vide "Letter to Maganlal Gandhi", 28-12-1908

moment I went back in thought to what I had read, and would be filled with gratitude to God. On this subject, too, I have a great many thoughts which I should like to place before the readers. But this is not the occasion to do so. I shall only say this, that in these days good books partly make up for the absence of good men with whom we can cultivate contacts, and that, therefore, every Indian who wants to be happy in gaol must form the habit of reading good books.

#### STUDY OF TAMIL

No other Indians can equal the performance of the Tamils in this fight. It therefore occurred to me that I should read Tamil with close attention, if for no other reason than to tender sincere thanks to them at least mentally. Accordingly, the last one month was devoted mostly to the study of Tamil. The more I learn it, the better I appreciate the beauties of this language. It is a very fine and sweet language, and from its structure and from what I have read in it, I find that the Tamils have produced, and still produce, a large number of intelligent, thoughtful and wise men. Moreover, since India is going to be one country, some Indians outside Madras should also learn Tamil.

#### CONCLUSION

I wish that everyone who reads this account of experience should cultivate patriotism, if he does not have it, and learn satyagraha therefrom, and if he has it already, be more firm in it. I am growing more convinced every day that no one who does not know his religion can have true patriotism in him.

For the rest—

The sky rings with the name of the Invisible,  
I sit rapt in the temple, my heart filled with gladness;  
Taking up an *asana*<sup>1</sup>, they face immovable,  
I have pitched my tent in the abode of the Inscrutable.

Moreover—

Take to the life of a fakir and yield not to despondency,  
Let the mind be always rapt with joy.

It is possible to practise renunciation while living in the world of men. And the last question is, how does one find *Khuda-Ishvar*?

The poet answers—

<sup>1</sup> Yogic posture for contemplation

When, smiling and playing my way through life,  
I see [Him] revealed to me, a visible presence,  
Then shall I consider my life to have attained its true end;  
He who has seen Him even in a dream,  
Will cease chasing the shadows in vain.

[From Gujarati]

*Indian Opinion*, 5-6-1909

## 216. SPEECH AT GERMISTON<sup>1</sup>

[GERMISTON,  
June 7, 1909]

Mr. Gandhi, who was well received, on rising, said that, although he had chosen passive resistance as his subject that evening, he did not wish to deal with the Indian question, except in so far as it might be necessary to illustrate any proposition. Passive resistance, the speaker proceeded, was a misnomer. But the expression had been accepted as it was popular and had been for a long time used by those who carried out in practice the idea denoted by the term. The idea was more completely and better expressed by the term “soul force”. As such, it was as old as the human race. Active resistance was better expressed by the term “body force”. Jesus Christ, Daniel and Socrates represented the purest form of passive resistance or soul force. All these teachers counted their bodies as nothing in comparison to their souls. Tolstoy was the best and brightest exponent of the doctrine. He not only expounded it, but lived according to it. In India, the doctrine was understood and commonly practised long before it came into vogue in Europe. It was easy to see that soul force was infinitely superior to body force. If people in order to secure redress of wrongs resorted to soul force, much of the present suffering would be avoided. In any case, the wielding of this force never caused suffering to others. So that, whenever it was misused, it only injured the users and not those against whom it was used. Like virtue, it was its own reward. There was no such thing as failure in the use of this kind of force. “Resist not evil” meant that evil was not to be repelled by evil but by good; in other words, physical force was to be opposed not by its like but by soul force. The same idea was expressed in Indian philosophy by the expression “freedom from injury to every living thing”. The exercise of this doctrine involved physical suffering on the part of those who practised it. But it was a known fact that the sum of

<sup>1</sup> At the invitation of the Germiston Literary and Debating Society, Gandhiji spoke on “The Ethics of Passive Resistance” at the Council Chamber. Linton Jones, President of the Society, presided. The audience was representative of Germiston’s leading citizens. The report appeared in *Indian Opinion* as. “From Our Own Reporter”.



such suffering was greater rather than less in the world. That being so, all that was necessary for those who recognized the immeasurable power of soul force was to consciously and deliberately accept physical suffering as their lot, and, when this was done, the very suffering became a source of joy to the sufferer. It was quite plain that passive resistance, thus understood, was infinitely superior to physical force and that it required greater courage than the latter. No transition was, therefore, possible from passive resistance to active or physical resistance. The Colonists would, therefore, see that no exception could be taken to Indians making use of this force in order to obtain a redress of their grievances. Nor could such a weapon, if used by the Natives, do the slightest harm. On the contrary, if the Natives could rise so high as to understand and utilize this force, there would probably be no native question left to be solved. The one condition of a successful use of this force was recognition of the existence of the soul as apart from the body, and its permanent and superior nature. And this recognition must amount to a living faith and not a mere intellectual grasp. The speaker illustrated his lecture with several modern illustrations.<sup>1</sup>

*Indian Opinion*, 12-6-1909

## 217. LETTER TO "THE TRANSVAAL LEADER"<sup>2</sup>

[JOHANNESBURG,  
After June 8, 1909]

[THE EDITOR  
*THE TRANSVAAL LEADER*  
JOHANNESBURG]

SIR,

The Colonial Secretary has laid the Indian community under obligation, by returning a prompt and decisive reply to Mr. Munnik's charges against the British Indian community. The honorable Mr. Munnik says that Asiatic children about 12 year old, whose parents have never been in the country, have been entering the country and evading the law. If 59 Asiatics only have entered the

<sup>1</sup> At the conclusion of his address, Gandhiji answered questions put to him. A vote of thanks, moved by Mackay, the Town Clerk, was later passed with acclamation.

<sup>2</sup> Gandhiji wrote this with reference to an allegation made by G. G. Munnik in the Transvaal Parliament on June 8 that "double the number of Indians had entered [the Colony] during the last month than during any month...that their 'game' was to introduce children into the country whose parents had never been in this Colony." The Colonial Secretary replied: "...during this year 59 Asiatics have come into this country—nine *via* Natal and 50 *via* Mozambique". The letter was reproduced in *Indian Opinion*, 12-6-1909, under the title "Withdraw!".

Transvaal during the six months, and these are evidently all authorised entrants, it is evident that the libel uttered by Mr. Munnik against the whole community is groundless, and, unless the honourable gentleman has anything else to support the accusation, and unless it is placed before the public, it is in my opinion, due to the community that the honourable gentleman should withdraw the charges made by him.

*I am etc.,*

M. K. GANDHI

*The Transvaal Leader, 12-6-1909*

## 218. SOME SUGGESTIONS

Satyagraha will end some day, no matter when. But, meanwhile, we give below instances, without offering any argument, of the benefits the Indian community has already derived and the fruits it has tasted; every Indian should ponder over these:

- (1) The Rhodesian law has been defeated.
- (2) Lord Crewe has clearly stated that the [Rhodesian] Act has been disallowed because of the satyagraha campaign in the Transvaal.
- (3) Lord Crewe has stated in the same communication that the Imperial Government did not feel happy in giving assent to the Transvaal Act.
- (4) In the Blue-book recently issued, Lord Crewe has recommended that both demands of the Indians should be conceded.
- (5) The Transvaal Government in its reply has not rejected the recommendation [outright], but has explicitly stated that the satyagraha campaign has for the most part collapsed and that, if Lord Crewe waited, the remaining Indians would also give in. (This is a clear indication that, if satyagraha had been continued by a large number of Indians, our demands would have been met long before this.)
- (6) Many whites who knew nothing about Indians till now have not only come to know what they are, but have also been working for our cause.

Each of these instances will suggest a number of reflections. We

shall elaborate them some time later for the benefit of our readers. Meanwhile, we hope that many Indians will ponder over and derive fresh strength from them. It is clear, at any rate, that it depends on us whether or not we shall win. We fail, then, to understand why so many Indians have been disheartened.

[From Gujarati]

*Indian Opinion*, 12-6-1909

## 219. INDIANS IN THE CAPE

Indians in the Cape have been slumbering. The Immigration Officer is wide awake. The immigration report of the Cape is worth reading and pondering over by every Indian in the Colony. Here we intend to emphasize only two points. Mr. Cousins (the Chief Officer) states that many Indians bring in others' children representing them as their own, and give wrong information about their ages. Under these circumstances, Mr. Cousins suggests that the law be so amended as to require every Indian to bring with him a (Government) certificate from India testifying to the boy's age and stating that the boy is his own son. The two facts are related to each other as cause and effect. It is because some Indians practise deception, as stated above, that Mr. Cousins has put forward a new suggestion. We are bound to suffer so long as we continue to resort to falsehood. It is always harmful to violate a law on the sly. Should we disapprove of any law, it would be to our advantage to violate it openly, if we have the courage to do so. We should know when to violate a law in this way. the Cape Indians need to act with great caution; first, to cast out the falsehood in us, should there be any, and, second, to represent to the Government without the slightest delay that Mr. Cousins' suggestion is improper. We shall give elsewhere the other facts mentioned in the report.

[From Gujarati]

*Indian Opinion*, 12-6-1909

## 220. JOHANNESBURG LETTER

### VISIT TO HOUTPOORT PRISONERS

Indian prisoners in Houtpoort Gaol, near Heidelberg, were visited by Mr. Gandhi, Mr. and Ms. Vyas and Mr. Shelat. All the prisoners were found to be in good health. It was also observed that, for some time past, the officers there have been behaving rather well.

Mr. Nanalal Shah is in this gaol. His being sentenced to six months' imprisonment, because he refrained from using his certificates, proves him to be a man of courage; likewise, his work and conduct in gaol have been excellent. He has endeared himself to everyone. He also gives to everyone portions from his own quota of food. All the prisoners released from the gaol testify to this. Mr. Manji Nathubhai, Mr. Khimchand Shah and Mr. Parbhu Kuber are unanimous in their praise of Mr. Nanalal Shah.

Though Mr. Bhayat is in gaol, prisoners continue to receive help from his store. Whenever a prisoner is released, a carriage is generally sent to receive him. I use the word "generally" because when Mr. Manji, Mr. Khimchand and Mr. Parbhu were released, no carriage was sent to receive them. Since Mr. Manji had been fasting and Mr. Khimchand was in poor health, they were put to considerable hardship. Moreover, as the telegram intimating their arrival in Johannesburg was not received in time, no one could go to the station to receive them. Such hardships need not frighten any satyagrahi. These too must be borne. Mistakes will always happen through oversight.

### ASWAT'S GREATNESS

Mr. Aswat endured much suffering in the Diepkloof Gaol. He has lost about 30 pounds in weight. It seems he acted in perfect conformity with the spirit of satyagraha. He did not even so much as touch food other than what he got in gaol. He was a confirmed smoker, but he did not smoke even once during the three months [of his imprisonment]. Indifferent to his business, he has offered to go to gaol again. While I am writing about Mr. Aswat, it occurs to me that Mr. Thambi Naidoo has given up smoking, tea and coffee for ever, though, before he went to gaol, he could not do without any of these things even for an hour. He has, moreover, pledged himself not to

allow his moustache to grow so long as the struggle is on. So long as the community has such heroes among its members, the fight is bound to continue and ultimate victory is assured.

#### THE MORAL

It has come to my knowledge that some of the satyagrahi prisoners have learnt to resort to underhand ways in gaol. Formerly they would not eat anything which was not openly available for all or which others could not get; now they do so. Those who were not used to chewing tobacco or smoking have now learnt to do so. Such prisoners should be ashamed of themselves, and ought to emulate the examples of Mr. Aswat and Mr. Naidoo. The more faithfully the community observes the spirit of satya-graha, the earlier will come the end, and the more indifferent it grows, the more will satyagraha be prolonged. The reasoning is simple enough.

#### DEPORTATION

Prompt steps are being taken about deportations to India. Mr. Isaac has been sent to Delagoa Bay in connection with that. I hope Delagoa Bay Indians will help him. At the same time, correspondence is also going on with the Government. Mr. Narottam Kalidas, who was sentenced to deportation, has been released and is enjoying himself in Johannesburg. However, there is no reason why we should be afraid even of deportation. Men with courage, even if deported, can continue the fight in the home-country as well. Telegrams have been sent to India to have proper arrangements made for those who, though they are satya-grahis, have nevertheless been deported or may be deported in future. Besides, Mr. Somabhai Patel, who was only recently released and has gone to India on some work, has decided to do his best about this in Bombay.

#### INDIAN WASHERMEN IN PRETORIA

The Pretoria Town Council has passed the following resolutions on the recommendation of its Health Committee:

- (1) That the resolution of August 1907, which denied the use of the Municipal wash-houses to Indian laundrymen and required them to provide a proper water supply and washing accommodation at their own laundries, be rescinded.
- (2) That the resolution of May 1908, to the effect that all

laundrymen be excluded from the Municipal wash-houses, be rescinded.

- (3) That in future all Coloured persons, irrespective of nationality, be permitted to use the Municipal wash-houses.
- (4) That instructions be issued to the caretakers of the wash-houses to exercise the strictest supervision to prevent waste of water.

#### RELEASED BECAUSE OF ILLNESS

Information has been received that Mr. Mahomed Mamuji Patel, of Mr. Bhayat's store, who was in Volksrust Gaol, has been released by the Government on account of ill-health.

#### MAHOMED AHMED BHABHA

Mr. Mahomed Ahmed Bhabha of Standerton, who was in the Hout-poort Gaol, was released on Saturday last. Mr. Bhayat's carriage was sent to fetch him, and he was entertained as a guest at Mr. Bhayat's. I hope Mr. Bhabha will be ready to court arrest again.

#### BHAYAT

He will be released on the day on which this issue is published, that is, June 12. It is believed that, after his release, other Indians of Heidelberg will come forward to court arrest.

#### TAILORS, KANBIS, ETC.

Some tailors, Kanbis<sup>1</sup> and others have been arrested. They do not all appear to be satyagrahis. Some of them have applied [for registration] under the new Act. It also appears that many of them deserve to be deported. If such Indians resort to satyagraha, they and the community will both stand to gain. By doing so, they may even escape deportation. Many Indians can be in gaol, if only they want to. Mr. Aswat's store offers one Indian as sacrifice every day. Many Indians can manage to be in gaol by offering themselves for the honour of being in charge of the store. So far, it is mostly the Tamil heroes who have done so. This is a matter of shame to other Indians. Under these circumstances, if those tailors, Kanbis and other Indians who are threatened elect to go to gaol, they will accomplish two things at a time. In doing this, however, it should be remembered that the

<sup>1</sup> A caste in Gujarat, consisting mostly of peasant farmers

Indians concerned should be men who are entitled to live in the Transvaal. I hope that readers will act upon these suggestions.

#### IMAM SAHEB

Imam Abdool Kadir Bawazeer, who is serving a third term of imprisonment for the community, will be released on the 15th. I hope that every Indian who knows his status, his calling as a priest, and his services, will be at the gaol on that day to do him honour.

#### TO BE RELEASED ON THURSDAY

Messrs E. S. Coovadia, M. P. Fancy, Ahmed Halim, Razak Nur-bhai, Suleman Casmal, Vallabhram Chhanabhai, Narayansami Naidoo and Nayanah Francis will be released on Thursday next. Arrangements are being made to give them a fitting welcome. I hope that everyone will be present at the gaol on Thursday morning to receive them.

#### BRITISH INDIAN CONCILIATION COMMITTEE

A meeting of this Committee was held on Sunday last in the Hamidia Islamic Society's hall. Many Indians were present. From Standerton there was Mr. Hajee Ismail Amod, from Pretoria Mr. Khamisa, from Zeerust Mr. Hajee Cassim and from Krugersdorp Mr. Mahomed Kajee. Among the gentlemen from Johannesburg, there were Mr. Abdool Ganie, Mr. Halim Mahomed<sup>1</sup>, Mr. George Godfrey, Mr. Dadabhai, Mr. Shahboodeen and others. The Committee has been set up to help the cause of the satyagrahis. Those who have found themselves unable to participate in the gaol-going and other programmes [of the satyagraha campaign] can join this Committee. Mr. Hajee Habib is the Chairman. Mr. George Godfrey is its Honorary Secretary. Mr. Gandhi attended the meeting by special invitation. Mr. Hajee Habib dealt with a great many points in his introductory remarks. He said that in regard to the struggle, Mr. Gandhi had acted hastily at the time of the settlement<sup>2</sup>. Had he not done so and had insisted on having everything in writing from General Smuts, the community would not have had to go through so much suffering. However, [he said] they were concerned at present with bringing about the end of the struggle itself. It was the duty of every Indian to help secure the release of their

<sup>1</sup> The original has "Maal", which appears to be a misprint.

<sup>2</sup> The reference is to the compromise arrived at between Transvaal Government and Asiatic communities in January 1908: *vide* "Interview to the Trransvaal Leader", 30-1-1908.

brethren who had courted imprisonment. It was not proper to call those who refused to go to gaol blacklegs. They must all live in harmony with one another. The Committee [he continued] would make a petition to General Smuts. Act No. 36 had failed to provide for several things. Many persons were deprived of their rights. Minors were subjected to harassment. One was not allowed to enter the Transvaal first and then make the application.<sup>1</sup> Finger-impressions were demanded from everyone. All these grievances [he said] called for redress. Real satyagraha, it might be claimed, was offered by Mir Alam alone. He declined even to show his permit and had been deported for that. *Indian Opinion* very often published tendentious articles and reports which, he thought, was not quite proper. A man like Mr. Khanderia used to encourage others to go to gaol, but he himself got cold feet when it was his turn to go to gaol, and paid the fine; yet, there was no comment on him in *Indian Opinion*, which was obviously unfair. He also believed that it was necessary to send a deputation to Europe.

The resolution to set up a Committee was proposed by Mr. Hajee Ojer Ally. Introducing the resolution, he said that the meeting was being held because Mr. Gandhi had suggested that those who had not gone to gaol or did not wish to, could also help the community. The resolution was supported by Mr. Halim Mahomed and passed unanimously. The second resolution was proposed by Mr. Essop Cachalia; it called for a petition to be made to the Colonial Secretary to press for the acceptance of the satyagrahis' demands. Moving it, he said that he had burnt his certificate and had not taken out a duplicate, so that he was, he thought, a full-fledged satyagrahi. However, he was introducing the resolution with the permission of the Chairman. If the demands were not accepted, all Indians would again be prepared to court imprisonment.

The resolution was supported by Mr. Abdool Ganie. Mr. Hajee Ojer Ally and Mr. Abdool Ganie pointed out that, if the demands were not accepted by the Government, the question of people not going to gaol would not arise. Their duty was to extend as much support as possible to those who went to gaol. Mr. Habib Motan then made a long speech. He pointed out several mistakes which [he believed] Mr.

<sup>1</sup> The Asiatics Registration Amendment Act of 1908 provided that Indians who were outside the Transvaal at the time the Act came into effect, but claimed the right of entry, could apply from any part in South Africa where they were resident on September 21, 1908.



Gandhi had made and asked [him] some questions. He expressed his happiness at the fact that Hindus and Muslims had sat at the same table on the occasion of the tea-party at Mr. Cachalia's in honour of Mr. Omarji Sale, and wished that the same thing would also happen in India. Mr. Ismail Amod of Standerton then made a short speech. He was followed by Mr. Khamisa and Mr. Ismail Patel.

Mr. George Godfrey made a statement in English. Mr. Gandhi gave a brief reply and said that, if the Committee worked sincerely and with despatch and energy, it would undoubtedly be of great help to the cause of satyagraha.

[From Gujarati]

*Indian Opinion*, 12-6-1909

## 221. TRIAL OF NAIDOO AND OTHERS<sup>1</sup>

[JOHANNESBURG,  
June 16, 1909]

Afterwards,<sup>2</sup> in open Court, Mr. Thambi Naidoo was charged under Section 9 of the Regulations, Mr. Gandhi appearing on his behalf. He pleaded guilty, and was sentenced in the usual manner to imprisonment with hard labour for three months, in default of paying the fine of £50. Messrs N. A. Cama and G. P. Vyas were afterwards brought before the Court, and charged similarly. On their behalf, Mr. Gandhi pointed out that his clients proposed to plead guilty but applied for a remand for 14 days, owing to the fact that each of the prisoners was responsible for the wellbeing of a near relative who was in a dangerously ill condition. The prosecution raised no objection, and a remand was granted.

Meanwhile, outside the Court, Messrs A. M. Cachalia, Chairman of the British Indian Association, and V. A. Chettiar, Chairman of the Tamil Benefit Society, had been arrested on similar charge. Mr. Cachalia complained of rough treatment after his arrest, both by the police officer taking him in charge and in the courtyard.

Mr. Gandhi strongly protested against this treatment, pointing out that it surely could not be any part of the punishment meted out to passive resisters.

<sup>1</sup> Thambi Naidoo, G. P. Vyas, N. A. Cama and U. M. Shelat were arrested on June 15. The first three were charged with refusing to produce their registration certificates and to give their signatures and thumb-impressions. Shelat was charged under Section 7 of Act 36 of 1908 for being in the Colony without a registration certificate. This report appeared under the title: "Foul Play, Delegates Arrested and Sentenced", as "Special to *Indian Opinion*".

<sup>2</sup> Earlier in the Magistrate's private office, on his admitting the offence and refusing to comply with the law, Shelat was ordered to leave the Colony.

Mr. Schuurman, the Magistrate, said that this was really a matter for the Commissioner of Police and not for himself to deal with, as he was able only to deal with the specific charge before him.

Mr. W. J. MacIntyre, by permission of the Court, stated that, as an officer of the Court, he felt it his duty to confirm the statements that had been made, as he had been an eye-witness to them. He thought that it was a great shame that such treatment should be used to inoffensive men. He had himself frequently seen similar treatment given to Indian passive resisters, even in the presence of the Magistrate, and respectfully protested against it.

The Magistrate said that he had never noticed such treatment himself. Had he done so, he would never have allowed it. He thought, however, that this was not a matter for him to deal with.

The prisoners pleading guilty were sentenced to three months' imprisonment with hard labour.

Mr. Gandhi, on behalf of Mr. Chettiar, explained that his client was a man of about 50 year of age, and suffering from diabetes.

*Indian Opinion*, 19-6-1909

## 222. SPEECH AT MASS MEETING<sup>1</sup>

[JOHANNESBURG,  
*June 16, 1909*]

MR. CHAIRMAN, LADIES, GENTLEMEN AND FRIENDS,

We have met here this afternoon under somewhat exceptional circumstances, but I cannot say that these circumstances were unexpected. For some weeks the chief members of the Indian community have been discussing among themselves the advisability of sending a deputation to England, in view of the approaching visit to England of Generals Botha and Smuts in connection with unification<sup>2</sup>. The European Committee that has been formed in the Transvaal, in order to sympathise with us and to help us in every legitimate way, has also advised that such a deputation should proceed to England. As

<sup>1</sup> A mass meeting of about 1,500 to 2,000 British Indians was held in the rounds of the Hamidia Mosque, Fordsburg, on June 16, to appoint delegates to go to England and to India to explain the present state of affairs in the Transvaal. Delegates from all over the Transvaal were present. E. S. Coovadia, Acting Chairman of the British Indian Association, presided and made a few introductory remarks in Gujarati. Gandhiji spoke next.

<sup>2</sup> The reference is to the proposed Union of the four Colonies in South Africa.

you know, a large Committee meeting<sup>1</sup> was held last Sunday, and after much debate a resolution was come to by a large majority that a passive resistance deputation should proceed to London Next Monday. That Committee nominated Mr. Cachalia, the Chairman of the British Indian Association, Mr. Chettiar, representing the Tamil section and Chairman of the Tamil Benefit Society, Mr. Hajee Habib who, although he has not been able to see eye to eye with us up to now, declared himself a passive resister, was also nominated, and myself. There was also a submission made to the meeting that, simultaneously with the English deputation, a deputation should proceed to India, in order that the true situation might be placed before the Indian public, and other names were submitted. Among them were the names of Mr. Polak, the Assistant Honorary Secretary of the British Indian Association, Mr. N. Gopal Naidoo, Mr. N. A. Cama, and a fourth name was not given then, but it will be submitted at this meeting, and that is, Mr. Coovadia. To-day we find that the Government have laid their hand upon Mr. Cachalia, and Mr. Cachalia is locked up in the Johannesburg Gaol. He has been sentenced to three months' imprisonment with hard labour unless he paid a fine of £50. Mr. Cachalia is now in gaol in connection with this struggle for the fourth time. Mr. Chettiar also has been arrested, and he is undergoing imprisonment for three months. The brave Thambi Naidoo is also in gaol. Mr. Vyas was arrested yesterday. He has been released on bail because he has to meet perhaps a dying brother who is dangerously ill. His case is adjourned for a fortnight. Mr. Nadeshir Cama, who was to have proceeded to India if duly elected by this meeting, has also been arrested, and his case has been adjourned for similar reasons. Our worthy Chairman whose name is included in the Indian deputation, was arrested at 2 o'clock. His case has been remanded in order to enable him to wind up his business, but him also three months imprisonment stares in the face, and Omarji Sale, the Vice-Chairman of the British Indian Association, as also Mr. Dildar Khan has been arrested and they are released on bail, but them also the same punishment awaits. Such are the circumstances under which we have assembled here. I do not know what displeasure I have incurred that the Government have not arrested me yet, but I do declare that if this meeting chooses to pass the resolution with reference to the English deputation, the Government will find me

<sup>1</sup> For minutes of this meeting held on June 13, *vide* Appendix XIII.

gone on Monday next, unless they choose to extend [me] the hospitality in the Transvaal as they have done before now. My friends, the men who have gone to gaol to-day have left families behind them. I had the misfortune to see a weeping wife last evening but the last word that she told me was, "Whether I weep or do not weep, you will see that my husband will do his duty, and suffer imprisonment for the fifth time." It only remains for this meeting to say what the remaining Indians are capable of doing. I am fully aware that all the members of the community are not capable of undergoing the same measure of suffering, but, if you cannot do that, you can certainly help those who have now gone to gaol and can help the cause by showing your sympathy in many other respects, and I do hope that this meeting will not fail in its duty.

*Indian Opinion*, 19-6-1909

### 223. RESOLUTIONS AT MASS MEETING<sup>1</sup>

[JOHANNESBURG,  
June 16, 1909]

[RESOLUTION 1:] This mass meeting of Transvaal British Indians hereby confirms the appointment, made by the Committee of the British Indian Association of the Transvaal, of Messrs A. M. Cachalia, Hajee Habib, V. A. Chettiar, and M. K. Gandhi, as a deputation to proceed to England and place before the authorities and the British public the true situation with regard to the present Asiatic struggle and the British Indian view of the coming union of South Africa.

[RESOLUTION 2:] This mass meeting of British Indians hereby elects Messrs N. A. Cama, N. Gopal Naidoo, E. S. Coovadia, and H. S. L. Polak, as a deputation to proceed to India, and to place before the authorities and the Indian public the true situation with regard to the present Asiatic struggle in the Transvaal.

[RESOLUTION 3:] This meeting respectfully protests against the sudden and unwarranted arrest of Messrs Cachalia, Coovadia, Cama, and Chettiar who were, as the Government well knew, appointed or to

<sup>1</sup> The resolutions, moved by Imam Abdool Cadir Bawazeer, Chairman, Hamidia Islamic Society and seconded by Dildar Khan, were presumably drafted by Gandhiji. They were put to vote and passed, with six dissentients, their objection being mainly that the deputation was not representative of the large section of the community which comprised people who were not passive resisters, and that Polak, a European, should not be included.

be appointed as delegates in the deputation mentioned in the foregoing resolutions, and calls upon the Government to release them in order to fulfil their mission under approved security as to their return, after completion of their mission, to undergo the sentence passed upon them by the Court.

*Indian Opinion*, 19-6-1909

224. LETTER TO “THE STAR”<sup>1</sup>

JOHANNESBURG,

*June 18, 1909*

TO

THE EDITOR

*THE STAR*

JOHANNESBURG

SIR,

You have always generously opened your columns to a discussion of public questions, whether your views coincided with those of your correspondents or not. I know you will extend that generosity to those who are engaged in the Asiatic struggle, until, in the fulness of time, it is over, but I trust that you will see your way to give your opinion of the latest phase of it.

The Chairman of the British Indian mass meeting<sup>2</sup> of Wednesday telegraphed the purport of the resolutions passed at that meeting to the Honourable the Colonial Secretary, requesting suspension of the sentences passed upon and the adjourned cases of those who have been elected as delegates composing the English and Indian deputations. The following is the Colonial Secretary's reply:

With reference to your telegram this morning, the Colonial Secretary desires me to state that when instructions were given for the arrest of the persons you name, for non-compliance with the registration provisions of the law, nothing was known of the likelihood of their being selected as delegates. While anxious not to interfere in any way with the freedom of action of members of the deputation, he regrets it is impossible for him to comply with your request and interfere with the course of the law.

<sup>1</sup> This was reproduced in *Indian Opinion*, 26-6-1909 under the title: “Imprisonment of the Delegates: Government Refuses to Release Them”.

<sup>2</sup> *Vide* “Speech at Mass Meeting”, 16-6-1909 and also the preceding item.

The public do not know that the Government have dotted the Colony with their spies, who watch the movements of those who are actively engaged in the struggle. They have sent to them the reports of every meeting, public or private, that is held by British Indians. The names of the members who were elected last Wednesday have been before the Government for some time. The names of the delegates were finally fixed at a committee meeting last Sunday, which was attended by nearly three hundred Indians. The Press came to know of this appointment, and an inquiry was made at the offices of the Association on Monday. The names were published on Tuesday in the local Press. The four delegates, Messrs Cachalia, Coovadia, Cama and Chettiar were arrested on Wednesday. It is impossible therefore to believe that the Government knew nothing as to the selection of these delegates. The text of the Colonial Secretary's telegram, in the light of the facts given above, is quite clear. When he says "nothing was known of the likelihood of their being selected as delegates", he simply means that the mass meeting had not yet passed them, and he did not know whether it would confirm the nomination of the committee referred to above. One is justified in concluding that the Government did know that those names were to be submitted to the mass meeting, and that the nomination of three hundred Indians was not likely to be overridden by the mass meeting. Why did not the Government stop proceedings, or wait until the decision of the mass meeting was known? Every Indian believes that the Government intended that, at the time of discussing the South African Draft Act in London, there should be no Indian deputation; that they, by striking terror, into the hearts of British Indians, wished to make the mass meeting a fiasco, and that they have left free the remaining members of the deputation only because they got frightened of themselves. Not only have they arrested four of the Indian delegates out of seven, but they have also picked out some of the best workers and the staunchest men among the Indian community, making a total of seventeen men. Some of these have passed through the gaols of the Colony more than four times, are married, and have left behind them weeping wives and children. The refusal to suspend the sentences or the cases of the delegates is as heartless as the proceedings which were taken with such suddenness and in violation of the ordinary rules of fair play and decency.

My countrymen consider that Sir George Farrar, Sir Percy Fitzpatrick and other members of the Progressive Party are just as

responsible for the savage action as Generals Botha and Smuts. They, however, act in the name of the electors. I ask them, and I ask you, as representing the Press, and also as an elector, whether you and they, who are about to receive a liberal Constitution, will use the power which will be shortly given to you and to them in prosecuting men who are fellow-subjects with you and them, but who happen to wear a brown skin. Apart from the merits of the case, is it too much for the public to demand from the Government a release of the chosen leaders of the Indian people under the security offered?

*I am, etc.,*

M. K. GANDHI

*The Star*, 19-6-1909

## 225. DEPUTATION

The decision of the Transvaal Indians to send a deputation is a very important move. The significant thing is that it has been decided so send a deputation consisting of satyagrahis. It appears somewhat incongruous that those who have been defying laws should go to England to seek redress. Hence, one can understand why there was a difference of opinion on this point.

This deputation cannot be defended as being consistent with the principles of satyagraha. Satyagrahis must only suffer. They should depend on God alone. A satyagrahi's success consists in the very fact of his offering satyagraha. But all satyagrahis do not have the same spirit and the same trust in God. Moreover, many Indians have not been able to continue satyagraha. They are nonetheless with the satyagrahis. They want our struggle to come to an early conclusion. So long as Mr. Dawad Mahomed, Mr. Rustomjee and others are in gaol, they cannot rest in peace. The satyagrahis who have been released must also have something to do. The Government will not re-arrest them immediately. What, then, should they do? Thus considered, the deputation idea appears justified.

Sending deputations to both countries<sup>1</sup> cannot but bring some benefit. Our struggle is not properly understood either in England or in India. If it can be properly explained in both the countries, that by itself will surely mean much. It will lead to increased help from both

<sup>1</sup> England and India

countries, and to that extent the duration of the struggle may be shortened.

Moreover, since this movement is cited as a model, it is our duty to see that it is fully understood in India. From this point of view also, the idea of a deputation appears to be justified.

The deputation to India will prove immensely helpful to that going to England. It will compel even Lord Crewe to think, and force Lord Morley to realize his duty.

It is our view that the right persons have been elected as members of the deputation. It was a great thing that Mr. Hajee Habib declared himself ready to join satyagraha. Some members of the community had lost courage because of his having withdrawn from the struggle. Now that he has decided to throw in his weight, that may revive the strength of the other Indians too. Be that as it may, it was a matter of regret for many Indians that Mr. Hajee Habib, who had served the community over many years, had shown himself weak. Now that he is in full form again, the community feels happy. We pray to God to give him sufficient strength to carry on to the end, and to welcome imprisonment cheerfully should the need arise. About Mr. Cachalia, who is a member of the deputation, there is no need at all to say anything. The fact that there are Tamil members on both the deputations does honour to that community. The Tamils' performance has been so very good that no deputation can proceed unless they are represented on it.

The community is not unaware of the valuable services of Mr. Cama. Much work, indeed, awaits him in India, and there is no doubt that he will acquit himself well. It reflects credit on the community that it has thought of sending Mr. Polak to India. His services have not yet been fully appreciated by it. They will be—in due time. Mr. Polak's visit to India will open India's eyes somewhat. By sending him we can also prove that the Coloureds and the whites can work together and that, in the present circumstances, India can make better progress with the help of whites. One should know how to utilize such help.

After saying this about the deputation, we must ask the community not to build high hopes on it. It is on pure satyagraha that we should really depend. The sending of the deputation does not imply the end of satyagraha. It must continue. We hope that by the time the deputation reaches [its destination], quite a number of



Indians will have gone to gaol. The deputation's task is difficult and, should it return empty-handed, we must find comfort in the thought that the effort had been worth making.

The deputation will have some weight only if the community discharges its duty during the time that it is away. Meetings must be held all over South Africa to express support. The resolutions [passed in these meetings] should be forwarded directly to Lord Crewe.

Since this article was written, the Government has arrested some prominent Indian leaders, among them members of the deputation. Consequently, it appears likely that the struggle will be only intensified right here.

[From Gujarati]

*Indian Opinion*, 19-6-1909

## 226. LETTER TO TRANSVAAL INDIANS

[JOHANNESBURG,  
Before June 21, 1909]<sup>1</sup>

TO

ALL TRANSVAAL INDIANS

I am also going as a member of the deputation to England. Two of the four delegates have already been arrested, and are now installed in gaol. Other Indians, too, who have suffered many a wound, have been arrested again. I do not at all like going to England in these circumstances. However, it is the opinion of all our European friends that I should go; the community desires it; the Committee in England is of the same opinion. I am therefore going along with Mr. Hajee Habib. But there is no guarantee that by going to England we shall succeed in getting our demands accepted—demands whose rejection has led already to hundreds of Indians going to gaol. It may also happen that Lord Crewe will refuse to receive the deputation, saying that he cannot meet men who have been defying the law. Those who are sending the deputation must realize that in sending a deputation, which will be in England at a time when all statesmen of South Africa will have assembled there, so that we may have no regrets later, we are

<sup>1</sup> This and the following three items were evidently written on or before June 21 when, along with Hajee Habib, Gandhiji left for Cape Town *en route* to England on deputation.

only making an experiment. It will be wrong to build any hopes on it.

There is only one unfailing remedy—going to gaol. Even if a few Indians keep on going to gaol from time to time, we are bound to get in the end what we want. We shall get it even if there should be only one such Indian to fight to the last.

This is a war between truth and falsehood. Since truth is on the side of the Indian community, it must win<sup>1</sup>. It is the duty of every Indian to assist the deputation. There are some Indians who are bent upon creating dissension in the community. The Government has its spies among Indians. Efforts are continually made to mislead the Indian community through them. These efforts will be intensified during the visit of the deputation to England. It is the duty of every Indian to counteract all these. Those who are not strong enough for the hardships of gaol must keep at home. If one is approached for one's signature on any document, it should not be given without thorough inquiry.

It is necessary that meetings are held at every place to extend support to the deputation. Such meetings should not be confined to the Transvaal, but must be held all over South Africa. It should also be remembered that this deputation is not going on behalf of the satyagrahis. They put their faith in nothing but the truth. For them following truth is itself a victory. The deputation is going rather out of regard for the sentiments of those who have not been able to hold out till the last and, if possible, with a view to lightening the burden on the satyagrahis. The latter, therefore, need not pay any attention to the deputation. When the force of their truth grows stronger than the falsehood of the Transvaal Government, their trials will come to an end as a matter of course. Remembering this, the satyagrahi must continue to seek opportunities for imprisonment.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]

*Indian Opinion*, 26-6-1909

## 227. LATE MRS. GOOLBAI

[Before June 21, 1909]

The latest mail from India reports the sad news of the passing away at Versova<sup>2</sup> of Mrs. Goolbai, wife of India's Grand Old Man, Dadabhai Naoroji, at the age of eighty. Indians all over the world

<sup>1</sup> The word *janma* (birth) in the original seems to be a misprint for *jays* (victory).

<sup>2</sup> Near Bombay

cannot but deeply sympathize with the revered old man in the loss of his life-long partner and friend. May the soul of the departed rest in peace. We pray to God to give courage and fortitude to Dadabhai, who is indeed looked upon as the *Dada*<sup>1</sup> of India's millions, to enable him to bear in his old age the burden of this latest loss.

[From Gujarati]

*Indian Opinion*, 26-6-1909

## 228. JOHANNESBURG LETTER

[Before June 21, 1909]

### BRITISH INDIAN CONCILIATION COMMITTEE

A deputation of this Committee, consisting of Messrs Abdool Ganie, Hajee Ojer Ally, Habib Motan, S. V. Thomas, Ally Khamisa, Jusab Ebrahim Gardi and George Godfrey, waited on General Smuts at 12 o'clock on Saturday. General Smuts gave nearly half an hour to the Committee. It submitted the following demands:

That the obnoxious Act be repealed, that the educated [Indians] be granted the same rights of immigration as the whites, that, in case there are more partners than one [in a firm], all the partners should not be required to be present when applying for a licence, that educated persons should not be required to give thumb-impressions, that applications for registration should be permitted from within the Transvaal, that temporary permits should be issued freely, that those who do not hold permits should not be required to adduce proof of three years' domicile, that there should be provision for an appeal to the Supreme Court against the decision of a magistrate, etc.<sup>2</sup>

I understand that General Smuts has given the following reply to these demands:

The obnoxious Act will not be repealed, though it will not be enforced; in deserving cases permission will be given to educated men to enter, as in the case of Mr. James Godfrey, but the law will not be amended; if it is true that there is delay in

<sup>1</sup> Literally, grandfather

<sup>2</sup> These demands were embodied in a petition presented to the Colonial Secretary on June 19.

issuing permits, permission [to enter] will be conveyed by telegram; all the partners of a firm will not be required to attend, and so on.

A written reply has been promised.<sup>1</sup> There will be no modification of the provision regarding three years' residence, since, as General Smuts claims, Mr. Gandhi and Mr. Quinn had agreed to its introduction.

If this is the whole of the reply, I must say that it takes us nowhere. This is only a repetition of what happened in 1907. General Smuts has refused to make any concessions on essential points, and offered tri-vial ones which it did not require a deputation to secure. It will hardly be necessary even to amend the Regulations in order to effect the changes [he has offered to make].

The Conciliation Committee was set up only with one object, namely, to secure the release of the Indian prisoners still serving their terms of imprisonment. This can be brought about only through the repeal of the obnoxious Act. That General Smuts has declined to consider. Conciliation means peace. Since this has not been secured, I for one would advise that the Committee be dissolved. It has become super-fluous, as it has no more work to do. Those who are anxious to hasten the end of the struggle but cannot bring themselves to court arrest should patiently help those who are in gaol. They can do this by contributing to funds and extending their support by holding meetings. Those who have joined the Committee in the hope of doing some good to the community should be careful that they do not, on the contrary, harm it.

Many persons seem to think that the provision regarding three years [domicile] introduced in the new law [of 1908] makes the position much worse than it was under the obnoxious Act [of 1907]. This is a misapprehension. Under the latter, those who held permits were alone eligible for registration. Whether or not others should be registered was entirely within the discretion of the Registrar. Under the new law, the right granted to those with three years' domicile is an additional provision. Why it should be three years and not two and why there should be any time-limit at all are separate questions. The

<sup>1</sup> This was received on June 23. In its acknowledgment of June 25, the Committee regretted "that the Hon'ble Colonial Secretary has not seen his way clear to grant any relief on the grievances..." The Committee forwarded to the Colonial Office resolutions to similar effect adopted at a meeting on June 24. The correspondence was published in *Indian Opinion*, 3-7-1909.

point was included in the Association's petition.<sup>1</sup> But the point to be noted is that, under the obnoxious Act, the rights of pre-war residents of the Transvaal were liquidated entirely, while the new law recognizes the rights of those with three years' domicile. Of course, we must ask for as many more rights as possible. But such rights cannot be secured as long as the basic demand has not been conceded. If our two demands are accepted, it will be easy to secure the rest. It should also be remembered that, if the obnoxious Act did in fact recognize the rights of Indians with pre-war residence, that Act is still on the Statute-book. Why is it that such Indians are not able to come in under that Act? If it is true that their rights are implied in that Act, we can as well fight to avail ourselves of them as long as the Act is in force. But anyone who looks into the Act will see that it recognizes no such rights.

Personally, I would advise those who are out to secure miscellaneous concessions to remember that, if the trunk is cut off, the branches will wither away as a matter of course, and hence they should apply themselves to the task of felling the trunk.

#### ARRESTS

I think the community's fortunes are taking a turn for the better. It is a matter for congratulation that gaols are being filled just when the deputation is about to proceed. Other Tamils, listed below, were arrested on Thursday:

Messrs N. K. Peter, Rome John, Moses Anthony, David Anthony, Gabriel Anthony, Peter Anthony, Harry Tamabrahm, Edward Varmale, S. Chetty, Chhana, Bhikha Kasan, Veerdoo, J. M. S. Cook, Raja Francis, K. Subia Naidoo, Pana Padiachy, Perumal Naidoo, B. Krishnasamy Naidoo, V. Mathurasamy Padiachy, V. N. Peter, Sami Nathan, Sahala Padiachy, V. Naidoo, P. Chetty, M. P. Padiachy, V. Mootia Naidoo, N Gopal, R. K. Padiachy, N. Chetty, S. Chetty, G. Padiachy, S. P. Naidoo and Appu Chetty.

The list includes Mr. Gopal also. On Friday, forty-one more were arrested, all of them Tamils. When twenty-one were arrested, the remain-ing Tamils informed the police that they too would welcome arrest. There are now hardly and Tamils left in the Pretoria Location. At the trial, it was suggested that the cases might be adjourned. In agreeing to the adjournment, the Public Prosecutor demanded bail

<sup>1</sup> *Vide* "Petition to Secretary of State of Colonies", 9-9-1908

amounts to be fixed, in reply to which Major Dixon [the Magistrate] remarked that there was no question of bail in the case of satyagrahis, for the Government itself wanted them to run away. This shows that wherever Indians are arrested in numbers, it is the Government that is likely to grow weary of the business.

#### GOVERNMENT LIE

In accordance with the resolution passed at the mass meeting on Wednesday, a telegram<sup>1</sup> was sent to the Government in the name of the Chairman asking it to release the members of the deputation who had been arrested, so that they might be able to join the deputation, and stating that the community was prepared to stand security for their return. General Smuts immediately replied to the telegram, saying that, when instructions were given for their arrest, nothing was known of the likelihood of their being selected as delegates. This is absolute falsehood. The Government is always posted with full information about satyagrahis' movements and Indian meetings. It is obviously the intention of the Government to make it impossible for the deputation to leave. If Mr. Gandhi has not been arrested, it is only out of fear. And Mr. Hajee Habib has been spared because he has joined satyagraha only recently.

However, when the party that is in the wrong tries to harass the one that is in the right, it only succeeds in serving the interests of the latter. Everyone says that General Smuts has made a big mistake in arresting members of the deputation. The community has refused to elect alter-native members. Therefore, from our point of view, the imprisonment of those who have been elected is as good as their joining the deputation. Their places [as members of the deputation] will not be filled by any other Indians, but will remain vacant instead. I rather wish that Mr. Gandhi too were arrested. That would have straightaway exposed the intentions of the Government.

<sup>1</sup> This is not available. According to *India*, 25-6-1909, however, Reuter's telegram of June 19 from Johannesburg stated that "Mr. Gandhi has appealed to Mr. Smuts for the release of three members of the Indian deputation to India and England...on condition that they should serve their sentences when they return. The Colonial Secretary has replied that he was unaware at the time the men were arrested that they were members of the deputation. he could not, however, interfere with the law, and consequently refused the application." *Vide* also "Letter to *The Star*", 18-6-1909

#### AID TO PRISONERS

The families of some of the Tamils who have been arrested are left without any means of maintenance. Arrangements have been made for such families. This burden should be borne by the Pretoria businessmen, and I hope that it will not fall on the Association. More than £12 have been spent in providing maintenance to the families of the Tamils who went to gaol on the last occasion, and the expenditure had to be borne by the Association. Such expenses continue to be incurred from time to time, and, therefore, everyone who can afford should come forward with financial assistance.

While on this subject, I remember that the Rev. Mr. Howard gave one pound to the Association, though he is a poor man. An Indian youth went to the Association's office last week and offered £ 3. It was with great difficulty that he could be made to give his name, and that, too, he did on condition that it should not be published. Hence, I do not give the young man's name. Such examples deserve to be emulated.

#### SHELAT'S CASE

Mr. Shelat's arrest has already been reported.<sup>1</sup> His case was heard in the Magistrate's chambers. At first, the Magistrate signed a blank warrant for his deportation. In other words, it was not specified in the warrant at what point he was to be deported. Subsequently, Mr. Gandhi approached the Magistrate and submitted to him that he had no authority to put his signature on a blank warrant for deportation. It was then ordered that Mr. Shelat be put across the Natal border. Afterwards, he was taken to Pretoria. There, Mr. Chamney tried to persuade him to apply for registration. Mr. Shelat gave a blunt refusal and displayed great courage.

#### JAMES GODFREY

I have referred above to the dispatch of a permit to Mr. James Godfrey. I am sorry that, while the struggle was in full swing, he applied for a permit and had it sent to him and that he proposes to submit to the Act. I hope that he will do nothing of the kind.

[From Gujarati]

*Indian Opinion*, 26-6-1909

<sup>1</sup> *Vide* "Trial of Naidoo and Others", 16-6-1909.

## 229. LETTER TO HABIB MOTAN

[JOHANNESBURG,  
Before June 21, 1909]

DEAR MR. HABIB MOTAN,

Here is my reply to your letter dated 17th June:<sup>1</sup>

I do not know exactly what the demands of the Muslim League are, for I was in gaol at the time, and I have not yet acquainted myself with what happened during my imprisonment. I think it reasonable that a Muslim should be appointed to the Viceroy's Council. If Lord Morley has ordered such an appointment, I think he is justified. I make no distinction between Hindus and Muslims. To me both are sons of Mother India. My personal view is that, since numerically Hindus are in a great majority, and are, as they themselves believe, better-placed education-ally, they should cheerfully concede to their Muslim brethren the utmost they can. As a satyagrahi, I am emphatically of the view that the Hindus should give to the Muslims whatever they ask for, and willingly accept whatever sacrifice this may involve. Unity will be brought about only through such mutual generosity. If Hindus and Muslims observe, in their dealings with one another, the same principles that govern the relations of blood-brothers, there will be unbroken harmony [between the two communities], and then alone will India prosper.

MOHANDAS KARAMCHAND GANDHI

[From Gujarati]

*Indian Opinion*, 26-6-1909

<sup>1</sup> In Habib Motan's letter, the following questions were raised: Were the demands put forward by the Muslim League deputation which waited on Lord Morley in London reasonable? Was the demand for the inclusion of a Muslim in the Viceroy's Council justified and what was Gandhiji's reaction to Lord Morley's decision to concede it? Should a Hindu or a Muslim be appointed? How could Hindu-Muslim unity be achieved?



### 230. LETTER TO MANILAL GANDHI

JOHANNESBURG,

*June 21, 1909*

MY DEAR MANILAL,

I have no time to write to you in Gujarati to-day. I enclose Mr. Dada Osman's account. You should read it and forward your reply. Let mother also see it. Please remember that everything that you get from the East Indian Trading Co., adds to the debt. You should send your reply, not directly to me in England, but to Miss Schlesin<sup>1</sup>, who will forward it to me, if I leave to-day. With reference to Purshottamdas, I hope that you will implicitly obey him, and remove from your mind the impression that you cannot learn there. You should do the best you can.

*Yours sincerely,*

MOHANDAS

From the typewritten original signed by Gandhiji: C. W. 83 Courtesy: Sushilabehn Gandhi

### 231. LETTER TO D. E. WACHHA<sup>2</sup>

*June 23, 1909*

DEAR MR. WACHHA<sup>3</sup>,

This will serve to introduce to you my cousin Mr. C. K. Gandhi. He has given himself to public work. May I ask you to help him and introduce him to Sir Phirozeshah<sup>4</sup> and other leaders?

*Yours sincerely,*

M. K. GANDHI

From a copy of the original in Gandhiji's hand: C. W. 4950 Courtesy: Chhaganlal Gandhi

<sup>1</sup> Sonja Schlesin joined Gandhiji as steno-typist and later played an important role in the satyagraha struggle; *vide* "Johannesburg Letter", Before 10-1-1908.

<sup>2</sup> This letter of introduction was, however, not used by the bearer, Chhaganlal Khushalchand Gandhi.

<sup>3</sup> Dinshaw Edulji Wachha; prominent Indian politician, President of the Indian National Congress, 1901;

<sup>4</sup> Sir Pherozeshah Mehta; one of the founders of the Indian National Congress.

## 232. INTERVIEW TO "CAPE TIMES"<sup>1</sup>

[CAPE TOWN,  
June 23, 1909]

[GANDHI:] We are going to England particularly in connection with the Asiatic struggle which has been going on in the Transvaal. We consider this a most suitable opportunity for placing the whole of the situation before the Imperial Government and the British public. We also feel that this is essentially a matter in which mutual personal discussion can do a great deal.

[REPORTER:] Will you act in any way with the Native and Coloured deputations which are also proceeding to England?

It all depends, what opportunity offers itself, and in this connection we shall naturally be very largely guided by Lord Amphill's<sup>2</sup> Committee in London.

What is your particular objection to the Act of Union?

Personally, I have no fault to find with the Constitution if the full liberties of British Indian subjects who are domiciled in South Africa are guaranteed. I hold that Union should not be merely a union of the white British subjects, but of all British subjects who are domiciled here. The great fear of British Indians is that under the Constitution, It will be a union of white races against British Indians

<sup>1</sup> Cape Town Indians held a reception for Gandhiji and Hajee Habib on board the *Kenilworth Castle* before they left on deputation to England. Gandhiji was interviewed by representatives of the *Cape Times* and the *Cape Argus*. The interviews, which were later reproduced in *Indian Opinion*, 3-7-1909, were substantially the same. The report in the *Cape Argus*, however, carried this introductory paragraph: "Interviewed by the *Argus*, just before leaving, Mr. Gandhi hinted that he had half expected to be arrested by the Transvaal authorities, but no obstacle had been placed in his way. He added that the actions of himself and his fellow-delegate, Hajee Habib, would be guided by the S. A. British Indian Committee in London. All that they wanted was to secure guarantees that their rights would be safeguarded. He was confident of a successful result of their mission."

<sup>2</sup> Arthur Oliver Villiers Russell, Second Baron of Amphill (1869-1936); Governor of Madras, 1899-1906; acted as Viceroy and Governor-General of India in 1904: took active interest in Indian struggle in South Africa and was President of S.A.B.I. Committee. He wrote the introduction to Doke's biography of Gandhiji.

and the Coloured races,<sup>1</sup>

and if that happens, I think it will be a most unfortunate thing in every way, and it will be the duty of the British Indian deputation to leave no stone unturned to guard against any such Imperial calamity.

How about the restriction of the franchise in the Transvaal?

Personally, I am not laying any great deal of stress on the matter of the franchise. What I am now thinking of is the genesis of a situation which is undoubtedly against the Coloured races of South Africa. I have studied all that has been said about it; I have studied the Parliamentary discussions, and all these undoubtedly go to show that Union spells, perhaps, ruin to the Coloured races, especially the Asiatics, unless the Imperial Government obtained full guarantees with regard to these matters.

In what respect will they be worse off under Union?

In this way, for the simple reason that the Union Parliament will speak with the united voice of South Africa, and the Imperial Government would be very slow to object to any legislation passed by the Union Parliament. As it is, each individual Colony brings such tremendous power to bear upon the English Government that the latter rarely exercises its right of veto in connection with measures affecting the Coloured population and it would be still less inclined to do so when that legislation came with the sanction of a Union Parliament of South Africa.

Mr. Gandhi, who expects to be absent about three months, also referred to the arrest of Indians in the Transvaal, and said that he himself hardly expected to be allowed to cross the border without arrest, but no obstacle was placed in his way. He arrived here by the mail train a couple of hours or so before the steamer left.

*Cape Times*, 24-6-1909

<sup>1</sup> Touching on this point of the interview, *Indian Opinion*, 3-7-1909, observed in an editorial note: "There exists a colour bar in the Draft Act of Union, and existing legislation concerning the movements of Indians within the Union is maintained unaltered, until such time as the Union Parliament may choose to interfere, and modify it either for the better or the worse. We have no doubt what the tendency will be. The last ten years have not shouted their warning for nothing in South Africa. And, under Union, the comparatively liberal-minded Cape members will be 'snowed under' by the large Transvaal, Orangia, and Natal contingent of Indophobes. Undoubtedly, the spirit of artificial race-segregation is in the air, and at the back of the Indian hostility to most of the South African Governments is the firm-rooted conviction that, sooner or later, the policy of confinement in latter-day ghettos or bazaars will be put into operation against British Indians, together with other Asiatics."

### 233. DEPUTATION'S VOYAGE [-I]

[ After June 23, 1909]

#### A COMPARISON

When the Indian community sent a deputation to England in October 1906, the circumstances were different from what they are today.

In 1906, the Indian community had pledged itself to go to gaol, but no one was sure who would do so if there was no redress from the Government. Now we know of men who are saturated with [love of] gaol. In 1906, the Indian community did not realize its own latent strength. This time the whole world knows about it.

Nevertheless, the deputation's task in 1906 was comparatively easy. It is difficult this time. We have to secure the repeal of an Act which has already been sanctioned. In 1906, we did not know the Imperial Government's attitude. This time it has indicated this. Even then the deputation is proceeding, unconcerned. For we are to a great extent indifferent to what will happen in England. It is with our tried weapon of satyagraha that we are to fight.

#### PREPARATIONS

Preparations for the deputation had been under way for several days past. But the community is faced with a situation so difficult that till the very last day it was not certain whether the deputation would proceed or not. Sufficient funds had not been collected either. The tickets for the voyage were bought at eleven in the morning of the very day of departure (Monday, June 21). Even after that, it was not certain that it would leave. The Government was free, if it chose, to arrest the other members of the deputation. Some thought that the arrests might take place even as the members were about to board the train. All the same, the deputation started on its way. But it is mutilated, having lost one of its legs. Mr. Cachalia and Mr. Chettiar are the deputation's right leg. Both these friends are in gaol, while we two, Mr. Hajee Habib and I, are proceeding. Neither of us is happy over this. But I am sure that Mr. Cachalia and Mr. Chettiar will speak for us more eloquently from gaol than they could have done in England. They will be happier in gaol than we on our journey, though travelling first-class. A satyagrahi cannot even conceive otherwise. My

own experience proves the same thing, as I shall show more clearly afterwards.

#### AT THE STATION

Park Station was crowded with Indians. About 500 Indians must have assembled. Mr. Aswat and Mr. Nagadi, who had gone to Krugers- dorp to raise funds, had managed to reach the station. The police had made special arrangements. They were not seen shoving the people about. A number of Indians were made to stand quite at the back. There were many who had brought bouquets and garlands. This at least could be observed, that every face was lit up with the hope that the deputation might meet with success. Mr. Kallenbach, his partner Mr. Kennedy, Mr. MacIntyre, Miss Olive Doke, Miss Schlesin and Mr. Polak were also there. The train started exactly at 6-15 p.m.

#### ON THE WAY

At Vereeniging, almost the whole of the local Indian community had turned up at the station. They greeted the deputation with great warmth. They had brought for us a basketful of fruit, which is still not exhausted. Mr. Haffejee gave us a bottle of Indian scent.

At Worcester Station, there were many Indians who had come all the way from Robertson. They too had brought flowers and fruit. In Robertson, the Indian population consists mainly of Tamils. At Worcest-er, therefore, it was mainly the South Indian friends who were present.

On the way, Mr. Hajee Habib suffered from some infection in the left eye. It has been with him from before he left Johannesburg. The eye was a violent red and watered profusely. A wash with hot saline water gave him relief, but not much. We have had to consult the physician on board the ship. Even at the moment of writing, the pain has not subsided completely, though there is considerable relief. I put eye-drops every day twice or thrice, in addition to which ice-cold compresses are also being applied. The physician is very solicitous.

#### IN CAPE TOWN

The train reached Cape Town half an hour late. There were a few Indians at the station. The rest came on board the ship to meet us. A fare-well dinner had been arranged in honour of Mr. Anglia, who was leaving for Durban the same day. Many Indians were busy with the function. Here, too, the Indian community gave us a send-off with

fruit and flowers.

Mrs. Olive Schreiner, a prominent South African lady, and Mrs. Lewis came on board the ship specially to shake hands with us. Both the ladies appeared to have great sympathy for our cause. We saw that the satyagraha movement had won a place in their hearts.

#### CABLES RECEIVED ON STEAMER

Mr. Cachalia's cable is a rousing and stirring call to the deputation to do its duty. It reads as follows:

Happy to know both going. Suffering in gaol for country's sake preferable to going with you. Wish you success.

Mr. Ebrahim Coovadia sent the following telegram at the time of his arrest:

On way to gaol, wish the deputation success. Can serve the community best through gaol.

I am touched to the quick as I translate these two telegrams. There can be nothing but empty bubbles where we are going. But those who are in gaol at the moment are assuredly serving the community. I am convinced that whatever the deputation may be able to achieve will be nothing as compared to the value of their service. Mr. Cachalia, Mr. Coovadia and other prisoners demonstrate the new spirit of the Indian community. The deputation only shows Indians' weakness. The prisoners prove to the world that the Indians have grown to be men. The deputation only proves that they are no quite men still, that as yet they are children who need the deputation to lean on, as a child needs the support of a *chalan-gadi*<sup>1</sup>. The prisoners are the strong limb of the Indian community, while the deputation is the debilitated one. Those who have gone to gaol have nothing to be disappointed about. Those who have pinned their hopes on the deputation will be disappointed, if it returns empty-handed. Therefore, I would advise everyone to expect nothing from the deputation. Help it—by going to gaol, by maintaining unity, by sending cables and by remaining strong there. Think of the deputation as a steam engine. Steam will be produced and the engine will move only if the coal needed for the purpose is supplied from there. The motive power lies [with you] there; the motion of the engine is but a visible manifestation [of that motive power]. This point must never be lost sight of. And so, the other telegrams that we received have also proved

<sup>1</sup> A small, four-wheeled cart by pushing which a child learns to walk

a source of encouragement to us.

The Hamidia Islamic Society cables:

Good wishes of the faithful go with you. Trust you to uphold faith, honour and manliness. Will do our best to secure support for you here and in India.

The Imam Sahib has sent a separate cable to say:

Will keep the flag flying. Wish you success.

The following telegram was received from the Potchefstroom Committee:

Support your mission. Wish you success.

Robertson Indians sent this telegram:

Wish you a happy voyage. Pray God crown your mission with success.

We left Cape Town fortified by these good wishes.

#### “DO SOMETHING REGARDING UNION”

Many Indian friends have urged the deputation not to forget the question of the Union. I must say that this request proceeds from ignorance as to the implications of a Union, and so I shall make a few observations on it here. On the ship, I have been able to give further thought to the subject, and discuss it [with others]. The Union Bill makes no reference to us at all. The Act will unite all the Colonies. But the respective laws of the Colonies will remain intact. What can we say against this? We can do or say nothing against a Union of the Colonies of South Africa. If, after the Union is formed, they attempt any legislation against us, we can fight out the question then. Our rights will not be liquidated by the mere formation of the Union. No doubt, that will be one of the consequences of the Union. But we cannot oppose a Union merely on the ground that we might be ruined under it. The main point is that even the white population of the Colonies acts as our enemy. When the enemies are united, they are bound to increase their pressure [on us]. What can be done about this? We certainly cannot prevent them from being united.

No one comes forward to say that, as our enemies are uniting, so must we, the Indians. That is the real solution. Ignoring that, Indians have been begging for something to be brought to them from England [as a gift]. This shows our utter helplessness. The whites of the Colonies are the strong and favoured sons [of the Empire]. We are the weak and neglected ones. How can the neglected sons get a

hearing from the mother against the favoured ones? By petitioning? It is impossible. A petition can help us only when it is in the form of a command, which it will be when it has some sanction behind it. A petition should be taken to mean a polite command. Sanctions are of two kinds: one, physical force, and two, soul force— satyagraha. Physical force is nothing compared to the power of truth. If we cultivate this, we shall cease begging for something to be done about the Union.

Dr. Abdurrahman<sup>1</sup> is going to England entirely in connection with the question of the Union, and that is justified. For, under the Union Act, some of the rights of the black races will be abrogated right now. In such a contingency, an effort must be made [to prevent this]. It is not the same with us. However, no one should suppose that the deputation will not raise the subject at all. It cannot but do so. It is because negotiations for a Union are in progress that the deputation is going. It will, moreover, urge in no uncertain terms that the Union should not be permitted if the Transvaal grievances are not redressed. And I say further that, if the Indians act with all their strength, the deputation cannot but gain its point. It will also raise the subject of the laws that have been enacted in the whole of South Africa. This does not mean that these laws will be repealed. Their repeal can be achieved only through satyagraha. But we may hope that discussion [of the question] will impe! the Imperial Government to seek an understanding from the Colonial Government. I presume that this clarification will satisfy all Indians. Everyone who reflects on this question will realize that the deputation will, of course, do all it can regarding the Union. This is a question involving legal subtleties. How can they be fully understood without knowledge of the law?

#### FELLOW-PASSENGERS

With us are Mr. Merriman<sup>2</sup>, Prime Minister of Cape Colony, and Mr. Sauer<sup>3</sup>. From Natal, there are Mr. Smythe and Mr. Green. From the Orange River Colony, there is Mr. Botha. The names of other English passengers need not be given.

<sup>1</sup> President of the African Political Organisation and member of the Cape Town Municipality; *vide* "Johannesburg Letter", 17-3-1906 & "A Word to the Muslim Community in Heidelberg", 24-3-1906.

<sup>2</sup> John Xavier Merriman (1841-1926); Prime Minister of Cape Colony, 1908-10

<sup>3</sup> J. W. Sauer, M.L.A., later a member of the Union Cabinet; a "philanthropical radical" who refused knighthood



The deputation of the “Coloured people” is also sailing by this very ship. It consists of Dr. Abdurrahman, Mr. Frederick, Mr. Londors and Mr. Mavela. I am sorry to say that Dr. Abdurrahman and two of his companions are travelling second-class and Mr. Mavela third. This reflects on the dignity of the deputation. It does not seem proper that they should travel in these conditions as representatives of the Coloured people. I see some worthless whites travelling first-class, while these representatives [of the Coloured people] are in the second and third classes. On inquiry I learn that the deputation is travelling thus because it was short of funds. Two more members of the deputation will follow by the next ship. Dr. Abdurrahman has told me some remarkable things about Mr. Schreiner, who has gone ahead on their behalf. Not only has Mr. Schreiner put their case strongly before [Cape] Parliament, but he has also gone to England specially to plead on their behalf. He had no other work there. Besides, he has gone at his own expense. He has not taken a farthing from the Coloured people. Though he has a lucrative practice at the Bar, he is not a rich man, for he spends a great deal on his large family and on philanthropic activities. He was engaged for over two months in the Dinuzulu case, but he has not received his fee as yet, and he does not care. Here is a lawyer worthy of the name. In former times, this was the attitude of all lawyers. They practised in order to serve others and not for money. What they received in return for their services was called “honorarium”. No suit could lie in respect of such honorarium. Moreover, the fact that Mr. Schreiner is exerting himself so much for the Coloured people shows that there are great and philanthropic whites who include other communities within the scope of their philanthropic activities. It seems to me that we should Judge a community by its good men. Only then can different communities live together.

[From Gujarati]

*Indian Opinion*, 31-7-1909

### 234. MR. POLAK AND HIS WORK

In view of the departure of Mr. H. S. L. Polak as a delegate on behalf of the Transvaal British Indians to proceed to India, in order to educate public opinion there, and to rouse India to a sense of her duty, our readers will be glad to have a short sketch of Mr. Polak's life. Mr. Henry Salomon Leon Polak was born just 27 years ago at

Dover, England, and is the son of Mr. J. H. Polak, J. P., who is a member of the South Africa British Indian Committee in London. Mr. Polak is an undergraduate of London University, and is the holder of many certificates, in literary and economic subjects, issued by the London Chamber of Commerce and other educational bodies. He completed his education at the Ecole de Commerce, Neuchatel, Switzerland, whereafter he was appointed Assistant Secretary of the Society of Chemical Industry, in London. For reasons of health, Mr. Polak came to South Africa, in the early part of 1903. Before he became identified with the Indian cause and accepted the editorship of this journal, which was and still is purely a labour of love, he was engaged in journalistic work. Desiring to realise some of his ideals, he left what might be termed a lucrative appointment, with promise of further pecuniary advancement and, in 1904, joined the phoenix scheme, under which the members receive only just enough to support themselves in the simplest manner possible. The scheme, as readers of this journal are aware, is intended to put into practice the essential teaching of Tolstoy and Ruskin, and, in its outward manifestation, to assist in removing the grievances of British Indians in South Africa. Owing to the exigencies of Indian public work in the Transvaal, and in order the better to enable him to carry on his duties in connection with this journal, Mr. Polak took articles with Mr. M. K. Gandhi in the year 1906 and, in 1908, was admitted as Attorney of the Supreme Court of the Transvaal.

Since the year 1906, he has acted as Assistant Hon. Secretary of the Transvaal British Indian Association—a period that has marked a most critical stage in the history of British Indians in South Africa, and which has demanded from those who, like Mr. Polak, have been intimately connected with the passive resistance movement, the most unrelenting zeal and devotion. During the last three years, Mr. Polak has known no rest. He has, besides using his able pen freely for the cause, travelled throughout South Africa, either making collections in aid of the passive resistance struggle, or addressing public meetings and enlightening Indians in different parts of the sub-continent as to the nature of the struggle. His knowledge of the different questions affecting British Indian settlers and Asiatic legislation in South Africa is almost unrivalled. In his eagerness to possess himself with accurate knowledge, he has considered nothing too unimportant to study, and in order to have a proper perspective of the whole situation, during what leisure he has been able to find, he has studied also modern Indian history. Mr. Polak has kept himself in touch with the current

Indian thought by contributing to several leading newspapers and magazines in India. He, therefore, goes to India by no means unknown to the Indian public. The people of India will no doubt be glad to learn that, in order to know the inner side of Indian life and character, throughout his travels in South Africa, Mr. Polak has always lived with Indians in their homes like one of themselves. He has acquired such a hold on their affections that, during the incarceration of the Indian leaders, his advice was eagerly sought and implicitly followed.

Mr. Polak was married in 1905, and the Indian community in South Africa owes not a little to Mrs. Polak sharing her husband's self-sacrifice and public spirit. Latterly, she herself has taken up the organising of Indian women's meetings, and has thrown herself heart and soul into her work. Two children have been born to them in South Africa. Mr. Polak belongs to an ancient Jewish family and, being a member of a race which has undergone much oppression, considers it a privilege to help in alleviating the sufferings of British Indians in South Africa. When he was yet quite a youth, ethics had a fascinating attraction for him. With him religion and ethics are convertible terms. He, therefore, naturally attached himself to the South Place Ethical Society in London, of which he is still an associate, and it was from an ethical standpoint that he felt himself called upon to take up Indian work.

*Indian Opinion*, 3-7-1909

### 235. *LETTER TO RAMDAS GANDHI*

[R. M. S. *Kenilworth Castle*,]

*July 7, 1909*

CHI. RAMDAS,

I am on this steamer.

*Blessings from*

BAPU

MASTER RAMDAS GANDHI

*INDIAN OPINION*,

PHOENIX, NATAL

From the Gujarati original in Gandhiji's hand, written on a picture-postcard of the steamer: C. W. 84

Courtesy: Sushilabehn Gandhi

## 236. *DEPUTATION'S VOYAGE [-II ]*

[ Before *July 9, 1909*]

### LIFE ON SHIP AND LIFE IN PRISON: A COMPARISON

As I have stated already, it is far better to be in prison than travel first-class on a ship. Mr. Bhikhubhai Dayalji Malia is travelling third-class. Both of us see him every day. That has given us some experience of what third-class travel means. I am of the opinion that the freedom and comfort available in the third-class are not to be found in the first-class. But even that cannot match what is available in gaol. The servants in a ship are happier—if only they knew it—than the passengers. First-class passengers are looked after by servants as though they were so many babies. There is something to eat every two hours. We cannot even lift a glass of water with our own hands. At the table it is considered beneath one's dignity to reach out one's hand for a spoon lying at some distance. Hands must be washed every now and then all through the day, on the ground that they must be kept clean. As for work, they have hardly any, so that they are growing altogether delicate and soft. It vexes me to observe the present state of my hands and compare it with what they were like in gaol. I envy the servants at their work. Here I have neither the peace nor the freedom I enjoyed in gaol. On the contrary, I have to live hedged in on all sides. My prayers here lack the depth, the serenity and concentration they had when I was in gaol.

I am not writing all this in a frivolous mood, but after deep reflection. I think of these things every day. Whatever I have read and am reading I put to the test of experience. I have realized that those who wish to serve God cannot afford to pamper themselves or to run after luxury. Prayers do not come easily in an atmosphere of luxuries. Even if we do not ourselves share the luxuries, we cannot escape their natural influence. The energy that we spend in resisting that influence is at the cost of our devotional efforts. I am having a personal experience of this at the moment. I do not write this to suggest that I want myself or anyone else to spend all his days in gaol or that I consider travelling by first-class to be wrong always and in all circumstances. I write this only to point out that we would all profit from the kind of simplicity and solitude we find in gaol. I think it is better to travel by third-class than by first-class, except when we need

certain facilities or when there are some special reasons which make first-class travel necessary. In South Africa, however, there are several reasons why I would prefer Indians to travel first-class or second-class. We must rebut the charge of miserliness that is levelled against us. Moreover, we generally value simplicity in such matters, so that we are not likely to be puffed up with vanity if we travel first or second. For those who have amassed wealth, first- or second-class travel would appear to be necessary even for maintaining their status. All the same, at a time like this when we are engaged in a mighty fight, I would unhesitatingly ask all Indians to take the view that it is better for an Indian to be in gaol rather than be travelling in a class even higher than the first.

#### HOW WE LIVE

I have known Mr. Hajee Habib for the last fifteen years. But I never had any opportunity of living with him as I am doing today. Hajee Saheb is a man of strict religious principles. He keeps the *namaz* hours punctually. He carefully follows the religious injunctions about food and drink. He has often told me that he has no difficulty in doing so on this occasion. He allows me to decide for him the menu for every meal. I know what will prove acceptable to him. In the morning he has porridge, eggs and tea. At noon he has boiled potatoes, sometimes fish, a vegetable called lettuce, much like the *moola*, some variety of pudding, fruit and coffee, and in the evening some leafy vegetable, pudding, fruit and coffee. It is a constant thought with him how to make the deputation a success, and we frequently come together to apply our minds to the problem. The ghee and pickles given to him [when he started], he has passed on to Mr. Bhikhubhai. The passengers on board the ship seem to think that we are brothers.

I have, as usual, two meals a day. I avoid pudding as it contains eggs. I also avoid tea and coffee as far as possible, since they are the produce of slave labour. In other respects, my diet is the same as above, except for fish. I am growing more convinced every day, as my body hardens, that I can do with still simpler food. On this voyage I do not feel a craving for delicacies as I did on the previous occasion.

Most of the day is spent in reading. The statement<sup>1</sup> to be submitted in England has already been drafted, and approved by Mr.

<sup>1</sup> *Vide* "Statement of the Transvaal Indian Case," 16-7-1909

Hajee Habib. He made some suggestions, which have been incorporated.

#### MEETING WITH MERRIMAN

There have been meetings with some of the whites on board ship. Mr. Merriman was one of them. From what I gathered about his views in the course of a long discussion with him, I could see that our efforts against the Union were bound to fail. When I pointed out to him that the Transvaal problem did not have much connection with the question of unification, he studied it in greater detail and promised to do his best in regard to it. I found him full of sympathy for the satyagrahi prisoners. There was a meeting with Mr. Jagger also. He too appeared to hold views similar to Mr. Merriman's. The Union has come to stay. If the Transvaal problem can be solved without prejudice to the question of unification, he will also be prepared to help. He was filled with indignation when he was told of the sacrifices of Mr. Cachalia and Mr. Aswat, and he implied by his remarks that the dispute would have been settled by now if the other Indian businessmen had followed in their footsteps. He was sorry, as well as surprised, to hear that his own firm had acted against Mr. Cachalia.

When I spoke to these gentlemen about Mr. Dawad Mahomed and Mr. Parsee Rustomjee, they seemed both deeply impressed. They deplored it all and wanted that some kind of solution should be found. When they were told of our demands, both admitted that they were quite reasonable.

The subject of the Cape Immigration Act was raised with Mr. Jagger. He was surprised to hear that Indians resident in the Cape had to take out temporary permits when leaving it. Had the Cape Indians exerted themselves sufficiently, this clause would not have been retained in the law. It is still their duty to bestir themselves in regard to this. I am sure that most of the Cape members are entirely ignorant of this absurd clause.

I had also had a meeting with Mr. Sauer, who is a member of the Cape Cabinet. He was full of sympathy and has promised all possible help. He admitted that the demands of a community that undergoes voluntary suffering as we do can hardly be unreasonable and that it was the duty of every liberal-minded person to help that community.

I regard this also as one of the results of our satyagraha. Men like him would not have cared to listen to us had we not gone to gaol.

There is, moreover, another white with whom we have had frequent discussions. He is himself a passive resister. He is secretary of some association. According to him, we have far excelled the English passive resisters in our capacity to suffer. He has promised a letter of recommendation and also other help.

All these things are a testimony to the success of satyagraha. Everyone is touched by the story of the suffering which satyagraha has entailed. They are all amazed to hear that we have had no redress so far.

The sympathies of all these men spring from their conviction that our cause is just and that we are sincere. With Mr. Hajee Habib's help, I have been reading a book named *Kasassul Ambia*. In it I read how it was commanded of Azazil that should he fail, after 600,000 years of prayers to God, to bow to Him even on a single occasion, all his prayers would be as though they had never been. The point is, first, that it is what we do when we reach the last stage which will provide the test of our sincerity. Secondly, we can make no conditions with God. We must live as He may order us. If, having gone to gaol ten times, we refuse to do so on the eleventh occasion, the ten previous terms of imprisonment will have been in vain and we shall be laughed at.

[From Gujarati]

*Indian Opinion*, 7-8-1909

### 237. LETTER TO MAGANLAL GANDHI

UNION-CASTLE LINE,

R. M. S. *Kenilworth Castle*

*July 9, 1909*

CHI. MAGANLAL,

I have written you a letter<sup>1</sup> from Madeira. This letter will be posted tonight. We shall reach London tomorrow; I am writing this without knowing the atmosphere prevailing there.

It would be nice if a Sanskrit class is started for the elders there. As I go deeper into the subject, I see the necessity for every Hindu to have a knowledge of that language. I am aware that the suggestions I

<sup>1</sup> This is not available.

make one after another increase your burden. But there is no other way. We have lost so much in the past that it will take some time and also a good deal of effort to regain and consolidate it. It has to be done sooner or later. If not in this life, then in the next. So long as the desires are there, we should better have altruistic ones only. From among these suggestions, you may act up to those that you can and bear in mind the rest.

Add the following to "Travel Notes"<sup>1</sup>:

"I had also had a meeting with Mr. Sauer who is a member of the Cape Cabinet. He was full of sympathy and has promised all possible help. He admitted that the demands of a community that undergoes voluntary suffering as we do can hardly be unreasonable and that it was the duty of every liberal-minded person to help that community. I regard this also as one of the results of our satyagraha. Men like him would not have cared to listen to us had we not gone to gaol."

*Blessings from*

MOHANDAS

[PS.]

Talk to all the persons there about the Sanskrit class.

From a photostat of the Gujarati original in Gandhiji's hand: S. N. 4940

### 238. *INTERVIEW TO REUTER*<sup>2</sup>

[SOUTHAMPTON,  
July 10, 1909]

Our deputation was to consist of four, but two are now in prison. Our movements depend largely upon the advice of Lord Amthill and his Committee. We feel, we must take this opportunity when so many South African statesmen are in this country to see whether something cannot be done to relieve the very acute suffering which British Indians in the Transvaal have been undergoing for the past two and a half years. Our mission does not seriously affect the question of unification except that every Indian feels that the Imperial Government should take full guarantee regarding the status of British

<sup>1</sup> *Vide* the preceding item.

<sup>2</sup> On his arrival in England, with Hajee Habib, on July 10, Gandhiji was interviewed by Reuter.



Indians in South Africa under the Union. What we are chiefly concerned in is the settlement of outstanding questions between the Transvaal Government and the Indian community which, when boiled down, really means the question of the status of highly cultured Indians, and whether they may or may not enter the Transvaal under the general immigration law of the day. We contend that the present legislation insults the whole of India in that it creates a racial bar for the first time in the his-tory of Colonial legislation, and in order to remove this bar, hundreds of British Indians have suffered imprisonment. Even to-day some of the best Indians in the Transvaal are in gaol as conscientious objectors.

*Indian Opinion*, 7-8-1909

### 239. INTERVIEW TO PRESS AGENCY<sup>1</sup>

[LONDON,  
*July 10, 1909*]

Mr. Gandhi, interviewed on his arrival in England to-day, stated that the object of his visit was to ensure that the grievances of the Asiatics in the Transvaal should be remedied under the unification, and the status of the King's Indian subjects in South Africa defined and embodied in the Union Constitution.

*Indian Opinion*, 17-7-1909

<sup>1</sup> The interview was given to South Africa Associated Press Agency. It was also reported in the Gujarati section of *Indian Opinion*.

## 240. DEPUTATION NOTES [–III]<sup>1</sup>

[After July 10, 1909]

### WE ARRIVE

I have reported what happened up to the time of our arrival at Madeira. We arrived at Southampton on the 10th. We were met by a Reuter representative.<sup>2</sup> We gave him a brief statement of facts, and the report has appeared in most newspapers. We reached London at about 10.30 a.m. But there was no one at the station. This was quite surprising. After conveying our luggage to Hotel Cecil, we went to see Mr. Ritch. We found him with Abdul Caadir<sup>3</sup>. They were both surprised. In the absence of any cable, Mr. Ritch had given up hopes of our arrival. What happened was that Reuter had cabled the news [about the deputation] from Johannesburg and it was expected to be published in the newspapers; hence no separate cable was sent to Mr. Ritch. Newspapers nowadays rarely publish Reuter cables on the Transvaal. The cable about the deputation having left was not published. The cable reporting the arrests of the delegates was [however] published. Mr. Ritch concluded from this that the idea of sending a deputation must have been given up for the moment. No one, therefore, expected our arrival.

### WE SET TO WORK

Soon after we had seen Mr. Ritch, we set to work the moment we had had our lunch. We, the two brothers, accompanied by Mr. Abdul Caadir, Mr. Ritch and Mr. Hussain Dawad, who had run up to Mr. Ritch's office, called on Mr. Bhownaggee. After consulting among our-selves there, we wrote to Lord Ampthill, and so the round of interviews began. The whole day is taken up in interviewing people and writing let-ters, and we have to keep working even at night. Being free, Miss Polak<sup>4</sup> has been entrusted with typing work. She works very

<sup>1</sup> These weekly dispatches, though written from London, continued to be published in *Indian Opinion* under the original title "Deputation's Voyage".

<sup>2</sup> Vide "Interview to Reuter", 10-7-1909.

<sup>3</sup> Member of the Natal Indian deputation which had gone to England at this time to plead for the Natal Indians' interests under the Union Bill.

<sup>4</sup> Miss Maud Polak, H. S. L. Polak's sister

hard, regardless of the hour of the day or night. She also appears to have a good temper.

We have met Lord Ampthill, Sir Richard Solomon<sup>1</sup> Miss Winterbottom<sup>2</sup> Mr. Surendranath Banerjea<sup>3</sup> Mr. Cotton<sup>4</sup> Mr. Justice Ameer Ali<sup>5</sup> Dr. Abdool Majid, Mr. Azad and others. We have also had interviews with Sir William Lee-Warner<sup>6</sup> a member of India Office, and Mr. Morison<sup>7</sup> I am not in a position to give more information just yet. Private consultations are going on. They give some hopes. If they lead to nothing, there is little possibility of our achieving anything through other channels. Lord Ampthill is considering, besides, whether a deputation should be led at all, and whether it will be of any—benefit.

I have been able to see that everyone approves of our having courted imprisonment and that, if anything counts, it is the fact that so many Indians have gone and are still going to gaol.

We are deliberately refraining from giving any information to newspapers for the present. It is Lord Ampthill's advice that we should not.

This is a very bad time to seek interviews with public figures here. Everyone is out of town on a holiday, so that we are not likely to get help from many people. Moreover, the British people are preoccupied with their own affairs. The new budget has raised a storm in Parliament. Also, the visit of South African statesmen makes a heavy demand on [people's] time. Considering all this and looking at the circumstances around us, I am inclined to believe that, should the private moves that are under way at present fail, nothing is likely to be achieved by our visit.

<sup>1</sup> Lieut-Governor of the Transvaal, 1905-6

<sup>2</sup> Florence Winterbottom, Corresponding Secretary of the Union of Ethical Societies, London

<sup>3</sup> (1848-1925); orator and politician; President of the Indian National Congress, 1895 and 1902.

<sup>4</sup> H. E. A. Cotton, editor of *India*

<sup>5</sup> (1849-1928); eminent judge, later a member of the Privy Council, author of several books on Islam and Mahomedan law; *vide* "Telegram to Ameer Ali", 25-10-1906.

<sup>6</sup> (1846-1914); Anglo-Indian administrator, additional member of the Viceroy's Council, author of several books on India

<sup>7</sup> Theodore Morison; one-time Principal of the Mahomedan College at Aligarh; *vide* "Letter to W.H. Arathoon", 13-11-1906.

## FIRST SACRIFICE

There have been a large number of cables about meetings in South Africa. This is something to be happy about. There is not a single cable from Natal. Mr. Nagappen's martyrdom<sup>1</sup> has made Mr. Hajee Habib and me very unhappy. This has been, even otherwise, a time of mourning for us, and it is all the more so now. However, there is no reason to be sad if we think of the community. We have known all along that we may have to make any sacrifice, including that of life, and that, too, cheerfully. This is exactly what we have to learn in this fight, that in the interest of the community we must bear every kind of suffering, and that only by doing so can we find a solution to our problems. As I get more experience here, I gradually come to see that the deputation which has been sent represents only our weakness. The energy and the time that are spent in seeing various people and in cultivating their goodwill would, if spent merely in suffering, ensure a very early solution. I can make no guess as to the result. But it will be enough if we learn from this struggle the lesson I have indicated above.

We have also had news of Mr. Dawad Mahomed's release on account of ill-health. Looking at the matter from his point of view, I feel sorry. But looking at it from the community's point of view, I congratulate him. We think nothing of inviting illness for ourselves through overindulgence and soft living, or by exerting ourselves overmuch in the pursuit of self-interest. It is, moreover, our own fault that we fall ill in this manner. If, then, anyone falls ill while doing his duty by the community, he surely deserves congratulations on that. That has been so, and will always be so. His example is being followed by Mr. Hussain Mia here. It should make one happy to observe his habits. Besides he has a noble regard for the community.

[From Gujarati]

*Indian Opinion*, 14-8-1909

<sup>1</sup> The reference is to the death of a young passive resister, following exposure and bad treatment during confinement in a gaol work-camp; *vide* "Statement of Transvaal Indian Case", 16-7-1909

241. LETTER TO H. S. L. POLAK

WESTMINSTER PALACE HOTEL,  
4, VICTORIA STREET,  
LONDON, S. W.,  
*July 14, 1909*

MY DEAR HENRY,

You will be agreeably surprised to know that Maud has been assisting me and that this letter is being dictated to her. She has been out of work now for some time and you can easily imagine my surprise when I was told by Pater<sup>1</sup> that I could have Maud to assist me. Of course, I was naturally very pleased to avail myself of her assistance; at the same time, sorry that she was not working. She thinks, and I agree, that the enforced rest has perhaps done her a little good. It might have done her greater good, if she had the capacity for passing the time at her disposal as it might have been, but, as she tells me, she does not like her own company, which means a great deal. Mater<sup>2</sup> and Sally<sup>3</sup> are in Belgium; they return, I understand, next Sunday. Millie<sup>4</sup> will be here on the 24th. A cablegram was received advising about her departure. I saw your cablegram to Mr. Ritch, but the one I am referring to was received from Kallenbach yesterday. It also informs us of your departure for India.<sup>1</sup>

This may anticipate you, but the more I think about it, the more I feel and realize that your work over there is far more difficult than our work here. The terrible tragedy about Sir Curzon Wyllie and Dr. Lalcaca.<sup>6</sup> complicates the situation here, but it is nothing compared with the complications that must arise there. Please, however, do not worry if you do not see the work prospering there under you. You may have no meetings and the influential papers there may even

<sup>1</sup> Polak's father

<sup>2</sup> Polak's mother

<sup>3</sup> Another sister of Polak

<sup>4</sup> Polak's wife

<sup>5</sup> Polak had sailed on July 7 on a deputation to India.

<sup>6</sup> Sir William Curzon Wyllie, Political ADC to the Secretary of State for India, was shot dead by an Indian student, Madan Lal Dhingra, at a reception held by the National Indian Association at the Imperial Institute in South Kensington, London. Dr. Cawas Lalkaka, a Parsee doctor from Shanghai, was fatally wounded while trying to save Sir Curzon Wyllie.

boycott you. I do not anticipate any such dire result, but I am quite prepared for it and I should reconcile myself to it in time. All I care about is that you should be able to see most of the leading Anglo-Indians and Indians; that I know you will be able to do, but I am fully aware of the difficulties that beset you, even in this mission of having quiet chats with leaders. You will require all the patience and tact you can command. However, I am not in the slightest degree anxious. I write in this strain only to tell you that I realize your difficulties, and that, therefore, I shall not in any way at all feel disappointed if we do not get much out of the Indian mission. You should confine your attention for the time being to those whose names I have specially given to you, that is, the Editor of *The Times of India*, Professor Gokhale, Mr. Malbari<sup>1</sup>.

The Aga Khan is in London; I have asked for an appointment. We have already seen Justice Ameer Ali. The mission commenced on board. I had a long chat with Mr. Merriman and Mr. Sauer. Both of them were very sympathetic; neither of them knew the situation accurately. Both expressed surprise that our demands, which they considered so reasonable, were not granted. We are, therefore, moving with a view to get together the South African statesmen and see whether they would not influence General Smuts in the right direction. I am already working under double pressure: have not yet been able to go to bed before one o'clock in the morning, and you know what that means to me. The legacy of a swollen leg, which I inherited from the Pretoria gaol, has not yet left me; this, however, by the way.

We are meeting Sir Richard Solomon who has given an appointment in response to our letter, as also Lord Amptill, to-day. In order to give you detailed information, I am dictating this letter in advance, but hope to be able to bring it up to date to-morrow evening (Thursday). Justice Ameer Ali knows Sir Richard personally, and he has also promised to see him and discuss the situation with him. I sent a statement<sup>2</sup> which he wanted, copy of which I shall keep among the papers to be sent to you.

Miss Winterbottom is full of the Indian question; she has studied it very accurately. She still continues to read *Indian Opinion* very

<sup>1</sup> Behramji Merwanji Malbari (1854-1912); poet, journalist and social reformer

<sup>2</sup> *Vide* the following item.

regularly and entertains the same high regard as before. She never wrote again<sup>1</sup> to us, simply because, I fancy, she was too disgusted with the state of things in the Transvaal to trust herself to write calmly. Both Mr. Hajee Habib and I passed nearly an hour with her. She had some other members of her Society to meet us; among them is a lady journalist who appeared to be a very brilliant woman; she is married to a Dutchman who too is a journalist. She told me that she had seen General Botha very often and that she was making a point this time to tackle him on the Indian question. Miss Winterbottom had arranged to go to Cornwall for a change of air which she needs very badly, but she almost feels inclined to abandon her journey for the time being. I have implored her not to cancel her programme and have promised that I would send for her if I considered her presence in London necessary, but she is a woman of extremely high ideas and I could notice yesterday that it was a matter of very prayerful consideration for her whether she would go to Cornwall or not. The one thought that is supreme with her to-day is how she can assist in the struggle. She boiled with indignation when I informed her of poor Nagappen's death. His picture has been before me ever since the receipt of the cablegram and my work has been more or less mechanical since then. I cannot get him out of my mind; it has affected me very much. However, our attitude must remain unchanged and we have to confirm the advice to the people to face death and worse—if there were anything worse. I am sending you a copy of that cablegram so that, if you did not know of the news contained therein, the cablegram will supply you with the information.

Poor Dowd Mahomed must have keenly felt his discharge from the gaol, when Parsee Rustomjee was still in gaol. However, he has returned to Johannesburg, so that he is in the thick of the fight.

Mr. Abdul Caadir is here. He is often at the hotel but he is not living with us. When the balance of the deputation arrives from Durban, I think all will engage rooms at this hotel.

Mr. Hajee Habib has been working splendidly. He always keeps me up to the mark and does not let me forget anything at all. We are in perfect harmony. I wrote<sup>2</sup> to you about his eye; it caused him trouble throughout the voyage, but now he is much better, though

<sup>1</sup> She had written to Gandhiji earlier in 1907, *vide* "Johannesburg Letter", 21-9-1907.

<sup>2</sup> This letter is not available.

there is still a slight inflammation.

Mrs. Ritch has undergone a third operation, this time at the hands of a very great specialist, Sir Henry Morris; he has been exceedingly kind. I saw her on Sunday and there is every indication of complete recovery in a short time. Dr. Oldfield<sup>1</sup> has entirely fallen—even his supposed surgical skill is now no more. Ritch thinks that he bungled the whole thing and was too cowardly to own up to it. It hurts me to have to write of a man whom I have held in high estimation, but we have often to break our idols. I am only waiting for permission from Ritch, to be able to write to him straight or speak to him, but Mrs. Ritch is averse to any such thing being done until she has completely recovered.

Dr. Abdurrahman is working [with] might and main. Mr. Schreiner is a wonderful man. He is rendering very great assistance to the Doctor and is not at all without hope. Olive Schreiner and her sister, Mrs. Lewis, both came up to me when I left Cape Town, to shake hands. Dr. Abdurrahman tells me that Mr. Sauer tackled her and she, in her own charming and yet refined manner, told Mr. Sauer that she merely wanted to shake hands with me. She performed this ceremony most heartily in the presence of a huge crowd and both the sisters were quite for a few minutes with us. Fancy the author of “Dreams” paying a tribute to passive resistance, but the whole Schreiner family, from what I have learnt through Dr. Abdurrahman, seems to be perfectly exceptional.

Cablegrams<sup>2</sup> supporting the deputation have been received from

Cape Town,	Germiston,	Grahamstown,
Kimberley,	Lourenco Marques,	Lichtenburg,
Pietersburg,	Port Elizabeth,	Potchefstroom,
Rustenburg,	Standerton.	

*Thursday*

Mr. Hajee Habib and I had a very long and satisfactory interview with Sir Richard Solomon. he went through the whole of the legal aspect, seemed to be very sympathetic; would not commit himself, but has promised to see Mr. Smuts and do what he can. Then

<sup>1</sup> Dr. Josiah Oldfield, an old friend of Gandhiji and member of the Vegetarian Society. *Vide* “Letter to Dr. j. Oldfield”, 26-10-1906.

<sup>2</sup> These were addressed to the S.A.B.I. Committee which forwarded copies to the Secretary of State for the Colonies on July 16.



followed a long interview with Lord Ampthill. Transparent honesty, courtesy and genuine humility were written on his face. He—an ex-Viceroy—did not want to take a single step without our agreeing to its being taken. His object is not in any way to advertise himself by his connection with the Committee, but to serve the cause which he is espousing. He did not know by what right he could ask Mr. Merriman and Mr. Sauer to see him. It seemed to be nothing to him that he has occupied the highest positions in India and occupies a fairly good position in public affairs here. In order that the cause may be served, he is going to see Lord Curzon and get him to take up the matter at the point he left it in South Africa<sup>1</sup>. Thus, you will see, our work will be entirely, for the time being, behind the scenes.

Sir William Lee-Warner is coming to the hotel to-morrow to see us. Mr. Ameer Ali has undertaken to see Sir Richard Solomon. I had a long chat with Cotton of *India* yesterday and he has definitely promised to refer to your mission in India in the columns of the ensuing number. I thought that this was necessary in order that the readers of *India* might realize the situation<sup>2</sup>.

I think you had seen Dr. Mehta's<sup>3</sup> letter, in which he referred to his impending departure for Europe, taking his son for education. He is now here and staying at the same hotel.

I forgot, I think, to give you a letter to Mr. Wadia, who you will remember, was going to form in Bombay a Committee in connection with the question. Do not fail to see him at the earliest opportunity.

If Chhaganlal is there, please show him this letter, as I have no time to write to him at length.

I have written to several Gujarati men, including Mr. Omer Haji Amod, Mr. Issa Hajee Soomer, Mr. Peerun Mahomed and Mr. M. S. Coovadia.<sup>4</sup>

From a photostat of the typewritten office copy: S. N. 4942

<sup>1</sup> Vide "Letter to Lord Curzon", 27-1-1909

<sup>2</sup> *India*, 16-7-1909, carried notes regarding the two deputations.

<sup>3</sup> Dr. Pranjivan Mehta, a friend of Gandhiji since his student days in London

<sup>4</sup> These letters are not available.

## 242. LETTER TO J. X. MERRIMAN

LONDON,  
July 15, 1909

DEAR MR. MERRIMAN<sup>1</sup>,

I have taken the liberty of speaking to Lord Ampthill<sup>2</sup> regarding the interest you have taken in our struggle, and his Lordship has promised to seek an interview with you. I hope that something will come out of your private effort. I need hardly say that the whole thing has been kept absolutely confidential.

We have just received a cablegram saying that the struggle has taken its first victim. A young Indian<sup>3</sup> who was serving imprisonment as a passive resister, was discharged in a dying condition and died six days after his discharge. There are at present about 100 Indians in the Transvaal gaols and during the struggle, over 2,500 Indians have passed through them.

The question as I have told you, is exceedingly simple. All we want is repeal of the Asiatic (Registration) Act, which is now considered no longer necessary by General Smuts: the repeal, placing the status of highly educated Indians on a footing of equality under the Immigration Law, leaving it open to the administration under the education test, to make it so severe as to debar from the Colony more than say six persons per year. What we bitterly resent is the racial bar, involving as it does a national insult.

I hope you will not mind my troubling you in this matter.

*I remain,*  
*Yours faithfully,*  
M. K. GANDHI

J. X. MERRIMAN

REFORM CLUB, LONDON

The correspondence of John X. Merriman. pp. 139-40

<sup>1</sup> John Xavier Merriman (1841-1926): Prime Minister of Cape Colony, 1908-10.

<sup>2</sup> Arthur Oliver Villiers Russell, Second Baron of Ampthill (1869-1936); Governor of Madras, 1899-1906; acted as Viceroy and Governor-General of India in 1904; took active interest in the Indian struggle in South Africa and was President of the S. A. B. I Committee. He wrote the introduction to Doke's Biography of Gandhiji.

<sup>3</sup> Sammy Nagappen, who died on July 6, 1909; vide "Statement of Transvaal Indian Case", 16-7-1909.

## 243. STATEMENT OF TRANSVAAL INDIAN CASE<sup>1</sup>

PRESENTED BY THE INDIAN DEPUTATION (JULY 1909)

LONDON,  
July 16, 1909

### APPOINTMENT OF DELEGATES

1. A mass meeting of the British Indians of the Transvaal was held on the 16th June last on the Hamidia Mosque ground at Johannes-burg.<sup>2</sup> The meeting was convened by the British Indian Association and was attended by nearly 1,500 Indians. The Rev. Canon Berry, the Rev. Mr. Perry, Mr. Kallenbach, Mr. and Mrs. Vogl, Mr. Dallow, and other European friends were present by invitation. Telegrams from most parts of the Transvaal were received from Indian Committees approving of the resolutions that were to be submitted to the meeting.

2. Two days<sup>3</sup> prior to the Mass Meeting a meeting of over 300 British Indians was held on the premises of the Chairman of the Association, the delegates for the Indian deputation finally nominated, and the names of delegates for a simultaneous Indian deputation discussed.<sup>4</sup>

3. Of late most Indian meetings have been attended by Government detectives.

4. The names of the delegates to be submitted to the mass meeting were published in *The Transvaal Leader* of the 15th June.

<sup>1</sup> The original draft of this statement, which—except for an unauthenticated fragment—is not available, was ready on board the ship; *vide* “Deputation’s Voyage” [-II], p. 278. It was not sent for publication on arrival in London as Gandhiji was anxious not to publish it until it was known that the negotiations had failed. The draft underwent several alterations and additions, mainly at the instance of Lord Ampthill. Gandhiji sent him proofs of the statement on July 29. He modified and enlarged it in the light of suggestions made by Lord Ampthill, in his letter of August 3; *vide* Appendix XIV. Later he prepared a summary of this statement of which an earlier, incomplete draft is also available. Both the statement and the summary were subsequently printed in the form of a pamphlet: “A Concise Statement of the British Indian Case in the Transvaal”, and finally released with the “Letter to the Press” on November 5, about a week before the deputation sailed for South Africa.

<sup>2</sup> *Vide* “Speech at Mass Meeting”, 16-6-1909.

<sup>3</sup> The meeting was held on June 13, three days before the mass meeting.

<sup>4</sup> *Vide* Appendix XIII.

5. Of these, Mr. Amad Mahomed Cachalia, Chairman of the Association, Mr. Ebrahim Salooji Coovadia, Acting Chairman of the Association, Mr. S. S. Chettiar, Chairman of the Tamil Benefit Society, and Mr. Nadirshaw Cama, together with other prominent Indians, were arrested on the 15th and 16th June, for failing to comply with the Asiatic Registration Act.

6. Messrs Cachalia and Chettiar were, on the very day of the meeting and before the advertised time, sentenced to three months' imprisonment with hard labour in default of payment of a fine of £ 50.

7. The mass meeting, however, took place. The following three resolutions<sup>1</sup> were submitted there and passed with six dissentients out of 1,500 people present:

- (1) This mass meeting of Transvaal British Indians hereby confirms the appointment made by the Committee of the British Indian Association of the Transvaal, of Messrs A. M. Cachalia, Hajee Habib, V. A. Chettiar and M. K. Gandhi as a deputation to proceed to England and place before the authorities and the British public the true situation with regard to the present Asiatic struggle and the British Indian view of the coming Union of South Africa.
- (2) This mass meeting of British Indians hereby elects Messrs N. A. Cama, N. Gopal Naidoo, E. S. Coovadia and H. S. L. Polak as a deputation to proceed to India and to place before the authorities and the Indian public the true situation with regard to the present Asiatic struggle in the Transvaal.
- (3) This meeting respectfully protests against the sudden and unwarranted arrest of Messrs Cachalia, Coovadia, Cama and Chettiar, who were, as the Government well knew, appointed, or to be appointed, as delegates in the deputations mentioned in the foregoing resolutions, and calls upon the Government to release them in order to fulfil their mission, under approved security as to their return, after completion of their mission, to undergo the sentence passed upon them by the Court.

<sup>1</sup> *Vide* "Resolutions at Mass Meeting", 16-6-1909.

8. The purport of the resolutions was telegraphed to the Government, to which the Government replied that they had no knowledge, at the time of giving instructions for the arrests above referred to, that the delegates included in the list of the Indians to be arrested would be elected.

9. After the formal election by the mass meeting and on the 17th June last, however, Mr. Gopal Naidoo, one of the delegates of India, was also arrested, together with many other Tamil Indians. Thus, out of seven Indian delegates (the eighth, Mr. Polak, being an Englishman), five were arrested, and two only, the undersigned, were left free by the authorities to proceed on their mission.

#### WHO ARE THE DELEGATES?

10. Mr. Amad Mohamed Cachalia is a British Indian merchant of over 18 years' standing in the Transvaal, is married and is living in Johannesburg, together with his wife and children. He is one of the trustees of the Pretoria Mosque, as also of the Hamidia Mosque at Johannesburg, and of the Dabhel Madressa Trust. He has for the past nine months held the office of Chairman of the British Indian Association and is now, for the third time, serving imprisonment for conscience sake. When he found that the Government were selling the goods of Indian merchants for payment of fines imposed under the Asiatic Registration Act, he felt called upon to hand over to his creditors the goods which were bought by him on credit. The creditors, however, took a political view of the step and forcibly sequestrated his estate, although it was fully worth 20s in the £. Mr. Cachalia submitted to the process, and his estate has already paid his creditors in full, though a forced realization has left him practically penniless.

11. Mr. Chettiar is an old man over fifty, has been settled in Johannesburg with his family for over ten years. He is a Tamil (Madras) leader and is now in gaol for the second time in connection with the Indian struggle. His son, about nineteen years old, is also in one of the Transvaal gaols in the same cause—for the fifth time.

12. Mr. Hajee Habib migrated to South Africa twenty-nine years ago, and has been connected with important Indian businesses. He was married in the Transvaal and lives in Johannesburg with his children. He has held the office of the Honorary Secretary of the local Indian Committee at Pretoria for the last fifteen years and has been intimately connected with Indian public movements in the Transvaal during the

whole of that period. He is permanent Honorary Secretary of the Pretoria Mosque and President of the Pretoria Anjuman Islam. He is a member of that portion of the Indian community which, from the beginning, submitted to the Asiatic Registration Act, after having vainly attempted to obtain relief from the Government. But its submission was due largely to the inability or unwillingness of the community to undergo the heavy pecuniary losses that were involved in non-submission. His community has, however, never relaxed its efforts, in common with the other Indians, to obtain relief. But Mr. Hajee Habib is unable any longer to enjoy the security of life and property, when hundreds of his countrymen continue for the common good to suffer untold hardships. He has, therefore, bound himself, should the efforts of the deputation fail to secure relief, to throw in his lot with the other sufferers and no longer to make use of the registration certificate obtained by him. He was the founder and Chairman of the British Indian Conciliation Committee that was formed during the month of June to intercede between the Government and the active sufferers. The Committee was intended to bring about conciliation, by affording the Government an opportunity of gracefully conceding the very just demands of the Indian community. A petition was submitted to the Government and a deputation waited upon General Smuts on the 19th June last, but General Smuts stated that he could not grant the Indian prayer on the two main points hereinafter referred to.

13. Mr. Gandhi, the fourth delegate, has been settled in South Africa for the last sixteen years, is a Barrister of the Inner Temple, Advocate of the Supreme Court of Natal and Attorney of the Supreme Court of the Transvaal. He has resided and practised his profession in the Transvaal since 1903. He is Honorary Secretary of the British Indian Association of the Transvaal and has been identified with the Indian public work in South Africa since 1893. He served at the time of the late war as Assistant Superintendent of the Indian Volunteer Ambulance Corps<sup>1</sup> and was mentioned in General Buller's despatches. He also served with the Indian Stretcher Bearer Corps<sup>2</sup> raised by the Indian community at the time of the late Zulu rebellion and held the rank of Sergeant-Major. He was co-delegate to London with Mr. H.

<sup>1</sup> *Vide* "Indian Ambulance Corps", 18-4-1900 & "Letter to Leaders of Ambulance Corps", 20-4-1900.

<sup>2</sup> *Vide* Vol "Indian Stretcher-Bearer Corps", Before 19-7-1906 & "Indian Stretcher-Bearer Corps", Before 19-7-1906.

O. Ally in 1906 in connection with the Transvaal Indian struggle. He has suffered imprisonment three times in this cause. His son is now under-going six months' imprisonment, although he holds Lord Milner's certificate and is domiciled in the Transvaal. Mr. Gandhi, Junior, is now serving imprisonment for the third time. After the compromise of January, 1908, hereinafter referred to, whilst Mr. Gandhi was on his way to the Registration Office to fulfil his part of the compact between the Government and the Indian community, he was severely assaulted by some of his countrymen, who distrusted the compromise and resented his action.

14. It is worthy of note that the delegation has been largely insisted upon by those British Indians who hitherto have been too weak to risk pecuniary loss and imprisonment, and therefore have been compelled to submit to the Asiatic Act, but that they have volunteered to pay the out-of-pocket expenses of the delegates shows how keenly they desire relief.

#### A BRIEF HISTORY OF THE STRUGGLE

15. It is generally recognised that the British Indian position before the War was better than it has been at any time since, as will more fully appear from Note A<sup>1</sup>. Since the advent of the British flag in the Transvaal, it has been steadily growing worse. Law 3 of 1885 (which requires every Asiatic entering the Transvaal to pay £ 3 and take out a receipt therefor; deprives Asiatics of the right to own landed property, save in locations; confines their residence to such locations; and disqualifies them from becoming burghers), which was accepted by the Imperial Government under a misapprehension and when there were only about thirty Indians resident, was never fully enforced by the late Boer Government. Indian merchants were not interfered with in their business, and the location regulations were never carried out. Notices issued to Indians to remove to locations were, under the advice of British Agents, ignored or disregarded, and under the same advice, Indian merchants traded without licences. They were even arrested for so doing, but were discharged on the intervention of the British Agent. Indian immigration was unrestricted, except that those Indians who settled in the State for purposes of trade had to pay £3 once for all, and in this way get their names registered. This was in no way

<sup>1</sup> *Vide* "Statement of Transvaal Indian Case", 16-7-1909. This was added according to Lord Amphill's suggestion, *vide* Appendix XIV.

intended *as a measure of identification*.

16. After British occupation all this was altered. A measure called the Peace Preservation Ordinance was passed in 1902 to prevent the entry of persons dangerous to the peace and good government of the Colony. This Ordinance made no distinction between Europeans and Asiatics. It was of general application. But in practice it was employed as an Indian Immigration Restriction measure. An attempt was made to enforce strictly the provisions of Law 3 of 1885. When Lord Roberts was approached for relief, he said that the Indian position would be ameliorated after the establishment of complete civil administration.<sup>1</sup> When the latter was initiated, Lord Milner was approached.<sup>2</sup> Several attempts were made by the Local Government to improve the position, but sufficient firmness was lacking to carry them into effect. The golden opportunity afforded by the new British occupation, of doing away with—among many other un-British laws—the equally un-British anti-Asiatic laws, was neglected or allowed to slip by. Every later attempt at amelioration, being unsuccessful, resulted in making the position of British Indians worse and worse.

17. Lord Milner (in 1904) changed the scope and intention of Law 3 of 1885 by using one of its clauses (*with the consent of the British Indians*) for the purpose of identifying every Asiatic in the Colony. Under this arrangement and under a *definite promise* in writing that *such identification was to be final*, almost every British Indian resident of the Colony took out a certificate containing his full description and his thumb-impression. Nevertheless, just before the grant of responsible Government, the then Colonial Secretary, Mr. Duncan, (in 1906) brought up a Bill<sup>3</sup> which ignored Lord Milner's promise, which nullified the certificates above referred to, and made it obligatory on every indian and on other Asiatics to take out another identification ticket. The measure contained many other extremely objectionable clauses which need not be here described. Indians were greatly agitated. They bound themselves not to conform to the measure should it be sanctioned.

18. A deputation came to England (in the latter part of 1906), waited upon Lord Elgin, and the Bill was disallowed.

<sup>1</sup> Vide "The British Indian Association and Lord Milner", 11-6-1903.

<sup>2</sup> *ibid*

<sup>3</sup> Vide "Johannesburg Letter", 4-8-1906.



19. Responsible Government followed (in the beginning of 1907). Almost the very first Act of the new Parliament was to restore the above measure, with one meaningless verbal alteration, not in any way affecting any of the objectionable clauses. In spite of Indian protests, it was hurried through Parliament and received the Royal assent on the 2nd March, 1907. When this legislation was introduced by Mr. Duncan, it was stated that it was to be temporary and to be replaced by an immigration measure.

20. When, however, an Immigration Bill was passed, as it was during the same session, it was found that it did not repeal the Asiatic Bill (now Act), but that, read together with the latter, the effect was to bring about, in a circuitous manner, the total prohibition of Indian immigration. The two measures together, therefore, for the first time in the history of Colonial legislation, create a colour or racial bar in respect of immigration. (As to how the total prohibition of Indian immigration has been brought about by the two Acts read together, see Note B.)<sup>1</sup>

21. During the January of 1908, active steps were taken to enforce the provisions of the Asiatic Act (Act 2 of 1907). The Indians, in accordance with their solemn pledge, declined to submit to it, and the leaders were prosecuted and imprisoned.

22. Through the intervention of Mr. Albert Cartwright, Editor of *The Transvaal Leader*, a compromise was effected. It was partly written and partly oral. Indians contend that General Smuts promised that, if they underwent identification voluntarily, the Asiatic Act should be repealed and their voluntary identification be legalised by means of another measure, preferably by amending the Immigration Bill which had now become law. (For fuller details of the compromise, see Note C.)<sup>2</sup> Indians have, admittedly, fulfilled their part of the compromise, and have asked for repeal of the Act.

23. General Smuts, on behalf of the Government, contends that he never made any promise of repeal, though he admits that the question of repeal was discussed between him and Mr. Gandhi and that there might have been a misunderstanding on Mr. Gandhi's part.

24. The facts proved and admitted are:

<sup>1</sup> Vide "Statement of Transvaal Indian Case", 16-7-1909 This was inserted in accordance with Lord Amphil's suggestion; *vide* Appendix XIV.

<sup>2</sup> Vide "Statement of Transvaal Indian Case", 16-7-1909 This was included as a result of Lord Amphil's suggestion; *vide* Appendix XIV

(a) That Mr. Gandhi sent him (22nd February, 1908) a draft Bill by his permission, one clause of which repealed the Act. This was acknowledged, and the proposal to repeal was never repudiated.

(b) That two days after the completion of the compromise, General Smuts stated at a public meeting (6th February, 1908) that “he had told them that the law would not be repealed so long as there was an Asiatic in the country who had not registered”, and again that “until every Indian in the country had registered, the law would not be repealed”.

(c) That General Smuts actually drafted and circulated an amendment of the Immigration Act (13th June, 1908) repealing the Asiatic Act, but imported therein four new conditions, one of which was that British Indians, no matter what their status might be, should be treated as prohibited immigrants. Acceptance of these new clauses by the Indian community he made a condition of carrying the amendment repealing the Asiatic Act. Indians would not accept the new conditions.

25. To resume. The Indians not accepting the new conditions, the repeal fell through. These new conditions were unacceptable to them because the first three took away the right of residence, in the Transvaal, of those British Indians who were at the time domiciled in the Colony, and the fourth condition, as stated above, constituted a national affront in that it prohibited the entry of British Indians, no matter how cultured they might be, *on the ground of race*. Thus it is clear that the repeal fell through, through no fault of the Indians. General Smuts went back even upon the written and manifest terms of the compromise. For, although in accordance with the written compromise (see Note C.), Act 2 of 1907 was clearly not to be applied to those persons who had been voluntarily identified, and although their identification was to be legalised by a separate Act, a Bill was published (11th August, 1908<sup>2</sup>) bringing such Indians under Act 2 of 1907<sup>3</sup>.

26. In consequence of this double breach of the compromise on

<sup>1</sup> *Vide* “Letter to General Smuts”, (Enclosure) 22-2-1908.

<sup>2</sup> The original has “7th August, 1909.”

<sup>3</sup> *Vide* “Petition to Transvaal Legislative Assembly”, 13-8-1908 and “New Bill”, 15-8-1908. This paragraph was re-drafted as suggested by Lord Amptill; *vide* Appendix XIV.

the part of Mr. Smuts, Indians held a mass meeting (16th August, 1908), burned about 2,500 of the certificates they had voluntarily taken out, and so rendered themselves amenable to prosecution. This induced a conference (18th August 1908<sup>1</sup>) between the Executive, the Progressive leaders, and Messrs Gandhi and Quinn (the Chinese leader)—Mr. Essop Mia, Chairman of the Association, not being available owing to short notice.

27. As a result of the conference, a new Bill was brought in, placing voluntary registrants under a separate law. The question of repeal was discussed, but the Government would not listen to the proposal, saying that the Act would be treated as a dead letter. The question of the entry of highly educated Indians too was discussed, but no relief was promised under the Immigration Act, General Smuts only going so far as to say that temporary permits would be granted to such men.

28. Another mass meeting (20th August, 1908) was, therefore, held to consider the result of the conference, and the meeting decided not to accept the new Bill, unless Act 2 of 1907 was repealed and highly educated Indians might enter as a matter of *right* after passing the educational and other tests, however severe, under the general immigration law<sup>2</sup>.

29. The Government, however, carried their new Bill in spite of the Indian protests. The new Bill—which is otherwise generally acceptable—contains certain defects which need not be set out here and which were recounted in a petition submitted to the Imperial Government.<sup>3</sup>

### THE OUTSTANDING QUESTIONS

30. Apart from minor points arising out of the new Bill, the outstanding questions between the Transvaal Government and the Indian community are:

- (1) Repeal of Act 2 of 1907 and
- (2) The status of highly educated Indians.

31. The Transvaal Government alleges that these two points are as good as granted, because—

<sup>1</sup> The original has “1909”, which is a misprint. *Vide* “Johannesburg Letter”, 19-8-1908.

<sup>2</sup> *Vide* “Letter to E.F.C. Lane”, 20-8-1908.

<sup>3</sup> *Vide* “Petition to Secretary of State for Colonies”, 9-11-1908

- (1) Act 2 of 1907 is to be treated as a dead letter, and
  - (2) Highly educated Indians can receive temporary permits to be indefinitely prolonged under a clause of the new Asiatic Bill.
32. The Indians contend that

(1) If Act 2 of 1907 is to be treated as a dead letter, it can serve no useful purpose to retain it on the Statute-book of the Colony. The Indians have (by reason of broken promi-ses) grown suspicious and do not understand the meaning of a law being a dead letter and, yet, remaining part of the laws of the country. If the Act is merely retained to satisfy the electors, they, being more intelligent, ought to understand that a law that is a dead letter need not encumber the Statute-book of the Colony, and lastly, notwithstanding the fact that the Government had pronounced this Act to be a dead letter, *it has been—when it has suited the Government—put into active operation against the Indians, and there is nothing to bar its being put into effect at any time in future.*

(2) If the Transvaal Government are willing to admit highly educated Indians, they might as well admit them under the immigration law; unless the Government intend to insult the whole Indian people, it must be a matter of indifference to them whether educated Indians are admitted under the Asiatic Act or the Immigration Act; to the Indians it is a vital principle. The manner of admission is everything to them. They are more anxious that one educated Indian who enters the Colony should do so under the general immigration law and through the front door of right than that twenty or more Indians should enter the Colony through the back door of favouritism and as ticket-of-leave men, entitled to remain in the Transvaal only during the pleasure of the Government.

33. This question of educated Indians is the crux. There is no desire to flood the Transvaal with British Indians. Indians recognize that the British and Boer population should remain predominant in South Africa. But they contend that the Colony of the Transvaal should not be allowed to offer a national insult in carrying out that policy.

34. Moreover, Indians who are resident in the Transvaal, if they are to rise in the social and moral scale, require the help of their highly educated brethren. In order to prove their *bona fides*, they declare that they would not mind an administration of the Immigration Law so as to admit the fewest possible Indians (say six) in any one year. While they object to legal inequality and legal discrimination, they are prepared to put up with administrative discrimination. This very thing is now being done in Australia. It was done in the Transvaal under the Peace Preservation Ordinance previously referred to. They further submit that, if the present law does not confer sufficient administrative authority, the Act may be amended in the desired direction, but not so as to perpetuate a *racial* distinction.

#### UNDER THE NEW CONSTITUTION

35. Under the new Constitution, the position of British Indians requires careful safeguarding, unless they are ultimately to be driven out of, or extinguished in, South Africa. They are practically unrepresented. What little representation they have enjoyed at the Cape and Natal is to be of no effect under the new Constitution. The union of the Europeans in South Africa will, if the Imperial authority is not properly retained, spell disaster to vested Indian rights. In the Orange River Colony, Indians, save as menials, are not admitted. In the Transvaal, apart from the above-mentioned legislation, they are debarred the right of buying land except in locations specially set apart for them, and even this right is withheld. In Natal, Indian traders are being starved out under a one-sided and oppressive administration of the licensing law of the Colony. Minor grievances throughout South Africa are too numerous to set out in detail. They affect the daily life of the Indian and make it well-nigh intolerable, by continually reminding him that the wearing of a brown skin is a crime in the sub-continent. The unmistakable tendency of the legislation in South Africa is to impose restrictions on Indian liberty in the same proportion as the liberties of the European races are extended.

36. It is, therefore, a matter of paramount importance, both from an Imperial and an Indian standpoint, that the Transvaal Indian question be satisfactorily settled. It is an undoubted fact that the Transvaal is the predominant State in South Africa. It leads; the other States follow. If, therefore, the Transvaal Indian legislation is not first set on a firm and equitable basis, the Transvaal legislation is sure to be

copied under the Union, and then the Imperial Government will be powerless to afford relief.

#### THE INDIAN COVENANT

37. Moreover, the Indians are bound by a solemn covenant to secure the above relief, even though they may have to suffer imprisonment and worse, for an indefinite length of time. In virtue thereof, over 2,500 imprisonments, mostly with hard labour, have taken place during the two years and six months that the struggle has lasted. The prison life has been anything but tolerable. Indian prisoners are classed and accommodated with the South African Natives, and two-thirds of their food is the same as that of the Natives. There is no such thing as a political offence in the Transvaal. Indian prisoners, whom General Smuts himself has called conscientious objectors, are imprisoned with the worst criminals. The labour required of them is generally of a severe character. Indians who have never lifted a heavy weight or done any spadde work have been put to wheeling heavily loaded barrows, digging holes repairing roads, etc., side by side with Kaffir convicts of the worst type.

38. Many Indian families have been reduced to poverty. Many homes have been broken up. And several families whose wage-earners are now in the Transvaal gaols are dependent for their daily bread on public charity.

39. Latterly, the Government, by means of a secret arrangement with the Portuguese authorities, have taken to deporting to India those who do not comply with the provisions of the Asiatic Act and who can be dealt with under the deportation sections of that Act. Under this procedure children have been torn from their parents; boys born in South Africa, and to whom India is a foreign land, have been sent penniless to India. And, although Lord Crewe has denied that those who are domiciled in any of the South African Colonies outside the Transvaal are deported, at least one such case has undoubtedly happened of an Indian possessing educational attainments, and therefore capable of residing in Natal or the Cape, and possessing domicile in Delagoa Bay, being deported to India.

40. These are the means that the Government are using to bend the Indian covenanters to their will, and while they have partly succeeded, a sufficiently large number remains who show no signs of weakening. The most influential Mohammedan, and an undisputed leader of the Indians in South Africa, Mr. Dowd Mohmed, a resident

of many years' standing in the Transvaal, and a man over 50 years of age; Mr. Parsee Rustomjee, a most prominent Parsee—another recognised leader—a man who has spent hundreds of pounds in the cause of education (even of children belonging to a faith not his own)—are both undergoing six months' imprisonment with hard labour. Two ex-sergeants, who served during the late Zulu rebellion and who are holders of the rebellion medals, are also undergoing a like term of imprisonment. At the present time there are nearly one hundred objectors undergoing imprisonment, and most of these have been through the gaols more than once in the course of the struggle.

#### THE EUROPEAN COMMITTEE

41. Actuated by sympathy with the Indians in their sufferings, and believing in the justice of their cause, certain leading Europeans of Johannesburg have formed themselves into a committee to secure relief. This committee is led by Mr. William Hosken, M.L.A., and has been working actively in the matter.

#### CONCLUSION

42. Apart from any promise made by General Smuts, it is submitted that the two indian demands are intrinsically just, that it is not difficult for the Government to grant them, and that, in order to have them granted, the Transvaal Indians have gone through a long course of sustained suffering. In the circumstances, they feel that their covenant should be respected, and that regard for the wishes of the self-governing Colonies should not debar the Imperial Government from protecting British subjects in the same way as it would protect them in foreign countries—the more so when such subjects are unrepresented, as in the present instance.<sup>1</sup>

M. K. GANDHI

HAJEE HABIB

#### FOOTNOTE TO THE STATEMENT

Since preparing the foregoing statement, the delegates have

<sup>1</sup> The original draft of this paragraph was amended on Lord Amptill's suggestion. In his letter of August 4, he had advised: "It will not conciliate the Imperial Government to tell them that they have been 'shirking their duty' however true that may be, and we must conciliate them at this stage. How would it be to say that respect for Colonial Self-government does not debar the Imperial Government from protecting British subjects in the same way as it would protect them in foreign countries?"

received a telegram which shows that an Indian youth named Nagappen, who was sentenced on the 21st June last to be imprisoned for ten days with hard labour, in connection with the struggle, was discharged on the 30th June in a dying condition, and died on the 6th July. The allegations according to the cablegram are that it was bitterly cold, the blankets supplied were insufficient, the native warders were brutal, and medical attendance was not forthcoming. The same cablegram adds that Mr. Dowd Mahomed, one of the foremost Indians in South Africa, over fifty years old, and who was suffering imprisonment for six months, was discharged owing to illness. The date of the cablegram is 12th July, and if he was discharged after the death of Nagappen, he had completed five months' imprisonment.

#### Note A

##### UNDER THE BOER *Regime*

Asiatics could freely enter the Republic and, subsequent to 1885, could reside and trade on payment of a £3 tax.

"Registration" required by Law 3 of 1885 (amended in 1886) did not include identification particulars. It consisted merely of the payment of the £3 fee and the holding of the receipt therefor.

Asiatics were denied burgher rights.

##### SINCE BRITISH ANNEXATION

Only such Asiatics as could prove pre-war residence have been re-admitted.

"Registration" voluntarily assented to by Asiatics in 1903, under advice of Lord Milner, included very full identification particulars.

Re-registration under the Act of 1907 *is compulsory* and additionally humiliating in details. It applies to all children from eight years of age upwards. Failure to re-register entails fine, imprisonment, and expulsion. (Since modified by Act 36 of 1908).

Asiatics, including British Indians, are excluded from both political and municipal privileges.



Asiatics might not own fixed property, save in Asiatic locations.

Asiatics were liable to be relegated to streets, wards, and locations specially set apart for that purpose.

Whereas Law 3 imposing the above disabilities was virtually inoperative, British Indians [were] being protected by His Majesty's Government.

Responsible English Ministers claimed for British Indians the equal rights of civilized subjects of the Empire. The British Government virtually pledged itself to the reinstatement in their just rights of Transvaal British Indians.

British Indian protests against the Boer Law were supported by Imperial Government, and the insistence by the Republic of its right to legislate indiscriminately against Asiatics within its borders figured prominently in the causes that led up to the war.

Generally, while theoretically British Indians were placed under the above disabilities, in practice the law was not strictly enforced.

This is still the case.

Asiatics, including British Indians, are still so liable, and are threatened with such segregation.

Since the annexation, and more especially since the grant of responsible government, British Indians have failed to secure such Imperial protection.

The British Government have apparently abandoned the self-same Indians, who resided in the Colony prior to its annexation, to the tyranny of trade rivals, and of a Government largely composed of legislators who were responsible for the Boer Law 3 of 1885.

Now, for want of effective Imperial protection, British Indians have been obliged to fall back on passive resistance, which has resulted in the imprisonment of 2,500 of their number, and other sufferings.

The restrictions upon the freedom of British Indians have been enforced with the utmost rigour, and the absence of a penalty clause to Law 3 of 1885 has alone saved the Indians from its worst consequences.

## NOTE B

The Asiatic Bill provides that every Asiatic in the Colony should take out an identification ticket, and it also defines an Asiatic eligible for receiving such ticket. The definition states that only an Asiatic who is domiciled in the Transvaal from before the passing of this measure shall be eligible. The Bill further provides that every Asiatic who is held to be ineligible is subject to a removal order from the Colony.

The Immigration Bill, among other provisions, makes a person who is subject to a removal order a prohibited immigrant. Now, an educated Indian who has not been domiciled in the Colony before the passing of the Asiatic Bill is ineligible for holding an identification ticket, and is therefore subject to a removal order, and thus, under the Immigration Bill, is a prohibited immigrant.

## NOTE C

The written compromise was that—

1. British Indians should voluntarily identify themselves.
2. That Act 2 of 1907 should not be applied to such British Indians, and that the voluntary identification should be legalised by a separate measure.

These terms are embodied in a letter addressed by Messrs Gandhi, Quinn, and Naidoo to the Transvaal Colonial Secretary, and dated 28th January, 1908<sup>1</sup>. Two days after the receipt of the letter, Mr. Gandhi, who was then a prisoner, was taken to Pretoria to discuss the compromise with the Colonial Secretary (Mr. Smuts), and a further discussion took place subsequent thereto. At these interviews, according to Mr. Gandhi's statement, Mr. Smuts promised to repeal the Asiatic Act (2 of 1907) on the completion by the Asiatics of their part of the bargain, *i.e.*, voluntarily identifying themselves.<sup>2</sup>

From a photostat of a printed copy: S. N. 5180

<sup>1</sup> The original has "26th January, 1907" which is a misprint; *vide* "Letter to Colonial Secretary", 28-1-1908.

<sup>2</sup> There was a further Note D, but this was not printed; *vide* "Letter to Lord Amthill", 6-8-1909

## 244. LETTER TO J. X. MERRIMAN

4 VICTORIA STREET,  
LONDON, S. W.,  
*July 16, 1909*

DEAR MR. MERRIMAN,

I am much obliged to you for your courteous note.

Of course I have no claim upon your attention, save what your humanity may prompt you to allow me.

I take it in any case that you will see Lord Ampthill if he writes to you, and do what you reasonably can.

*I remain,*  
*Yours faithfully,*  
M. K. GANDHI

THE RIGHT HON. J. X. MERRIMAN  
REFORM CLUB  
PALL MALL, S. W.

From a photostat: Gandhiji's Letters to Merriman. Courtesy: South African Library, Cape Town

## 245. LONDON

[After *July 16, 1909*]

### CURZON WYLLIE'S ASSASSINATION

Under the heading "Deputation Notes", I have given all the information about the activities of the deputation that can be made public. Under the above heading, I give other news worth reporting.

The assassination of Sir Curzon Wyllie and Dr. Lalkaka was a terrible thing. Sir Curzon Wyllie served as an officer at several places in India. Here he was Lord Morley's aide-de-camp. Dr. Lalkaka was a Parsi physician and carried on business at Shanghai in China. He was here on a short visit only.

On July 2, there was a tea-meeting of the National Indian Association in the Jehangir Hall of the Imperial Institute. Such meetings are arranged with the object of bringing Indian students into contact with Englishmen, who therefore attend as the guests of Indians. Sir Curzon Wyllie was [thus] a guest of the assassin. From this

point of view, Mr. Madanlal Dhingra murdered his guest in his own house, and also killed Dr. Lalkaka who tried to interpose himself between them.

It is being said in defence of Sir Curzon Wylie's assassination that it is the British who are responsible for India's ruin, and that, just as the British would kill every German if Germany invaded Britain, so too it is the right of any Indian to kill any Englishman.

Every Indian should reflect thoughtfully on this murder. It has done India much harm; the deputation's efforts have also received a setback. But that need not be taken into consideration. It is the ultimate result that we must think of. Mr. Dhingra's defence is inadmissible. In my view, he has acted like a coward. All the same, one can only pity the man. He was egged on to do this act by ill-digested reading of worthless writings. His defence of himself, too, appears to have been learnt by rote. It is those who incited him to this that deserve to be punished. In my view, Mr. Dhingra himself is innocent. The murder was committed in a state of intoxication. It is not merely wine or *bhang* that makes one drunk; a mad idea also can do so. That was the case with Mr. Dhingra. The analogy of Germans and Englishmen is fallacious. If the Germans were to invade [Britain], the British would kill only the invaders. They would not kill every German whom they met. Moreover, they would not kill an unsuspecting German, or Germans who are guests. If I kill someone in my own house without a warning—someone who has done me no harm—I cannot but be called a coward. There is an ancient custom among the Arabs that they would not kill anyone in their own house, even if the person be their enemy. They would kill him after he had left the house and after he had been given time to arm himself. Those who believe in violence would be brave men if they observe these rules when killing anyone. Otherwise, they must be looked upon as cowards. It may be said that what Mr. Dhingra did, publicly and knowing full well that he himself would have to die, argues courage of no mean order on his part. But as I have said above, men can do these things in a state of intoxication, and can also banish the fear of death. Whatever courage there is in this is the result of intoxication, not a quality of the man himself. A man's own courage consists in suffering deeply and over a long period. That alone is a brave act which is preceded by careful reflection.

I must say that those who believe and argue that such murders may do good to India are ignorant men indeed. No act of treachery can ever profit a nation. Even should the British leave in consequence of such murderous acts, who will rule in their place? The only answer

is: the murderers. Who will then be happy? Is the Englishman bad because he is an Englishman? Is it that everyone with an Indian skin is good? If that is so, we can claim no rights in South Africa, nor should there be any angry protest against oppression by Indian princes. India can gain nothing from the rule of murderers—no matter whether they are black or white. Under such a rule, India will be utterly ruined and laid waste. This train of thought leads to a host of reflections, but I have no time to set them down here. I am afraid some Indians will commend this murder. I believe they will be guilty of a heinous sin. We ought to abandon such fanciful ideas. More about this later.

“SUFFRAGIST”

The British women who have been demanding the franchise are putting up a wonderful show. They are not deterred by any kind of suffering. Some of these ladies have suffered in health, but they do not give up the struggle. Every day a number of them keep standing the whole night near Parliament gate with the intention of handing in a petition of Mr. Asquith. This is no ordinary courage. What great faith they must have ! A great many women have been ruined, and more are being ruined, in this struggle, but they do not yield. Their campaign has gone on for a longer time than ours. We can learn quite a few things and draw much inspiration from it.

[From Gujarati]

*Indian Opinion*, 14-8-1909

246. *LETTER TO PRIVATE SECRETARY TO LORD CREWE*

LONDON,

*July 20, 1909*

PRIVATE SECRETARY TO

THE SECRETARY OF STATE FOR THE COLONIES

SIR,

Mr. Ritch, the Secretary to the South Africa British Indian Committee, has already reported to the Right Honourable the Secretary of State for the Colonies the arrival of a delegation on behalf of British Indians in the Transvaal.

It consists of Mr. Hajee Habib of Pretoria, merchant and President of the pretoria Anjuman Islam and myself, two other

delegates<sup>1</sup> having been arrested and imprisoned under the Asiatic Registration Act before their departure.

My colleague and I have purposely refrained from seeking an interview with His Lordship, because we are endeavouring at the present moment to secure a settlement of the difficult question that has brought us here, without having to trouble the Imperial Government, but as the Conference regarding the South African Draft Act commences to-day, we consider it desirable that we should draw His Lordship's attention to the fact that the Transvaal Indian question has involved untold suffering to British Indians in that Colony, and that it still continues to cause grave anxiety to the British Indian leaders.

At the present stage we are desirous of avoiding a public discussion of the question, so as to facilitate a private settlement. We shall, therefore, be deeply grateful to His Lordship if he will be pleased to grant us a private interview, so as to enable us to place the position to date before His Lordship.

*I have the honour to remain,*

*Sir,*

*Your obedient servant,*

M. K. GANDHI

Colonial Office Records: 291/142; also, from a photostat of the typewritten office copy: S. N. 4951

## 247. LETTER TO LORD AMPHILL

[LONDON,]

July 21, 1909

MY LORD,

I am extremely obliged to Your Lordship for your letter of the 20th inst. I am very sorry for the proper address not being on my letter<sup>2</sup>. The fact is, I have a special index of addresses, which was prepared when the deputation was last here. Miss Polak, who is still new to the work, looked up the index book and took down from

<sup>1</sup> A. M. Cachalia and V. A. Chettiar; *vide* "Statement to the Press on Kheda situation", 28-3-1918

<sup>2</sup> Gandhiji had an interview with Lord Amphill on July 14, and seems subsequently to have addressed him a letter which is not available.

among the three addresses given against your name the first one, which was put in there from a directory. The Bedford address was the third on the list, but as the work has been done somewhat under pressure, she hurriedly took the first, hence the mistake.

I agree with Your Lordship that Mr. Merriman's letter<sup>1</sup> is rather discouraging. At the same time, I respectfully venture to think that, if somehow or other you could come in personal contact with the South African politicians, it will be useful for future action in connection with the Imperial work that you, as President of the South Africa British Indian Committee, are engaged in.

There is no doubt that, under the Union, a great deal of trouble is in store for British Indians throughout South Africa.

The Hon'ble Mr. Sauer, to whom also I wrote,<sup>2</sup> has not said anything in reply, from which I assume he retains still the same position that he did on board.

I am obliged to Your Lordship for offering to see Sir W. Lee-Warner. I can well understand the pressure on your valuable time. It is therefore a matter for grateful satisfaction to all who know Your Lordship, as it is to my colleague and myself, that amid your many duties you find time to give so much attention to the British Indian question in the Transvaal and other parts of South Africa.

I have already addressed a letter<sup>3</sup> to the Private Secretary to the Earl of Crewe asking for a private interview, and a similar application<sup>4</sup> has gone forward to the Private Secretary to Lord Morley.

*I beg to remain,*

*Your Lordship's obedient servant,*

LORD AMPHILL, G. C. S. I., G. C. I. E.  
CURZON HOTEL  
CURZON STREET, W.

From a photostat of the typewritten office copy: S.N. 4953

<sup>1</sup> Vide "Letter to H. S. L. Polak", 22-7-1909

<sup>2</sup> This letter is not available.

<sup>3</sup> Vide "Letter to Private Secretary to Lord Crewe", 20-7-1909

<sup>4</sup> This is not available.

## 248. LETTER TO "SOUTH AFRICA"

[LONDON,]  
July 22, 1909

SIR,

In your leading article in the current number, you state that:

Mr. Gandhi, of Natal and Transvaal fame, admits that the campaign of himself and his friends will be dictated by sympathisers in England, whose names by the way are unfortunately associated with the dangerous movement in India, which has been brought into such startling prominence of late.

Will you kindly allow me to say in reply that what I said to Reuter's Agent<sup>1</sup> was that our movements will be guided by the advice that may be given us by Lord Ampthill and his Committee.

I am not aware that Lord Ampthill or his colleagues are associated with what you call "the dangerous movement in India". Moreover, for passive resisters there can be no dictation save that of their consciences. They are under solemn obligation to secure what they are justly entitled to, and, in their endeavour to do so, they are resolved to undergo personal suffering to any extent, not even excluding death. The test of true passive resistance is sacrifice of self and not of others.

*Indian Opinion*, 21-8-1909

## 249. LETTER TO H. S. L. POLAK

[LONDON,]  
July 22, 1909

MY DEAR HENRY,

I have nothing very startling to report. Mr. Ameer Ali who saw Sir Richard, came over yesterday to the hotel and he seemed rather hopeful. Sir William Lee-Warner and Mr. Morison were also at the hotel, but they merely wanted to understand the true position.

I enclose herewith the copy of a letter from Lord Ampthill, which speaks for itself. I have applied for a private interview with the Colonial Secretary, as also with the Secretary of State for India. There appears in today's *Morning Post* a statement to the effect that the

<sup>1</sup> Vide "Interview to Reuter", 10-7-1909



control of differential Asiatic legislation will be in the hands of the Governor-General and Council and not in the hands of the Provincial Councils. I do not know what this means; it may mean much or it may mean little.

Mr. Merriman, to whose letter Lord Amptill had made reference, states that, beyond expressing the wish that there should be no legislation repellent to the Liberal principles which the South African statesmen pretended to profess, he would not be able to do anything. We have seen Stead<sup>1</sup> who too has promised to see General Smuts. I need not worry you with the names of others whom we have seen. By the time this letter reaches you, the result of the private negotiations will have been known; I therefore do not want to forecast it.

I am certain that you will cable your arrival in India. It is a pity I do not know the name of the steamer by which you were to go to India. However, I am sending a cable<sup>2</sup> to Daphtary with a view to his making some arrangements in advance.

Millie will be here the day after to-morrow. Mater has already engaged apartments—two bedrooms and one sitting room for £1 per week. They will be fixed up there but will take their meals with Mater. This appears to me to be a very serviceable arrangement, and will give Millie complete rest. The weather just now is very fine and it ought to prove very suitable for the children.

I think I forgot to mention to you the name of Professor Bhandar-kar<sup>3</sup>. He is, as you know, one of the greatest Sanskrit scholars of the age. I am sure you will go to Poona; you should then make it a point to see him; you may even draw him out of his seclusion on this question, but, in any case, it would be better for you to come in contact with him. You should also see Mr. Nazar's<sup>4</sup> son. His address is Girgaum.

I am sending you a copy of the list of those who took part in the banquet to the Ottoman Parliament delegates. The function was brilliant but I came away from it much saddened. The banqueting hall

<sup>1</sup> W. T. Stead (1849-1912); eminent publicist and editor of *Review of Reviews*.

<sup>2</sup> This is not available.

<sup>3</sup> Dr. Ramakrishna Gopal Bhandarkar (1837-1925); orientalist, Sanskrit scholar and social reformer; author of several books on religion and history.

<sup>4</sup> Mansukhlal Hiralal Nazar, first editor of *Indian Opinion* and Gandhiji's colleague. He died in 1906; *vide* "Mansukhlal Hiralal Nazar", 27-1-1906

was crowded; the dinner took nearly three hours. The fumes from the wine-glasses and the smoke from the cigars or cigarettes, smoked by nearly three hundred guests, had a most depressing effect on the mind. I then involuntarily called it “refined savagery”, and it reminded me of the scene described by poets at banquets held by Rakshasa.

The statement<sup>1</sup> of the case that was sent you last week has not yet been published. The summary<sup>2</sup> has been revised; I enclose copy herewith, as also copy of my letter<sup>3</sup> to Professor Gokhale.

From a photostat of the typewritten office copy: S. N. 4956

### 250. LETTER TO G. K. GOKHALE

LONDON,

July 23, 1909

DEAR PROFESSOR GOKHALE,

By the time this reaches you, Mr. Polak will have been in India. Our work here is very difficult; this, however, will be no news to you. I merely mention it by way of introduction, in order to enable me to ask you if you can spare the time to give special attention to it.

I am most anxious that our leaders should realize the national importance of the struggle. Mr. Polak has been sent as a missionary to do this work. We will continue to suffer in the Transvaal until justice is granted, but we have a right to expect much more than we have yet received from the Motherland.

Mr. Polak's work is very difficult. I have asked him to place him-self unreservedly under your instructions and I know that you will not spare yourself in making his work as light as possible. We are endeavouring by private negotiations to arrive at a settlement, but I know Mr. Smuts too well to put much faith in these negotiations. In a week's time we may be obliged to take public action, and in that case it will be absolutely necessary for India to support our prayer, if we are to do anything at all. May I look to you to do whatever you may

<sup>1</sup> *Vide* “Statement of Transvaal Indian Case”, 28-3-1918.

<sup>2</sup> *Vide* “Letter to the Press”, 5-11-1909

<sup>3</sup> This seems to have been dated and despatched the next day; *vide* the following items.

consider necessary?<sup>4</sup>

I enclose herewith a summary of a longer statement that we have prepared, and that will be published immediately the result of the negotiations is known—provided they are unsuccessful.

*I am,*

*Yours sincerely,*

M. K. GANDHI

THE HON'BLE PROFESSOR GOKHALE, M.L.C.

POONA

From a photostat of the typewritten original: G.N. 4110

### 251. LETTER TO MRS. VOGL

LONDON,

July 23, 1909

DEAR MRS. VOGL,<sup>1</sup>

Miss Schlesin tells me that you were present at an Indian Women's meeting. I was delighted to have the news. I know that you can impart your own enthusiasm to them and I know also how much they appreciate the sympathy of their European sisters.

Miss Schlesin will give you all the information about the work here. I will therefore close, with my thanks to you for your work and regard[s] to both you and Mr. Vogl.

Whenever you want more copies of *Indian Opinion*, you should simply ask for them at the office.

*Yours sincerely,*

M. K. GANDHI

[PS.]

Mrs. Polak arrives today.

From the typewritten original signed by Gandhiji: C. W. 4408 Courtesy: Arun Gandhi

<sup>4</sup> Polak had a long talk with Gokhale, and in his letter of August 14 reported to Gandhiji: "He is not hopeful, but is putting the whole of his energies and organisation at my disposal. Agrees to necessity of meeting. Promises to work on Sir P[herozechah] M[ehta] who is holding back. Maps out itinerary—Bombay, Poona, Surat, Baroda, Ahmedabad, Madras, Calcutta, U.P. etc., etc. Will arrange everything for the future. Wonderful man, has most accurate knowledge of facts and principles. Huge admirer of yours. Is worn out with overwork, worry and malaria fever."

<sup>1</sup> Mrs. Vogl conducted classes for Indian women an organized Indian Bazaars in Johannesburg. She, as also her husband, a draper, took keen interest in the cause of Indians.

## 252. LONDON

[July 23, 1909]

### DR. ABDUL MAJID

A party was arranged in honour of Syed Abdul Majid, LL.D., who is proceeding to India in a few days. Mr. Hajee Habib and I attended it by invitation. An occasion offering itself, there was a discussion on the Transvaal problem. Dr. Syed Abdul Majid promised to work [for us] in India. Some whites were also present at the function. Mr. Ritch, too, attended.

### OTTOMAN PARTY

Some members of the Turkish Parliament have arrived here specially with the intention of meeting prominent leaders of the British nation. A dinner was given in their honour in Hotel Cecil. Among the members, the chief is Mr. Tallat. Others include Mustafa Arif Bey, Jawad Bey, Dr. Reeza Taufik Bey, Mehmen Ali Bey, Zuberzade, Ahmed Pasha, Mighat Bey, Suleman Khustani, Nazim Mazalian Effendi, Sassoon Effendi and Fazal Arif Effendi.

The party must have been attended by nearly 300 persons. The Earl of Oslo was in the chair. Lord Curzon was also present. About 50 Indians attended. Among them were Mr. Justice Ameer Ali, Nawab Imd-ul-Mulk Syed Hussain Bilgrami, Major Syed Hussain, Sir Muncherji Bhowanag-gree and others.

Lord Curzon was the principal speaker. Mr. Suleman Khustani, who replied on behalf of the Turkish members, is a Christian. He said that in the Turkish Empire all enjoyed equal rights.

### DHINGRA CASE

Mr. Madanlal Dhingra's case came up for hearing today (the 23rd). We were not permitted not to be present in the court. Since Mr. Dhingra did not put up any defence, the case did not take much time. He only stated that he had done the deed for the good of his country, and that he did not regard it as a crime. The presiding judge sentenced him to death. I have already given my views about this assassination.<sup>1</sup> Mr. Dhingra's statement, according to me, argues mere childishness or mental derangement. Those who incited him to this act will be called to account in God's court, and are also guilty in the eyes of the world.

<sup>1</sup> *Vide* "London", After 16-7-1909.

#### SHADOW OF DHINGRA CASE

Mr. Dhingra's case has led to Government action against *The Indian Sociologist*. The journal had published a categorical statement that homicide for the good of one's country was no murder. The printer, poor man, has been sentenced to four months' imprisonment for printing such a violent article. The man who has been sentenced is a poor, innocent Englishman, who was entirely ignorant [of what he was printing]. The authors are in Paris, and hence the Government is unable to get at them. Such acts will not advance the progress of the nation. So long as the people do not throw up men who will be prepared to invite the utmost suffering on themselves, India will never prosper.

#### NATAL DEPUTATION

The Natal deputation is due to arrive next week. By that time, the Union Act will have been passed. The conference over the Act is in session. It is not likely to propose any important modifications. It appears that amendment of the existing laws relating to the Coloured races will be kept within the jurisdiction of the Union Parliament. This means nothing. If not actual death, it is something very much like it. I am afraid the Natal deputation is arriving too late. Even otherwise, I do not think much could have been achieved.

#### DR. ABDURRAHMAN

Dr. Abdurrahman has been working very hard. He has had an interview even with Lord Crewe. But it does not seem likely that it will lead to anything. Mr. Schreiner has been striving hard. There will be a party in his honour on the 27th in the Hotel, from where I am writing this.

[From Gujarati]

*Indian Opinion*, 21-8-1909

253. LETTER TO UNDER SECRETARY FOR COLONIES

LONDON,  
July 24, 1909

TO  
THE UNDER SECRETARY OF STATE  
COLONIAL OFFICE  
WHITEHALL, S. W.

SIR,

With reference to your letter of the 23rd instant No. 24316/1909—I have the honour to state that my colleague and I, if received, will, in view of the approaching unification of South Africa, place before His Lordship the position of the British Indians in the Transvaal as it arises from, and is affected by, the voluntary suffering that the British Indians in the Transvaal have undergone and are still undergoing. It was the wish of the majority of those British Indians who, being too weak to put up with physical suffering or to risk pecuniary loss, have yielded obedience to the Asiatic Registration Act they nevertheless do not like, that we should proceed to London and, taking advantage of the presence in London of the chief members of the Transvaal Government, lay before His Lordship the Indian position in the hope of securing friendly intervention and thereby, if possible, ending a situation that has caused untold suffering to hundreds of innocent British Indians.

British Indians in the Transvaal have, for the past two years and six months, been moving the transvaal Government to repeal the Asiatic Registration Act of 1907, and so remove the humiliation it imposes upon them, and to respect the status of highly educated Indians desiring to enter the Transvaal in accordance with British traditions and in a manner similar to that obtaining in the Colony of the Cape of Good Hope and the other British Colonies.

I venture to hope that His Lordship will be pleased to give us an opportunity of laying the case before him personally, and so carry out the purpose for which we have been specially sent by the Indian community in the Transvaal.

*I have, etc.,*

M. K. GANDHI

Colonial Office Records: 291/142; also, from a photostat of the typewritten office copy: S. N. 4958

## 254. LETTER TO W. P. SCHREINER

July 24, 1909

DEAR SIR<sup>1</sup>,

Mr. Hajee Habib, President of the Pretoria Anjuman-e-Islam and I, as you may be aware, are in London as a deputation on behalf of the Transvaal British Indians in connection with the struggle that has now gone on in that Colony for the last two years and a half.

We have heard a great deal about your noble and self-sacrificing work in connection with the welfare of the coloured races of South Africa under the Draft South Africa Act.<sup>2</sup>

If you would kindly appoint a time, my colleague and I would like to make your acquaintance and pay our respects to you

*I remain,*

*Yours faithfully,*

M. K. GANDHI

THE HON. W. P. SCHREINER  
TRAFALGAR SQUARE  
MORLEY'S HOTEL, W. C.

From a photostat: BC. 112 file 12 (3.1). Courtesy: University Library, Cape Town, South Africa.

## 255. DEPUTATION NOTES [—IV ]<sup>3</sup>

[July 24, 1909]

I think I reported last week that we met Sir William Lee-Warner and Mr. Morison in the hotel where we are staying. They expressed their sympathy. Afterwards we met Major Syed Hussain Bilgrami. He has agreed to do his best. We also saw, through the good offices of Miss Winterbottom, a lady named Mrs. Tedman. She has married a

<sup>1</sup> William Philip Schreiner (1857-1919); politician and barrister; High Commissioner for Union of South Africa in England, 1914; twice Attorney-General; Prime Minister of Cape Colony, 1898-1900.

<sup>2</sup> *Vide* "Deputation's Voyage[-I] After 23-6-1909, "Deputation Notes [—VIII] After 21-8-1909.

<sup>3</sup> In *Indian Opinion*, the title of this and the subsequent dispatches was changed from "Deputation's Voyage" to "English Deputation's Voyage", as another series entitled "Indian Deputation's Voyage" had commenced.

Dutchman. Mr. Tedman works for a Dutch newspaper there and knows General Botha and others. He has promised to see General Botha. We also called on a journalist named Mr. Brown, who had been helpful during the previous deputation [in 1906].

The Parsi Anjuman gave a dinner in honour of one Mr. Bhedwar, a Parsi barrister, with Sir Muncherji in the chair. We were invited to attend the function. [Several] Indians made speeches on that occasion promising to help us. We, too, as also Mr. Ritch, were given an opportunity to say a few words on the subject.

We had an interview with Mr. Stead, editor of the *Review of Reviews*. He is on good terms with General Smuts and has promised to see him.

We met Mr. Gupta and Nawab Imd-ul-Mulk Syed Hussain Bilgrami, members of the India Office. We have explained the entire position to them.

We had meetings with others also, but these, being unimportant, I am not reporting.

As advised by Lord Amptill, we have requested Lord Crewe and Lord Morley to fix time for interviews with them. There has been a reply from Lord Crewe, asking us to give reasons why we want to see him. We have sent a reply.<sup>1</sup> Whether an interview will be granted or not will be known next week.

The more experience I have of meeting so-called big men or even men who are really great, the more disgusted I feel after every such meet-ing. All such efforts are no better than pounding chaff. Everyone appears preoccupied with his own affairs. Those who occupy positions of power show little inclination to do justice. Their only concern is to hold on to their positions. We have to spend a whole day in arranging for an interview with one or two persons. Write a letter to the person concerned, wait for his reply, acknowledge it and then go to his place. One may be living in the north and another in the south. Even after all this fuss, one cannot be very hopeful about the outcome. If considerations of justice had any appeal, we would have got [what we want] long before now. The only possibility is that some concessions may be granted through fear. It can give no pleasure to a satyagrahi to have to work in such conditions.

I think it will be far better to submit to still further suffering than exhaust ourselves in such efforts and waste so much money on them. If, in spite of the difficulties, our demands are conceded, I shall

<sup>1</sup> *Vide* the preceding item



conclude that we had suffered enough to have earned the concessions. If they are not conceded, I shall believe that still more sacrifices are called for. I can think of no course so wonderfully effective as voluntary suffering. Even the most powerful orators cannot protest as effectively as [such] suffering can. Suffering is bound to bring redress. Those who are prepared to suffer need not advertise their suffering. I believe, It will speak for itself. Accordingly. I advise every Indian to have suffering as his companion. Everything else is mere bubbles in water. Do not expect much from the deputation. Always bear in mind that there is no help like self-help, and ready for gaol. That way alone lies victory.

The cables received from other towns have been forwarded to the Colonial Office and the India Office.

#### INOPPORTUNE

Everyone believes that the deputation has arrived at an inopportune time. In no more than a few days, all the important men will have left London. They take a holiday in the month of August. It is therefore difficult to undertake any public activity. The situation is awkward, to be sure, but the circumstances would not have permitted sending the deputation at some other time. It was necessary that it should have been here just when the others from South Africa were here. And the upshot of it is that, if the private moves bear no fruit, there is precious little possibility of gaining anything through public representations.

[From Gujarati]

*Indian Opinion*, 21-8-1909

#### 256. LETTER TO LORD AMPHILL

[LONDON,]  
July 26, 1909

MY LORD,

I am obliged to Your Lordship for your letter of the 24th instant.

I do not put the interpretation you have upon the absence of reply from Mr. Sauer,<sup>1</sup> for I simply informed him that Your Lordship

<sup>1</sup> Lord Ampthill had felt that they could not profitably work in that quarter.

would probably write to him. I am, therefore, rather inclined to think that he is still in the same receptive mood that I found him in on board. I told Your Lordship that Mr. Sauer was more enthusiastic than Mr. Merriman.

Mr. Hajee Habib and I have just returned from a private visit to Lord Morley. His Lordship gave us a very sympathetic consideration and said that he would write to Lord Crewe, and on my suggestion, agreed to discuss the question with Mr. Smuts. Lord Crewe has not yet sent an appointment, but he has asked us to reduce to writing the points we would discuss at the interview, if granted. The letter giving the points went forward on Saturday.<sup>1</sup>

Sir Richard Solomon has sent a confidential note saying that he has already discussed the whole question with Mr. Smuts, but that it might be some time before General Smuts decides, as he would be very busy with the conference work. As I know Mr. Smuts so very well, this delay is somewhat ominous, because he has more than once put off friends who have approached him on inconvenient matters. Should we, apart from an interview with Lord Morley and that with Lord Crewe—if it is granted, make a written submission, a short statement is quite ready.<sup>2</sup> I have refrained from having it printed for circulation because of the negotiations that are going on, but if the progress of the negotiations virtually enforce silence upon us, that can hardly apply to the friends of the cause. Would not the purpose be served if Your Lordship wrote, or several public men jointly wrote, to Lord Crewe urging him to use his good offices with the Transvaal ministers to signalize the advent of the Union, by granting the small concessions to British Indians in the Transvaal, who have suffered so

<sup>1</sup> *Vide* "Letter to Under Secretary for Colonies", 24-7-1909.

<sup>2</sup> Perhaps unaware of the fact that Gandhiji had already prepared a statement, Lord Amthill, in his letter of July 24, had suggested to Gandhiji: "you should draw up a very brief and explicit statement of your demands for submission to the authorities of the Imperial and Colonial Governments and for the information of the public at large. Such a document must necessarily be very brief and, if I were to advise, I should say that the reasons which you give in support of your demand should mainly lay stress on the desirability of ending a quarrel which all must in their hearts deplore and of enabling His Majesty's Indian subjects in the Transvaal to share in the general rejoicing over the union of South Africa. You could then send this statement to His Majesty's Ministers, to the Colonial representatives in this country, and to the Press." *Vide* "Statement of Transvaal Indian Case", 16-7-1909

much and so terribly for them.<sup>1</sup>

Your Lordship may have noticed that a deputation on behalf of the Aborigines' Protection Society was to have waited upon the South African Premiers and other public men, and that it did not so wait only because Sir Charles Dilke<sup>1</sup>, who was to have led the deputation, could not accept the time that was appointed by these gentlemen.

I cannot help feeling that, if Your Lordship were still to seek a dis-cussion with Mr. Merriman and Mr. Sauer or, failing them, with Messrs Botha and Smuts, it cannot but be good. May I also state that it is very largely within the power of Sir George Farrar<sup>2</sup> and Sir Percy Fitzpatrick<sup>3</sup> to bring about a settlement, and if Your Lordship could even see them, I am sure a way would be opened to a satisfactory solution.

I would venture to invite Your Lordship's special attention to the current number of *Indian Opinion*; it contains three remarkable petitions<sup>4</sup> and facts about the Indian deputation.

I hope that Your Lordship will pardon me for encroaching upon your time.

*I am, etc.,*

From a photostat of the typewritten office copy: S. N. 4960

<sup>1</sup> Replying to this in his letter of July 28, Lord Ampthill observed: "I think that I am right in saying that there is no question of altering the South Africa Bill which does not touch the problem at all. All that is wanted is that the passage of the Bill through Parliament should be signalized by an announcement on behalf of the Transvaal Government that they intend by a conspicuous act of grace to put an end to the difficulty and remove the Indian grievance."

<sup>2</sup> Sir Charles Wentworth Dilke (1843-1911); politician, writer, Member of Parliament and Under Secretary for Foreign Affairs, 1880-2

<sup>3</sup> (1859-1915); a mine-owner and legislator of the Transvaal; served in the South African War, 1899-1900; a leading member of the Progressive Party

<sup>4</sup> (1862-1931); a mining magnate, author of several books on South Africa, a prominent member of the Progressive Party

<sup>5</sup> These were addressed by the Transvaal Indians to the Queen, Dadabhai Naoroji and the President of the Bengal Chamber of Commerce. *Vide* Appendix XV.

257. LETTER TO PRIVATE SECRETARY TO LORD MORLEY

LONDON,  
July 26, 1909

THE PRIVATE SECRETARY TO  
THE RIGHT HON'BLE THE SECRETARY OF STATE FOR INDIA  
WHITEHALL, S. W.

SIR,

I shall be obliged if you will place the following before Lord Morley:

At the private interview<sup>1</sup> that His Lordship was graciously pleased to grant to Mr. Hajee Habib and myself, I was unable, owing to want of time, to say all I had intended to. I wish, therefore, on behalf of my colleague and myself to state that the two outstanding questions between the Transvaal Government and the Indian community—namely, the repeal of the Asiatic Act and the guarding of the status of educated British Indians on a basis similar to that adopted in the other Colonies, are the questions which are of paramount importance, because of the solemn covenant undertaken by the community. This, however, does not mean that the British Indians do not feel aggrieved about the other disabilities in the Transvaal, such, for instance, as the prohibition to hold landed property, riding on the tramcars, etc.

We, however, feel that these questions are not those for which the community has suffered imprisonment or suffered such personal hardships as it has for the removal of those two grievances. British Indians will, however, continue to adopt the means they have hitherto adopted for the removal of the other disabilities. But the two grievances above named have been separated from the others by reason of the terrible suffering that they have involved and will continue to involve until a proper settlement is arrived at.

My colleague and I trust that Lord Morley will be able to find time to give special attention to this matter and, by his friendly offices on behalf of those whose interests are in his keeping secure an honourable settlement.

*I have, etc.,*

M. K. Gandhi

Colonial Office Records: 291/142; also, from a photostat of the typewritten office copy: S. N. 4961

<sup>1</sup> This had taken place earlier in the day; *vide* the preceding item.

## 258. DEPUTATION NOTES [-V]

[After *July 26, 1909*]

There have been very few interviews during this week. Most of the time was spent in writing letters and meeting all sorts of people.

### MOST IMPORTANT INTERVIEW

The most important interview<sup>1</sup> was with Lord Morley. The gentleman saw us in his private capacity. It is difficult to say whether his reply was satisfactory or not. I shall only say that he has promised to help.

Lord Ampthill has been striving hard. What he has been doing is completely private, so that I shall write nothing about it. He is fully confident that a settlement will be reached. We are in continuous correspondence with him. We must now await the outcome. I gather from his letter that something will be known next week. If so, the news will be conveyed through cable, so that perhaps the result will have been known by the time this article appears in print.

Should the outcome be satisfactory, it must not be attributed to any very strong pressure applied in England, but only to our gaol-going. Anyone here can easily see this. Every white who hears of our gaol-going is struck with admiration. Voluntary submission to suffering cannot but have a powerful effect. This has been my experience again and again.

Mr. Hajee Habib, Mr. Abdul Caadir and I were invited to Miss Smith's. Everyone there was talking about the same thing, namely, gaol-going. The very mention of gaol-going impressed people. I see the time drawing nearer every day when no one, whether black or white, will succeed in obtaining a hearing by merely making petitions. If I am right, then, no force in the world can compare with soul force, that is to say, with satyagraha. I therefore wish that Indians should fill the gaols if, by the time this letter is published, there has been no decision or solution.

On August 9, a number of Indian friends will have been released. It is my request to all of them to be fearless and go back to gaol. Let them not betray the pledge they have taken. Such is the

<sup>1</sup> This had taken place on July 26; *vide* "Letter to Lord Ampthill", 26-7-1909

prevailing wind all over the world; everyone, young or old, feels the call of patriotism. Much evil [often] results from this. Those who embrace satyagraha will alone be able to serve with the right kind of devotion.

[From Gujarati]

*Indian Opinion*, 28-8-1909

### 259. LETTER TO LORD AMPHILL

[LONDON,]

*July 28, 1909*

MY LORD,

Sir Muncherjee wrote privately to General Smuts requesting an interview. General Smuts has offered to send him an appointment after the pressure on his time is relieved. This may mean much or little, but, as it may also mean that General Smuts intends by delaying the matter to prevent a public discussion of our mission, I feel that the time has come to circulate our statement and let the authorities as also the British public know what our mission is. Sir Muncherjee not only agrees with this but is insistent on it, but, as in my letter of the 26th inst., I have expressed the contrary opinion, I consider it my duty to place the new phase before Your Lordship and request your opinion as to the desirability of publishing the statement. May I trouble you to send me a telegraphic reply.<sup>1</sup>

I have seen Mr. Ritch's letter about holding a Committee meeting. I venture to think that a Committee meeting is now necessary.<sup>2</sup>

*I am, etc.,*

From a photostat of the typewritten office copy: S. N. 4966

<sup>1</sup> Lord Ampthill sent a telegram next day to Gandhiji, reading: "Have written fully in reply to your letter of yesterday." In his letter, he deprecated publication of the statement; *vide* Appendix XVII.

<sup>2</sup> Lord Ampthill felt that a Committee meeting would serve no useful purpose at the moment. In his letter of July 28 to L. W. Ritch, he wrote: "I am giving hours of time to this business daily but I have no time for any unnecessary meeting; if the necessity for a meeting should arise I shall let you know at once. Mr. Gandhi's mere

## 260. LETTER TO LORD AMPTHILL

[LONDON,]

July 29, 1909

MY LORD,

I am extremely obliged to Your Lordship for the very great trouble you are taking over the Indian cause in the Transvaal which you have made your own. Immediately on reading your letter<sup>1</sup>, I telegraphed<sup>2</sup> saying that nothing would be done without consultation with Your Lordship and that I was writing this letter and sending the statement<sup>3</sup>.

Perhaps I should explain that most of the letters, which I would otherwise like to write myself, are dictated, because I write, I am sorry to confess, a very indifferent and illegible hand.

My colleague and I are very pleased to find that you have been able to see the distinguished men whom you have mentioned in your letter.

I am enclosing statement in proof form because, in anticipation of Your Lordship's approval, it was sent to the printers yesterday, but it will not be published or submitted without consultation with Your Lordship .

If the Act of 1907 is repealed and a promise given that six Indians will be admitted to the Transvaal annually in the way I have proposed, I would certainly be contented . . . <sup>4</sup> similar question was put to me by Lord Morley also. May I [hope that the matter will be reconsidered by the]<sup>5</sup> Transvaal Parliament or the Provincial Council as the case may be, and that the Immigration Law will be amended so as to leave it open for Indians of great culture to enter the Transvaal under the general education test. The number will be limited to six, not in the law itself, but it will be limited or regulated by administrative action, that is to say, by the imposing of a severe enough test so that the Immigration Officer will pass only six Indians

<sup>1</sup> *Vide* "Lord Ampthill's Letter to Gandhiji, 28-7-1900.

<sup>2</sup> This telegram is not available.

<sup>3</sup> *Vide* "Statement of Transvaal Indian Case", 16-7-1909

<sup>4</sup> The original being mutilated, some words are missing here.

<sup>5</sup> Here a line is missing. The words in square brackets have been conjectured in the light of the context.

in any one year. So far as immigration is concerned, such Indian immigrants will be free from any measure of registration or identification, their identification being the examination, they will have to pass at the border. The whole position, I believe, I have clearly explained to Sir Richard Solomon and I believe, too, that he has understood it.

There undoubtedly are other grievances in the Transvaal, as for instance, the prohibition to hold landed property, to ride in the tramcars etc., and we will have to trouble the local authorities as also Your Lordship for assistance in the matter, but the distinction between the two grievances which have brought the deputation to London and the others is, that the former have entailed passive resistance involving untold suffering by us, and must continue to do, so long as I can help it, until the grievances are redressed or every Indian perishes in the attempt to have them redressed. The latter grievances are of long standing; there is no solemn covenant to impose upon ourselves personal suffering in order to remove them and we can wait for public opinion to mature and prejudice to die out, without reducing ourselves to penury and filling the Transvaal gaols.

It is to me a test of Your Lordship's very great interest [in our struggle]<sup>1</sup> as also, may I say, of your high-mindedness. . .<sup>2</sup> passive resistance. Will you excuse me for saying that I know of no Indian, whether here, in South Africa or in India, who had so steadily, even defiantly, set his face against sedition—as I understand it—as I have. It is part of my faith not to have anything to do with it, even at the risk of my life. Most people, that is most Indians And Anglo-Indians, express their detestation of bomb throwing and violence in words or in unreasonable action. The movement in the Transvaal, with which I have identified myself is an eloquent and standing protest in action against such methods. The test of passive resistance is self-suffering and not infliction of suffering on others. We have, therefore, not only never received a single farthing from “the party of sedition” in India or elsewhere, but even if there was any offer, we should, if we were true to our principles, decline to receive it. We have hitherto made it a point not to approach the Indian public in India for financial assistance. The accounts of the British Indian Association are open to the world. A statement of income and expenditure is published from

<sup>1</sup> The original is damaged here.

<sup>2</sup> Here a whole line is cut off.



time to time and is advertised in *Indian Opinion*.<sup>1</sup> Mr. Doke, Mr. Phillips<sup>2</sup>, and other notable men who are working in the Transvaal for us, know this fact most intimately. May I add, too, that the idea of passive resistance originated in South Africa was independent of any movement in India and that we have sometimes been bitterly assailed by some of our Indian friends for pinning our faith to passive resistance pure and simple?

I hope Your Lordship will pardon me for introducing so much of the personal element, as also for the length of this letter, which was unavoidable.

If any further elucidation or information be necessary, you can only add to the debt of gratitude to me by commanding [me to furnish the same.]<sup>3</sup>

Mr. Ritch points out that this explanation may not be quite clear to Your Lordship. He suggests my adding:

The Immigration Law imposes an educational test on all immigrants white or black. The severity of the test is left to the discretion of the Immigration Officer. There will not be, there is not now, the same test for all. The officer, therefore, will set one test for Europeans—and perhaps no test at all, as happens often in Natal—and another for Indians. The Courts will not interfere with such exercise of discretion. General Smuts has said that the present Immigration Law does not give so wide a discretion as this to the Immigration Officer. If that be so, the law can easily be altered to extend the measure of discretion to the necessary degree. I have already submitted through Mr. Dallow an amendment which, in my opinion, would satisfactorily effect this. Mr. Smuts did not reject my amendment, but said that he did not consider it desirable to alter the law during that session (June last). Armed with the necessary powers, the Immigration Officer need admit only six Indians under the educational test. If a seventh applied, he can plough him by imposing a test impossible for him to pass, just as is done in Australia.

From a photostat of the typewritten office copy: S. N. 4968

<sup>1</sup> *Vide* Vol. VII, Appendix VII.

<sup>2</sup> Charles Phillips, Congregational Minister in the Transvaal.

<sup>3</sup> The original is damaged here.

261. LETTER TO H. S. L. POLAK

[LONDON,]  
July 30, 1909

MY DEAR HENRY,

Not many visits have been paid during the last week and yet a very great deal of work has been done. Lord Ampthill has been doing very well; he was in touch with Sir George Farrar, General Smuts and Lord Selborne on the one hand and Lords Crewe, Morley, Lansdowne and Curzon on the other. He himself seems to be very hopeful. I send you copy of my long letter<sup>1</sup> to him.

Sir Muncherji, too, wrote asking for an interview with Smuts and he has promised to send him an appointment as soon as pressure upon his time has been removed. This interview was invited when it was unknown what definite action Lord Ampthill was taking. Arrangements were also made for beginning a public campaign on a gigantic scale. I have it sketched out in my mind, but, in view of Lord Ampthill's work, everything remains in suspension.<sup>2</sup>

We saw Lord Morley on Monday; he gave us about half-an-hour. Sir Charles Lyall<sup>3</sup> was present at the interview; it was private and informal. He wanted to know whether the feeling in India was keen on the matter. I told him it was and I told him also that the reason why a meeting had not been held in Bombay was that Sir Pherozeshah feared violence. No one could be prevented from attending the meeting or from making bitter speeches. The question, in my opinion, shows that he is not satisfied that the feeling in India is keen, or rather, invites an emphatic expression of opinion from all over India. However, he has promised to pass on the substance of the interview to Lord Crewe and even to see Smuts. You will be surprised to learn that he did not know that General Smuts was in London, and he had forgotten everything about objections to the Asiatic Act.

On your side, you should have meetings, if they will hold meetings; if not that, representations should<sup>4</sup> be sent from various bodies and, if you can get sufficient volunteers, you may have a brief petition

<sup>1</sup> *Vide* the preceding item.

<sup>2</sup> *Vide* "Lord Ampthill's Letter to Gandhiji, 29-7-1900.

<sup>3</sup> (1845-1920); Anglo-Indian administrator

<sup>4</sup> The original has "to".

signed by thousands. I hope you have had the petitions<sup>1</sup> to Dadabhai Naoroji and the President of the Bengal Chamber of Commerce translated in the principal languages and widely distributed. In each place, if you are properly supported, you should be able to get volunteers. They should then take up these copies and distribute them. They can be posted near mosques, temples, theatres and such other places.

I expect a cablegram from you today, after which I will hope to send you a brief cable. If, however, I do not receive one from you today, I may cable independently either tomorrow or Monday. Mr. Anglia and the other two arrive tomorrow. Mr. Abdul Caadir is still staying at the same hotel with us. I hope you will secure Indian directories and a suitable English-into-Gujarati and Gujarati-into-English dictionary and other books of reference or study which are not obtainable in South Africa. You may also discuss our scheme of education with Professor Gokhale; he, being a very great educationalist, may give helpful hints. You ought to be able, with Chhaganlal,<sup>2</sup> to fix up an agency in Bombay, and you may be able to come to some definite understanding with Natesan<sup>3</sup> also for propagating our views and ideas.

Millie arrived on Saturday. Pater went to Southampton, but he did not return with them. They were received by Mater, Maud, Hajee Habib, Hoosen and myself. Sallie could not come because she had to attend to her business. Both Millie and Celia, as also Waldo and baby, were looking very nice. I think they look all the better for the voyage. They had a good time on board. Celia went to find Amy and then directly went to the apartments; Millie came to the hotel with baby, as the arrangement was that Celia should come with Amy to the hotel, but she, in her excitement, did not take in the name of the hotel where I am staying and went to Hotel Cecil and, afterwards, directly to the apartments. Waldo has a slight touch of cold, nothing serious about it.

There was an at-home at Miss Smith's; Millie and Maud were there. I think both of them enjoyed it; it was rather good and there

<sup>1</sup> *Vide* Appendix XV.

<sup>2</sup> Chhaganlal Gandhi was expected to have left for India at this time, *en route* to England to study for the Bar, but was held up for a few months owing to A. H. West's illness.

<sup>3</sup> G. A. Natesan (1873-1949); politician and publisher; founder and editor of the *Indian Review*

was good company. There were a few Indian ladies also. Millie became chummy with one of them—Mrs. Dube. She is Hindustani though she was partly brought up in Bombay; she speaks English very nicely. Millie will come into closer contact with her.

She does not like the apartments she is in and will probably take a small house partly furnished, either in Cricklewood or near Kew. I have suggested to her that she should have Hoosen with her; it would be mutually satisfactory. Hoosen is going on splendidly; a better youth it will be difficult to find, but he is somewhat dreamy, he has not the go that I should expect a youth of his age to have and does not give himself enough exercise, but, as he is not self-willed, he will easily accept a gentle guidance from Millie, with whom I have discussed what should be done for him. Amy is also staying with Millie. I understand that Amy has grown wonderfully, but she is not a steady girl and she causes some anxiety to Millie. I sent a cablegram<sup>1</sup> on Monday to Daphtary, Morality<sup>2</sup> and the Presidency Association<sup>3</sup> regarding you. I am curious to know whether the cablegrams were acted upon.

I attended a great suffragette meeting last night; met Mrs. Pankhurst<sup>4</sup> also. I am sending you their weekly *Votes for Women*. We have a great deal to learn from these ladies and their movement. I have other pamphlets which I thought I would send on to you, but, on second thoughts, I should send them to Johannesburg or Phoenix. I will get another set for you; you will then have it next week.

Mrs. Ritch's progress continues to be steady. This time I hardly think there can be any relapse.

*Yours sincerely,*

From a photostat of the typewritten office copy: S. N. 4970

<sup>1</sup> This is not available.

<sup>2</sup> Telegraphic address of Revashanker Jhaveri & Co. of Bombay

<sup>3</sup> Of Bombay

<sup>4</sup> Mrs. Emmeline Pankhurst (1858-1928); *vide* "Lord Ampthill", 29-6-1907.

## 262. LONDON

*Friday, July 30, 1909*

### NATAL DELEGATES

The Natal delegates will arrive here tomorrow morning. Some of us have made preparations to go and receive them.

### SUFFRAGETTES

Mr. Abdul Caadir, Mr. Hajee Habib and I attended a suffragette meeting. The St. James' Hall was crowded to capacity by the women attending the meeting. According to Mr. Hajee Habib's estimate, there must have been about 1,500 persons, including men and women.

Such meetings are held almost every week. A collection is made at every meeting, and at least £50 are received. At yesterday's meeting, it was £100. The meeting was held to honour some ladies who had been released from gaol. There were fourteen of them. They were

presented silver medals. A dinner has also been arranged for them, for which tickets at one shilling each have been issued.

The meeting was presided over by a lady named Mrs. Lawrence. All the speakers were women. All the arrangements were also made by them.

Among those who had been to gaol, there were three or four who were mere girls of twenty or so. All of them had been arrested in the course of the campaign for the franchise. According to the practice here, the prisoners are placed in different classes. These women were awarded second class. It is their demand that they should be treated as firstclass prisoners. As the Government did not concede it, they resolved collectively to disobey the gaol regulations. They broke the windows of prison cells and refused to submit to any of the regulations. In consequence, they were confined in dark cells. There, too, they disregarded the gaolers' orders. At last, all the women stopped taking food. One of them ate nothing for six days, some others for five days. In this way, everyone fasted. The Government felt helpless in the end and let them off. The women feel disappointed at this, and have declared that they will continue to go to gaol till all women like them are treated as first class prisoners. At this very meeting, the police served summonses on two of the women who had

been released, to answer a charge of having committed an assault while in gaol. The serving of the summonses was received with thunderous applause in the Hall. When we consider the suffering and the courage of these women, how can the Indian satyagrahis stand comparison with them?

Their Association brings out a weekly of its own. It has a sale of 50,000, and a copy costs a penny. The contributors<sup>1</sup> are mostly women. Every week some women come forward as volunteers to go round selling copies. They receive no remuneration. Though all these ladies belong to good families, they are not ashamed of doing this work, but rather take pride in it. All of them turn out with ribbons on their shoulders bearing the words “Votes for Women” printed on them.

Besides bringing out this weekly, they have also published a number of other pamphlets. There are some women who, having offered their all in the service of this cause, now exert themselves physically. Some are highly educated women.

They collect £3,000 in a year. They aim at collecting a total of £20,000.

Their campaign has been going on for nearly five years. Its foundations were laid a good many years ago, but it is during the last five years that they have been going to gaol in order to exert pressure. During this period, nearly 500 women have suffered imprisonment. Some of them have been to gaol more than once. All the [Association's] office-bearers have been to gaol. They employ every means to get themselves imprisoned.

So many years have passed, but they do not yield. They grow stronger every day. They think out new ways of harassing the Government, and some of the women have dedicated themselves entirely to this cause. Some are ready to die. They have taken a pledge that they must win. They would meet death rather than betray the pledge, so great is their spirit of determination.

The systematic way in which they set about their work and their skill deserve the highest commendation. Their enthusiasm is unbounded. A great many men have been struck with admiration to see all this.

Let Indians ask themselves whether it is anything to wonder at

<sup>1</sup> The original has a word meaning “those who assemble” which appears to be a misprint for another word meaning “those who write”

that we, in the Transvaal, have to wait a long time [for redress], have to suffer, fall ill in gaol or go hungry, even face death, when the British women have failed to get redress for such a long time and have to go through such suffering. Mrs. Lawrence, who has contributed large amounts of money to this campaign and who has been to gaol herself, says: "There can be no building for progress unless—in the case of every reform or scheme of human good—some men do the building with their blood."

These words should be pondered over by every lover of India. If we want freedom, we shall not gain it by killing or injuring others (i.e., by the use of brute force) but by dying or submitting ourselves to suffering (i.e., by the use of soul force). The Transvaal struggle is for the defence of our honour, that is, for freedom. To lay down one's life to achieve this is as good as remaining alive. To go on living without it is no better than being dead. We have much to learn from the suffragettes. No doubt we may find some faults in them, but we need not enlarge upon the matter here.

[From Gujarati]

*Indian Opinion*, 28-8-1909

### 263. LETTER TO LORD AMPHILL

[LONDON,]

August 3, 1909

MY LORD,

In reply to your letter of the 29th ultimo, I sent a telegram<sup>1</sup> which, I hope, was duly received by Your Lordship.

I write this to draw your attention to this week's *Indian Opinion*<sup>2</sup>, containing a petition to the Imperial Parliament from the Indian people of the Presidency of Madras and the affidavits<sup>3</sup> made in connection with the death of Nagappen, about whom, as you will recollect, a cablegram was received some time ago.

*I remain, etc.,*

From a photostat of the typewritten office copy: S. N. 4974

<sup>1</sup> This is not available.

<sup>2</sup> The issue of 10-7-1909

<sup>3</sup> Veera Muthoo and A. A. Moodaley had mentioned therein the cruel gaol treatment and other circumstances leading to the death of Sammy Nagappen; *vide* "Statement of Transvaal Indian Case", 16-7-1909

264. LETTER TO "THE ENGLISHMAN"

LONDON,  
August 3, 1909

THE EDITOR  
*THE ENGLISHMAN*  
[CALCUTTA]

SIR,

Your correspondent "South African" has packed so much ignorance into the letter published by you in your issue of the 21st ultimo, that he had need to conceal his identity,. May I correct a few of his misstatements?

Mr. L. W. Ritch, though he calls me his friend and colleague, is not—as your correspondent assumes—an Indian. He is an English Jew and is at present practising as a barrister.

The registration of Indians is a measure of identification, impugn-ing the honesty of Indians as a class. The pass system with reference to the Kaffirs is somewhat of a taxing measure and in no way insulting in the same sense that the Asiatic Registration Act of 1907 is. There is as much difference between the Asiatic Registration Act and the Continental Passport system as there is between chalk and cheese. The Continental Passport is a protection to the holder and the non-holding of it does not make him a criminal and liable to imprisonment with hard labour up to six months, whereas the non-holding of registration certificates under the Asiatic Act by British Indians has sent already 2,500 Indians to gaol in the Transvaal. There are no Indian coolies in the Transvaal.

The Indian trading community in Natal—notwithstanding your correspondent's statement to the contrary—had no part in shaping the legislation in connection with the introduction of indentured Indian labour into that Colony.

Your correspondent's fiction is that every Indian in Natal lives at a cost of 10/- per month and a hut made of old tin linings of cases, whereas the fact, according to the borough valuation of Durban, is that the Indians hold substantial properties in that place, valued at nearly a million pounds, and that this very fact has been used against them by their European competitors in trade.

In one thing, however, the Indians can join hands with your



correspondent, and that is in his denunciation of the existence of indentured labour in Natal or in any part of South Africa. British Indians have been, for the past fifteen years, agitating for abolition of that form of labour, which the late Sir William Wilson Hunter<sup>1</sup> described as perilously near to slavery.

*I am, etc.,*

M. K. GANDHI

*Indian Opinion*, 4-9-1909

## 265. LETTER TO LORD AMPHILL

[LONDON,]

August 4, 1909

MY LORD,

I have to thank you very much for your letter of the 3rd inst., and for the valuable suggestions made by you with reference to the statement<sup>2</sup>

I know how hard pressed the authorities are with work and, knowing that you lose no opportunity of bringing the question home to them, both Mr. Hajee Habib and I are content to wait.

Your Lordship's question was whether passive resistance was financed or fomented from India. As to the "fomenting", I did not go into details; I very nearly did so and then refrained for fear of making my letter too long and burdensome, but, as you have kindly invited me to express myself more fully, I gladly avail myself of the opportunity. I am fully aware of the allegation that we are acting in co-operation with the Extremist Party in India.<sup>3</sup> I however give Your Lordship the emphatic assurance that the charge is totally without foundation. Indian passive resistance in the Transvaal had its rise in that Colony and has been continued absolutely independent of anything that is being said or done in India; indeed, sometimes, even in defiance of what has been said or written to the contrary in India or elsewhere. Our movement is absolutely unconnected with any [tremist movement in] India. I do not know the extremists per

<sup>1</sup> (1840-1900); Indian administrator and member of the British Committee of the Indian National Congress; *vide* and "Speech at London Farewell", 29-11-1906.

<sup>2</sup> *Vide* "Statement of Transvaal Indian Case", 16-7-1909 also, Appendix XIV Lord Amphyll's suggestions.

<sup>3</sup> *Vide* "Lord Amphyll's letter to Gandhiji, 3-3-1909.

[sonally]...<sup>1</sup> is the ...<sup>2</sup> Moslem League and some time Secretary in London of the Pan-Islamic Society, and this correspondence has been carried on with a view to interesting Indian opinion in our matter and arousing public sympathy. We are also in close touch with the Editor of *The Times of India* and I used to be in personal touch with the late Mr. Saunders<sup>3</sup> of *The Englishman* who, I may say, gave me most valuable assistance and advice when I first undertook public work in South Africa. Our complaint has always been that our countrymen in India have, as it might have appeared until recently, almost studiously ignored the question of its Imperial importance. The greatest prominence has been given to it by the suicidal action of General Smuts in having forcibly deported innocent Indians, in most cases penniless, from the Transvaal through the Portuguese territories to India. This has advertized the cause as perhaps nothing else has done, and now Mr. Henry S. L. Polak is in Bombay, from the Transvaal, in order to place the position before the Indian public. He has gone there with definite instructions not to come into touch with the Extremist Party, but to be guided largely by the Editor of *The Times of India*, Professor Gokhale and the Aga Khan.

What I mean by passive resistance will appear somewhat more clearly from the enclosed cutting<sup>4</sup>, which gives a summary of my address to the Germiston Literary and Debating Society.<sup>5</sup> Germiston, I may say, is seething with anti-Indian feeling. Yet the members of that society, including the Mayor of Germiston, were good enough to recognise that the fight we are carrying on is perfectly clean.

It would be improper for me not to add that I follow what is going on in India with the keenest interest and some of the [phases] of the [nat]ional movement with the gravest anxiety. With ...<sup>6</sup> [sym]pathy, and by ...<sup>7</sup> people and my countrymen is fraught with advantages to both and also to the world. I believe, too, that the fullest expansion of national sentiment is quite consistent with the stability of British rule in India and I further believe that much of what we suffer in India is easy of remedy by effort from within. I know that under

<sup>1</sup> The original is damaged. Some words are missing here.

<sup>2</sup> A line has been cut off here.

<sup>3</sup> Vide "Letter to Sir Evans Goordon", 26-11-1906

<sup>4</sup> This is not available.

<sup>5</sup> Vide "Speech at Germiston", 7-6-1909

<sup>6</sup> A few words are cut off here.

<sup>7</sup> Here one line is missing.

the British constitution, British subjects, no matter to what race they belong, have never got and never can get their rights until they have performed their corresponding duties and until they are willing to fight for them. The fight takes the form either of physical violence, as in the case of the extremists in India, or of personal suffering by the fighters, as in the case of our passive resisters in the Transvaal. In my opinion, the first form of seeking redress is largely barbarous and, in any case, inconsistent with the genius of the people of India, not because they are physically too weak to take that course, but because their training has adapted them to the latter mode, and I am free to confess that passive resistance in the Transvaal is a practical demonstration to the party of violence in India that they are entirely on the wrong track and that, so long as they pin their faith to violence for obtaining relief of any kind whatsoever, so long are they beating the air.

I am quite aware that this exposition of my own view may not be of any use to Your Lordship and possibly is devoid of any interest whatsoever. The only reason why I mention it is to guard myself against being misunderstood.<sup>1</sup> I am most anxious not to withhold anything at all from Your Lordship and I am anxious also to retain, in any work that I undertake, the support of one who so loves the Empire and the country of my birth as yourself.

With many thanks for the deep interest you are taking in our troubles and with apologies for the unavoidable length of this letter.

*I remain, etc.,*

From a photostat of the typewritten office copy: S. N. 4976

<sup>1</sup> Acknowledging this letter on August 7, Lord Ampthill wrote about Gandhiji's categorical statement regarding the alleged connection between passive resistance in the Transvaal and the extremist movement in India: "Your answer is exactly what I expected, and while I have not failed hitherto to deny the charge indignantly from my own inward conviction, I shall now be able to do so armed with the certainty of your complete and candid explanation. I have never had a moment's doubt myself as to your freedom from complicity with conspirators in India, but I have found myself obliged to meet suggestions to that effect proceeding from high and responsible quarters."

## APPENDICES

### APPENDIX I

#### GENERAL SMUTS' SPEECH IN RICHMOND

*The following is a condensation of the speech.*

*[February 5, 1908]*

In 1906, when the Government felt it right to put a stop to [the stream of immigrants,] . . . a law was introduced in the Legislative Council and passed. The object was to register in the most unmistakable way . . . every Asiatic who was legally entitled to be here. . . to give a definite status to the Indians who were here before the war and to see that the rest of Asia was kept out of the country . . . the Home Government would not . . . assent to the law.

The first Parliament of the Transvaal met in March last and unanimously approved of [a similar bill and] it was assented to . . .

The law<sup>1</sup> proposed that the Government should notify a period within which Asiatics [were to] register themselves.... Of the 10,000 Indians in the country only 500 registered. . . .

Three alternatives remained . . . put them over the border; . . . they could have sent them all to prison; . . . or [go] to Parliament again . . . It was not easy putting men over the border. It was not a question for the Transvaal alone [Natal, Orange River Colony and Rhodesia having refused to admit "coolies",] but an international question.... The next alternative was to put the Indians in prison. He had sent every leader to prison, and hundreds more and it had had no impression. The policy of imprisonment was a very good policy as a threat, but . . . he defied any government to take 10,000 men by the collar and put them in prison here. . . .

[Imprisonment] was a course which was not only physically but morally impossible, . . . because it would injure the reputation and prestige of the white people of the Transvaal . . . The law of 1885 [too had] become a dead letter, and the result was that from 1885 to 1899 the Asiatics . . . paid no [fees for] licences and they did not bother about the laws . . . He wanted, by hook or by crook, to carry out the object of the law. He held out the olive branch. He told them that the law had expired, but that the Government would take their voluntary registration and lay it before Parliament . . . [The Indian leaders] accepted the suggestion . . . voluntary registration was the only course open. So he said "All right", because there was nothing dishonourable to the Government in that . . . the position he took up from the start was that any means of identification for the Indian population of the Transvaal other than the 10 finger-prints was insufficient . . . The Indians said they

<sup>1</sup> Law 2 of 1907, also known as the Asiatic Registration Act

would never submit to that . . . they had now submitted, . . . they had learned more wisdom, and had seen that it was not criminal and not dishonourable . . . The Indians' second contention was that they would never register until the law had been repealed, that the law was an indignity and disgrace. He had told them that the law would not be repealed so long as there was an Asiatic in the country who had not registered, and like wise men the leaders of the Indian community had waived the question of repeal . . . What could never be done by the Republican Government had now been done by a little give and take on both sides, and he thought the settlement was honourable to both sides . . . They had passed two laws . . . One was to register all the Indians who were here legally; the other was to close the door finally on the others . . .

No Asiatic in future could come into this country unless he was a resident of the Transvaal before the war. The British Government had assented to this . . . it was the most drastic Asiatic Law that had ever been passed in the British Empire, . . . They knew that they belonged to a largely black Empire and that was a fact they must never forget . . .

*Indian Opinion*, 15-2-1908

## APPENDIX II

### *RESOLUTIONS AT MASS MEETING*

[JOHANNESBURG,  
*August 16, 1908*]

#### RESOLUTION I

This Mass Meeting of British Indians hereby protests against the Asiatic Voluntary Registration Validation Bill now before the Parliament of the Transvaal, and endorses the Petition presented to the Hon'ble the Legislative Assembly on behalf of the British Indian Association.

*Proposed by* Mr. Dawad Mahomed (President, Natal Indian Congress)

*Seconded by* Mr. Adam H. Gool Mahomed (President, British Indian League, Cape town), and

*Supported by* Mr. Parsee Rustomjee (Vice-President, Natal Indian Congress),

Mr. M. C. Anglia (Joint Secretary, N. I. Congress), and

Mr. V. A. Chettiar (Chairman, Tamil Benefit Society).

#### RESOLUTION II

This Mass Meeting of British Indians solemnly, sincerely, and prayerfully reaffirms the Resolution of the British Indian community not to submit to the Asiatic Act, which it considers to be contrary to religion and their conscience.

*proposed by* Mr. Imam Abdool Kadir Bawazeer (Chairman, Hamidia Islamic Society),

*Seconded by* Mr. T. Naidoo and Maulvi Ahmed Mukhtar, and

*Supported by* Messrs Ebrahim Aswat, Dildar Khan, E. M. Cachalia, R. K. Padiachy (Pretoria), V. Chetty, P. K. Naidoo, and M. P. Fancy

### RESOLUTION III

This Mass Meeting of British Indians is of opinion that the Asiatic Voluntary Registration Validation Bill above referred to is a breach of the compromise entered into by the Government with the Asiatic communities, and hopes that the Colonists will demand an honourable fulfilment of the terms entered into by General Smuts on behalf of the Government of the Colony and in the name of the Colonists.

*Proposed by* Mr. Abdul Rahman (Potchefstroom)

*Seconded by* Mr. E. M. Patel (Vereeniging), and

*Supported by* Messrs R. S. Chokalingam Pillay, Harishankar Joshi (Durban), A.E. Chhotabhai (Krugersdorp), and Amod Suliman Khota (Heidelberg)

### RESOLUTION IV

This Mass Meeting of British Indians hereby authorizes the Chairman to forward copies of these Resolutions to the proper quarters.

*Indian Opinion*, 22-8-1908

## APPENDIX III

### *GENERAL SMUTS' SPEECH IN LEGISLATIVE ASSEMBLY*<sup>1</sup>

[PRETORIA,  
*August 21, 1908*]

"... Hon. Members will remember that under the Crown Colony Government of 1906 a law was passed, which, however, failed to carry the assent of His Majesty the King and in March, 1907, the law ... was passed without any alterations by the Legislature of the Transvaal. That law came into force last year. ... Different dates were proclaimed ... under it for the registration of Asiatics in this country, but ... the Asiatics organized a movement of passive resistance, and registration under that law proved ... a failure. ... not more than 600 had registered by the time that the dates for registration expired, which was June 30 of last year. ... That was a very awkward and, in some senses, a very dangerous state of affairs. There is no more awkward position for a Government than a movement of passive resistance. It is a movement which is really tantamount to an act of war, and really amounts to a state of anarchy so far as the Government is concerned. In more primitive times one would have met it by simply issuing a declaration of war... I did my best ... to carry out the law ... and as a result early this year many Asiatics were languishing in prisons ... finally I met some of the leaders of the Asiatic community and discussed the question with them, and the result was that, pending the meeting of this House, temporary

<sup>1</sup> The Colonial Secretary was moving the second reading of the Asiatics' Registration Amendment Bill.

arrangements were made . . . that voluntary registration should take place of all Asiatics who are legally resident in the country, and that the matter should be brought for ratification before this House.... up to date practically every Asiatic in the country ... has made application for registration.... the applications numbered 9,158 . . . [Of these] 7,773 have been recognized as legal residents, and certificates of registration have been issued to them; 1,214 applications have been rejected .... The small number of 171 applications have not yet been decided. ... there has been no substantial objection to the giving of finger-prints. (Hear! hear!) . . . 7,010 gave finger-prints; 1,960 gave the two thumbs.... Only 70 declined to give finger-prints. . . . Hon. Members will accordingly see that the impression . . . that the principal difficulty centred around ... the finger-prints was not correct.... The principal objection was to the law itself.... charges have been levelled against me ... by prominent Indians that the terms of the compromise were not kept, that . . . there was a promise that the Act should be repealed, and that I have not kept that promise.... That compact has been carried out to the letter. The Asiatic leaders, in a letter of the 28th of January, issued from the Johannesburg Gaol, made the following offer in a petition. They say: "Our opposition has never been directed so much against the finger-print requirements. . . ." Then there is some reference to the relaxation of the finger-prints. This offer was accepted by me, and from it two questions have arisen: the first whether the permission was given to repeal the Act. I do not think that any court of law could put such an interpretation on my promise. The consequence was that an Asiatic who registered voluntarily could do so under another Act, and not under Act 2 [of 1907]. The Asiatics took the matter to the [Supreme] Court, and Sir William Solomon took the view that the interpretation of the agreement was entirely different from the construction which the Asiatics placed upon it. Well, Sir, it was then stated that, although this correspondence contained no compromise to repeal the Act, yet in interviews which I had with Mr. Gandhi, I promised to repeal it. That is not so, and the impression may be the result of a misconception.... The second difficulty arose in consequence of the provision that voluntary registration should also apply to those Asiatics who . . . were out of the Colony but who were entitled . . . to return . . . My answer . . . was that there was a compromise made for a specific period—three months—pending the meeting of Parliament. I could not promise that . . . at a future date Asiatics coming into this country should be left to register as they wished .... further difficulties arose on two points. One point was the entry of these people after the period of the compromise expired, and the other was the contention of the Asiatic leaders that under the Immigration Act as framed last year educated Asiatics were entitled to enter the country.... provision should be made whereby Asiatics who could pass a slight education test under the Immigration Act should be allowed to . . . enter the country. That is a view of the law and a policy that I could never admit. (Hear! hear!) . . . Large numbers of people who otherwise were undesirable would be free to enter the country, and that I would never allow. Then the passive resistance movement started once more. Meetings were held, speeches of an inflammatory character were made, certificates were burned . . . I think it was really unnecessary. I intended to stick to the letter of the arrangement I had made with the Asiatics, and in consequence a Bill was published . . . to validate these voluntary registrations . . . public feeling in the country was already very strong, and I consulted . . . with Hon. Members . . . of the House to see what would be the best way of arranging the

difficulties . . . the suggestion was made that we should come together with some prominent members of the Asiatic [community] and discuss the difficulties. We met them . . . and I think this Bill does fairly and reasonably meet every objection and every difficulty . . . with the exception of one—and that is the difficulty . . . in connection with the educated Asiatics. They put the difficulties in this way— that water Act 2, 1907 . . . Turkish Mahomedans, subjects of the Turkish Empire, were excluded from this country. It was urged that that was . . . casting a slur and stigma on the Mahomedan religion . . . That objection . . . we have met. . . . The next point refers to the Asiatics who were resident in the Transvaal before the war, but who do not fall within the terms of the law of last year, which mentioned two tests for Indians . . . Either they [were] required to have the Peace Preservation permit . . . or had to be in this country on May 31, 1902 . . . Hon. Members will see a provision in the Bill that, if Asiatics were residents in the country three years before the war, and they can prove that, then it is competent for them to apply within a year . . . for certificates of registration. . . . The third difficulty . . . referred to children. . . . it was necessary that not only the adult males, but also minors between the ages of eight years and sixteen years should register . . . The third innovation made in the Bill—that minors below the age of sixteen shall not be required to have certificates of registration, but shall be taken up in the certificates of their parent. The next point raised was in reference to the appeal . . . to the Magistrates in case the Registrar of Asiatics refused to recognize [claims] . . . The Asiatic leaders argued . . . that a different practice obtained in different courts of Resident Magistrates. . . . This had been met by another alteration in the Bill, . . . the Government will assign one special Magistrate to hear all cases of appeals. . . . One other point was raised . . . when Asiatics make application for licences . . . [they] give their thumb-prints as a means of identification; but it has been pointed out [that] . . . some Asiatics are well known. . . . others well educated and can sign their names . . . and it is unnecessary to lay down a hard and fast rule. If the signature is a sufficient means of identification, let us accept the signature. If that is not sufficient, let us adopt such other measures as may be necessary to meet the case. Hon. Members will see that . . . that recommendation has been embodied in this Bill . . . a liquor clause . . . which exempted Asiatics from the Liquor Act [has at their instance] disappeared from this Bill. There is . . . provision for the transfer of certain property into the name of the heirs of an Indian . . . it was very strongly urged . . . that we should open the door . . . to the educated Asiatics . . . I have not felt . . . that any departure should be made . . . after all these points were urged upon us and we had met them fairly in this Bill, there was every ground to expect some settlement, or some abatement of this storm which is going on in this country; but my secretary has received today a letter from the leaders of the Asiatic Committee which shows that that hope, which was entirely reasonable, is very likely to be disappointed. . . . The other provisions are: All prisoners to be discharged; Asiatic Act to be repealed; general education test . . . with free issue of the burned certificates. (Laughter.) . . . Mr. Gandhi has referred to Indians being in partnership with the white population of this country. . . . It is a claim . . . which this white population will never allow. (Sustained cheers.) . . .

*Indian Opinion*, 29-8-1908



## APPENDIX IV

### *RESOLUTIONS AT MASS MEETING*

[August 23, 1908]

#### RESOLUTION I

Mr. Dawad Mahomed, Chairman of the Natal Indian Congress, moved:

This Mass Meeting of British Indians respectfully prays that the Government will be pleased to exercise the clemency of the Crown and allow Mr. Sorabjee Shapurjee, who was permitted to cross the border unchallenged under the Immigrants' Restriction Act and who was brought under the operation of the Asiatic Law Amendment Act, to return, and trusts that the disputes outstanding between the Government and the British Indians will be amicably settled, and that the Government will be pleased to recognize the status of British Indians as part of the Empire, and give the community the rest and peace to which, in the humble opinion of this Meeting, it is entitled.

This was seconded by Mr. Parsee Rustomjee and carried.

#### RESOLUTION II

Mr. Geo. W. Godfrey moved:

This Mass Meeting of British Indians humbly prays that the Imperial Government will not sanction the Asiatic Voluntary Registration Validation Bill until the status of highly educated Asiatics and the repeal of the Asiatic Law Amendment Act of 1907 are secured.

Mr. N. A. Cama seconded and it was carried.

*Indian Opinion*, 29-8-1908

## APPENDIX V

### *SPEECHES IN HOUSE OF LORDS ON TRANSVAAL INDIAN SITUATION BY LORDS AMPHILL AND CURZON*

The following are extracts from the Times report of Lord Amphill's speech in a Debate in the House of Lords on February 4, 1908:

Lord Amphill said he had given notice 'to call attention to the treatment of British Indians in the Transvaal, and to move for papers', and he thought that, in spite of the altered circumstances of the case, it was desirable that the compromise arrived at should not pass unnoticed in Parliament. He was sure the House would be willing to congratulate the Transvaal Government on their courageous and statesmanlike action... He thought they might also congratulate the Indian natives in the Transvaal, because the courage, unity and consistency with which they had

pursued their end were not less admirable than the moderation and modesty with which they had put forward their demands... No one ... acquainted with the subject could doubt that the Indians were reasonable in their objections to these regulations .... but he blamed His Majesty's Government for having allowed the situation to reach such an alarming pitch. . . Thus far the only explanation they had received from members of the Government was that it was impossible to interfere with a self-governing colony. He protested against the misuse of the word interfere; for if by interference was meant the insistence by the Mother Country on the rights of individual citizens of the Empire, we were as much justified in interfering with a self-governing colony as we were in interfering with foreign nations in such case, as we often did.. . why, then, was Indian slavery ignored? He used the term advisedly, for members of the Government and their supporters had defined as marks of slavery identification by finger-prints, inability to hold fixed property, and relegation to Compounds... Nobody denied the right of the Colonists to manage their own affairs, but they must remember that they were partners in a great Empire and that their interests must not be pursued in such a manner as to injure the other partners.

We had a right to insist that the Imperial point of view should be considered; and the Imperial point of view required that for the safety and honour of the Empire British citizens, whatever their colour, should be treated as such. British citizens ought not to be oppressed and degraded ... If the Colonies were inadvertently to get us into trouble with India, they would do us as much, or even more, harm than if they got us into trouble with foreign nations.. . Therefore, it was the business of Imperial statesmanship to explain these considerations to the Colonies. Why was this not done at the Imperial Conference last summer, when all the Colonial Premiers were here? .... As to the registration of finger-prints, why did not His Majesty's Government refer to the Indian Government and ask what system was adopted there? Instead of that, they allowed the Transvaal Government to tell them what they thought the practice was in India; and the Transvaal Government told them wrong ... In India the thumb and forefinger of the left hand only were registered; the ten-finger system was confined in India to criminals alone .... The attitude of His Majesty's Government was, first, timorous protest, and then reluctant assent to all that the Colonies did.

#### EXTRACTS FROM LORD CURZON'S SPEECH

The question came before us in India in a twofold aspect in relation both to Natal and the Transvaal. The Government of Natal...sent a deputation.... to ask us to agree to the repatriation of [indentured] labourers... We were willing..... provided we could. . . secure the relaxation of the hardships.... under which the free..... Indian population of Natal then laboured.... the Natal Government declined to accept our proposals....Your Lordships are all aware of the cruel and disabling restrictions... placed upon the Indian population in [the Transvaal]. They were one of the.. causes of the war. As soon as the war was over we felt it our duty....to address the then Secretary of State upon the subject .... A little later Lord Milner came to us with a request.... for 10,000 and afterwards.... 20,000 [Indians] to inaugurate railway labour in the new

possessions .... We agreed.. and once again.... used the position to endeavour to get better terms for the free Indians in the Transvaal. I am sorry to say that we failed.

.... [the compromise] is one that seems.... honourable to both parties....the Bluebook.... leaves a rather disagreeable taste in the mouth.... [The Transvaal Government] rushed through their anti-Indian legislation with...almost indecent speed. Secondly, there was failure....on the part of General Botha to act up to the undertaking....to find some method of identification superior to that of finger-impressions.... (Hear! Hear!) .... the system and method of finger-impressions that were proposed in the Transvaal were undoubtedly humiliating .... Then....there was a failure on the part of the Transvaal Government to distinguish....between.... Indians of good social status and refined education and the Indians of lower class.... whose competition really had to be feared. That is the charge.. which we are justified in bringing against the authorities in the Transvaal .... Well, we have now arrived at a settlement of the question; but I imagine that His Majesty's Government will be the last to argue that that temporary settlement is a final settlement of the question. I am sure that your lordships realize that this question is in reality about the most momentous and the most far-reaching which could possibly confront any body of statesmen.

Let me.... state to your lordships... the Indian point of view.... the Indian coolie. . .sees that [he is] invited and even encouraged by our Government to emigrate.... to a colony which he enriches by his labour, and then society there appears to turn round upon him and treat him as if he were a pariah dog. He is penalized there, not for his vices, but for his virtues.. . And then the Indian remembers that...he has fought for the British Empire.. and that it was largely owing to his efforts that Natal was saved .... Now...he claims the full rights of citizenship of the British Empire. I do not think it is for us to blame him for that . . . it is, after all, the only basis upon which you will expect the loyalty of an Asiatic population to an alien rule to be permanently developed or maintained. . . .

....The colonial point of view is entirely different .... I realize that.....in a way, it is quite unanswerable....if [the Colonist] is selfish it is only in the pursuit of....self- preservation .... He declines to acquiesce in any system which will mean... a permanent lowering of the standard of life, and he feels...the danger of being confronted with an enormous black problem...and...a great brown problem as well...it appears that you have two forces.. .pulling in opposite directions within the framework of the same Empire ....

In these circumstances what is the duty of the Government?...They can endeavour. . . to reconcile these opposing factors and principles. . . and anyhow . . . endeavour to work that there should be... no clash... between that .... In the first place they can so see. . . that fair terms are invariably secured for the labourer or the emigrant when he goes out...and, should his return be desired, for his return when it is to come about. It is for the Government to see that a good bargain is made for its own subjects. . .and . . . the bargain once made, to see that the terms are not hastily or rashly altered at a later date to the detriment of the man....Then...the Government

ought to see that the restrictions imposed upon Asiatics are made as little vexatious as possible....Then .. .they ought to see that nowhere shall occur the painful situation of Indian gentlemen ...of character, respectability, and education, being treated as if they were common coolies...and herded together...with men of very much lower *status* and occupation than themselves. ( Cheers. ) .... There is another suggestion which has been made—namely, that the Government should try to discover...some other field of emigration to which our Indian fellow-subjects may go, free from the disabilities and restrictions to which I have alluded.. .for my own part, it is one which I do not look upon with quite so much favour as some of the authorities who have taken it up. In any case I hope that the recent proceedings which have culminated in the victory...for our Indian fellow subjects . . . may read a lesson. . . both to the Government of the Colony and to the Government which sits on the bench—a lesson to the Government of the Colony that it cannot afford to treat without the utmost consideration the rights of these immigrants. ; a lesson to His Majesty’s Government that they owe a duty just as great to the dusky millions of India as they owe to the white people of their own race in any colony of the British Crown. (Cheers.)

*Indian Opinion*, 7-3-1908

## APPENDIX VI

### SOUTH AFRICA BRITISH INDIAN COMMITTEE

#### REVISED LIST OF MEMBERS

##### PRESIDENT

Lord Ampthill, G.C.S.I., G.C.I.E., &c.

##### MEMBERS OF COMMITTEE

Ameer Ali, Esq., C.I.E.; Sir S. C. Bayley, K.C.S.I.; T.J. Bennett, Esq., C.I.E.; Sir Mancherjee Bhownaggee, K.C.I.E.; Sir George Birdwood, K.C.I.E., C.S.I.; Sir Charles Bruce, G.C.M.C.; Sir William Bull, M.P.; Maj. Gen. Sir Owen T. Burne, G.C.I.E.; E. P. S. Counsel, Esq., LL.D.; Harold Cox, Esq., M.P.; Maj. Sir Wm. Evans Gordon; Sir Frederic Fryer, K.C.S.I.; Sir F. S. Lely, K.C.I.E., &c.; Sir Roper Lethbridge, K.C.I.E.; Ian Malcolm, Esq., J.P.; Sir William Markby, K.C.S.I.; Dadabhai Naoroji, Esq.; J. H. Polak, Esq. J.P.; L. W. Ritch, Esq.; J. M. Robertson, Esq., M.P.; Dr. V. H. Rutherford, M.P.; Sir Edward Sassoon, Bart., M.P.; Sir Chas. Schwann, Bart., M.P.; A. H. Scott, Esq., M.P.; T. Thornton, Esq., D.C.L., C.I.E.; Sir William Wedderburn, Bart.; Sir Raymond West, K.C.S.I.; The Rt. Rev. The Bishop of Southampton; The Rt. Rev. J. C. C. Welldon, Dean of Manchester.

##### EXECUTIVE COMMITTEE

CHAIRMAN: Sir Mancherjee Bhownaggee, K.C.I.E.

MEMBERS: Ameer Ali, Esq., C.I.E.; Harold Cox, Esq., M.P.; J. H. Polak, Esq., J.P.; J. M. Robertson, Esq., M.P.; A. H. Scott, Esq., M.P.; Sir William Bull, M.P.; L. W. Ritch, Esq.

*Indian Opinion*, 15-8-1908

## APPENDIX VII

### *ASIATICS REGISTRATION AMENDMENT ACT (1908)*

#### FULL TEXT

We print below the full text of the Act “To validate the Voluntary Registration of certain Asiatics who failed to comply with the provisions of Act No. 2 of 1907 and to make further provision for the registration of Asiatics,” recently passed by the Transvaal Parliament:

Be it enacted by the King’s Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of the Transvaal as follows:

1. In this Act unless inconsistent with the context:

“adult” shall mean of the age of sixteen years or over;

“application for registration” shall mean an application to be placed on the register of Asiatics made in the manner and form prescribed by regulation and accompanied by the particulars and means of identification required by regulation;

“Asiatic” shall mean any male person belonging to one of the native races of Asia and shall include a coolie, an Arab and a Malay but shall not include—

(a) a Malay born and resident in any British Colony or possession in South Africa; or

(b) a person introduced into this Colony under the Labour Importation Ordinance 1904; or

(c) an officer of any consular service;

“certificate of registration” shall mean a certificate of registration under Act No. 2 of 1907, or a certificate under this Act in the form set forth in the Schedule to this Act or as prescribed by regulation;

“commencement of this Act” shall mean the date on which Act came into operation;

“Governor” shall mean the officer for the time being administering the Government of this Colony acting by and with the advice and consent of the Executive Council thereof;

“guardian” shall mean the parent of a minor Asiatic or any other person under

whose care such minor is living for the time being, or failing any such person the employer of such minor;

“lawful holder” as used in relation to any certificate of registration shall mean the person (other than a minor named therein) whose registration is thereby certified;

“minor” shall mean under the age of sixteen years;

“register of Asiatics” shall mean the register to be kept for purposes of this Act in manner prescribed by regulation;

“registrar” shall mean the officer appointed by the Governor to keep the register of Asiatics and any person lawfully acting in such capacity;

“regulation” shall mean any regulation made under Section *seventeen* of this Act;

“unregistered Asiatic” shall mean an adult Asiatic who is not the holder of a certificate of registration.

#### PART I

##### VALIDATION OF VOLUNTARY REGISTRATION

2. (1) Every person—

(a) who is an Asiatic as defined by Act No. 2 of 1907; and

(b) by or in respect of whom an application for registration was on the tenth day of February 1908, or on any day subsequent thereto up till the tenth day of May 1908, made to the registrar or other duly authorised officer; and

(c) to or in respect of whom a certificate in the form set forth in the Schedule to this Act was issued by the registrar;

shall, when in possession of such certificate, be deemed to be lawful holder of a certificate entitling him to enter and reside in the Colony.

(2) Every person who, having been the lawful holder of a certificate of registration under Act No. 2 of 1907, has been permitted to obtain a certificate in the form in the Schedule to this Act in substitution for such first-mentioned certificate, shall also be deemed to be the lawful holder of a certificate entitling him to enter and reside in this Colony.

(3) Every Asiatic who holds any certificate mentioned in this section shall be subject in all respects to the provisions of this Act and not to the provisions of Act No. 2 of 1907.

#### PART II

##### REGISTRATION OF ASIATICS AFTER THE COMMENCEMENT OF THIS ACT

3. An Asiatic shall be entitled to registration under this Act if—

(a) he satisfies the conditions described in sub-sections (2) or (3) of Section *four*, whether he was or was not in this Colony at the

commencement of this Act; or

(b) being the lawful holder of a certificate of registration issued under Act No. 2 of 1907, he desires to exchange such certificate for a certificate of registration under this Act; or

(c) having been a minor resident in this Colony at the commencement of this Act, he first entered the Colony with an adult Asiatic who was his guardian and who was registered under Law No. 3 of 1885 or any amendment thereof or is registered or entitled to registration under this Act; or

(d) he was born in any part of South Africa which was at the date of his birth within the boundaries of the Transvaal.

4. (1) Every unregistered adult Asiatic resident in this Colony at the commencement of this Act shall before such date or dates and at such place or places and to such person or persons as the Colonial Secretary may by notice in the *Gazette* prescribe for particular areas of this Colony, make application for registration, and the registrar shall, on being satisfied that such Asiatic is entitled to registration, issue to him a certificate of registration.

(2) Every unregistered adult Asiatic resident outside the Colony at the commencement of this Act, shall,

(a) if he was resident in the Transvaal for three years prior to the eleventh day of October 1899; and

(b) upon application for registration from a place in South Africa but outside the Colony within one year after the commencement of this Act; and

(c) upon satisfying the registrar of the facts mentioned in this sub-section: be entitled to obtain a certificate of registration.

(3) Every unregistered adult Asiatic resident outside this Colony at the commencement of this Act but who was—

(a) duly authorised to enter and reside in this Colony by a permit issued under the Indemnity and Peace Preservation Ordinance 1902 or any amendment thereof or issued between the first day of September 1900 and the date of the passing of the said Ordinance (unless such permit shall have been fraudulently obtained); or

(b) was resident and actually in this Colony on the thirty-first day of May 1902;

shall be entitled, upon satisfying the registrar of the fact set forth in paragraph (a) or (b) of this sub-section and upon application for registration from a place in South Africa but outside the Colony, to obtain a certificate of registration.

## MINOR ASIATICS

5. In respect of every unregistered minor Asiatic born in this Colony, not being the child of a labourer introduced into this Colony under the Labour Importation Ordinance 1904, the following provisions shall apply:

(1) If his guardian is an Asiatic, the minor's name, his age, his residence and his relationship to his guardian shall be included in the certificate of registration of his guardian.

(2) Within one month after such minor attains the age of sixteen years, he shall make application to the registrar for a certificate of registration; provided that, if he be absent from the Colony on attaining that age or one month thereafter, he may, from a place in South Africa but outside the Colony, make application to the registrar for registration and upon satisfying the registrar that he is entitled to registration, the registrar shall issue to him a certificate of registration, and his name shall thereupon be expunged from the register of Asiatics as a minor and shall be deemed to be no longer included in his guardian's certificate of registration.

6. (1) Whenever the registrar is satisfied that any Asiatic claiming to be entitled to registration under Section *three* is not so entitled, he shall refuse to issue to him a certificate of registration, and notice of the refusal shall be sent by post to such Asiatic at the address given upon his form of application.

(2) In every case of refusal by the registrar to issue a certificate of registration, an appeal may, within fourteen days of the date of the notice of refusal, be noted by letter addressed to the Colonial Secretary, and such appeal shall be heard by a magistrate specially assigned by the Governor to hear such appeals, and such magistrate shall be deemed, when hearing any such appeal, to be an inferior court within the meaning of Section *nineteen* of the Administration of Justice Proclamation 1902.

(3) In the case of an Asiatic who is in South Africa but outside this Colony, the officer in charge of the Immigration Department shall, as soon as the date has been fixed for the hearing of such appeal, send by post to the appellant at the address given upon his application for registration a temporary permit entitling him to enter and remain in the Colony until the appeal has been determined. If the appeal be dismissed, the said magistrate shall make an order in writing directing the appellant to be removed from the Colony, and every such order shall be deemed to be an order made under Section *six* of the Immigrants' Restriction Act 1907 or any amendment thereof.

(4) In the case of an adult Asiatic in the Colony who has not within a period prescribed by sub-section (2) of this section noted an appeal or whose appeal having been noted has not been proceeded with or has been dismissed, the said magistrate shall make an order in writing directing such Asiatic to be



removed from the Colony, and every such order shall be deemed to be an order made under Section *six* of the Immigrants' Restriction Act 1907 or any amendment thereof.

#### REMOVAL FROM THE COLONY

7. Any adult Asiatic who, after such date or dates as may be notified by the Colonial Secretary in the *Gazette*, is found within the Colony and fails, upon such demand as is mentioned in Section *nine*, to produce a certificate of registration of which he is the lawful holder, may be arrested without warrant and brought before a resident or assistant resident magistrate and if he fails to satisfy such magistrate that he is the lawful holder of a certificate of registration or that the time within which he is required to make application for such certificate has not expired the magistrate shall, save as in the next succeeding section is provided, make an order in writing directing him to be removed from this Colony and every order shall be deemed to be an order under Section *six* of the Immigrants' Restriction Act 1907 or any amendment thereof.

8. If an adult Asiatic who has failed to make application for registration in accordance with the provisions of sub-sections (1) of Section *four* shall satisfy the magistrate before whom he is brought that such failure was due to some good and sufficient cause, the magistrate may, instead of making such order as aforesaid, direct such Asiatic forthwith to make application for registration within eight days, and if such Asiatic shall comply with such direction, his application shall be dealt with in all respects as if it had been made in accordance with the provisions of the said sub-section and all the provisions of this Act which would have applied if the application had been so made shall apply accordingly, but, if he shall fail to comply with such directions, the magistrate shall make an order for removal as aforesaid in respect of such Asiatic and any such order shall be deemed to be an order made under Section *six* of the Immigrants' Restriction Act 1907 or any amendment thereof.

#### Part III

#### GENERAL AND MISCELLANEOUS

9. Every Asiatic who enters or is within this Colony shall, upon demand made upon him by any European member of a police force lawfully established therein or by any other European person authorised thereto by the Colonial Secretary, produce the certificate of registration of which he is the lawful holder, and shall also on like demand supply such particulars and furnish such means of identification as may be prescribed by regulation. Any Asiatic who fails upon lawful demand to produce such certificate shall, unless he is the lawful holder of a certificate of registration, be liable to be dealt with in manner mentioned in Section *eight*.

10. (1) If at any time any certificate of registration is lost or destroyed, the person to whom it was issued shall forthwith apply to the registrar to have the same renewed and the registrar shall, upon compliance by such person with

such procedure as is prescribed by regulation and upon payment of a fee of five shillings, renew the certificate. Such fee shall be denoted by means of revenue stamps to be affixed to the application for renewal and shall be defaced by the said registrar.

(2) Any person into whose hands shall have come any such certificate shall, unless he is the person to whom it was issued, forthwith deliver or transmit the same as soon as may be to the Registrar of Asiatics, Pretoria.

11. Every certificate of registration shall be accepted as conclusive evidence in all places that the lawful holder thereof is entitled to enter and reside in this Colony; provided that this section shall not apply to persons who have, under Section *five* or *six* of the Immigrants' Restriction Act 1907 or any amendment thereof, been removed from the Colony.

12. Whenever, in any prosecution or other proceeding under this Act the age of any Asiatic is in question such Asiatic shall unless and until the contrary be proved be taken to be of the age which the registrar shall in any certificate issued under his hand certify to be in his opinion the apparent age of such Asiatic.

13. Any affidavit or sworn declaration which is required by regulation to be made by any person who makes an application for registration shall be exempt from stamp duty.

#### TRADING LICENCES

14. (1) No Asiatic shall obtain any trading licence under the Revenue Licences Ordinance 1905 or any amendment thereof or under any bye-law or regulation in force within the jurisdiction of a local authority, unless he produce to the person appointed to issue the licence a certificate of registration of which he is the lawful holder and either give his signature in English or supply such other or additional particulars or furnish such means of identification as the Colonial Secretary may either generally or in particular cases prescribe.

(2) Any trading licences issued under such Ordinance or under any such bye-law or regulation Between the tenth day of February 1908 and the commencement of this Act to an Asiatic who made such application as is prescribed in sub-section (1) (b) of Section *two* of this Act shall, notwithstanding anything in Section *thirteen* of Act No. 2 of 1907 contained, be deemed to have been lawfully issued.

(3) Section *thirteen* of Act No. 2 of 1907 shall be and is hereby repealed.

#### THE PENALTIES

15. Any person who—

(a) for the purpose of or in connection with an application for registration or for the purpose of obtaining a certificate of registration, commits any

fraudulent act, or makes any false statement or false pretence;

(b) forges or prior to the commencement of this Act has forged any document in the form set forth in the Schedule to this Act or forges any certificate of registration or utters any such document or certificate knowing the same to be forged; or

(c) uses or attempts to use as a certificate of registration any such forged document or any such certificate of which he is not the lawful holder;

shall be guilty of an offence and liable to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding two years or to both such fine and imprisonment, and any person who incites to, or aids or abets any other person in, the commission of any such offence shall be liable to the like penalty.

#### TEMPORARY PERMITS

16. Notwithstanding anything in the Immigrants' Restriction Act 1907 or this Act contained, the Governor may approve the issue of a permit, in the form prescribed by regulation, authorising an Asiatic to enter and remain in the Colony for any period named in such permit, and after the expiry of such period the person in respect of whom such permit was issued shall be deemed to be a person not duly authorised to be in this Colony, and if found may be arrested without warrant and the provisions of Section *six* of the Immigrants' Restriction Act or any amendment thereof shall apply to such person as if he were a person mentioned in paragraph (c) thereof.

#### THE GOVERNOR'S POWERS

17. The Governor may from time to time make, alter, or rescind regulations for any of the following purposes:

(1) Prescribing the form of the register to be kept for the purposes of this Act.

(2) Prescribing the manner and form in which application shall be made for registration, the particulars to be supplied and the means of identification to be furnished by any applicant for the purpose of or in connection with such application.

(3) Prescribing the form of certificates of registration.

(4) Prescribing the particulars to be supplied and the means of identification to be furnished

(a) by any Asiatic upon such demand as is mentioned in Section *nine*;

(b) by any Asiatic applying for the renewal of any certificate of registration which has been lost or destroyed.

(5) Prescribing the procedure to be observed on or in connection with appeals to the magistrate mentioned in Section *six*.

(6) Prescribing the form of permit to be issued under Section *sixteen*.

(7) Generally for the better carrying out of the objects and purposes of this Act.

18. Any Asiatic or the guardian of any Asiatic failing to comply with any requirement of this Act or of the regulations shall, except where otherwise specified, be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

19. Notwithstanding anything to the contrary in sub-section (b) of Law No. 3 of 1885 as amended by Volksraad Resolution Article 1419 of the twelfth day of August 1886 the portion of Erf No. 373 Church Street, Pretoria which was registered in the name of the late Aboobaker Amod and which at the commencement of this Act was registered in the name of Henry Salomon Leon Polak may be transferred into the name of the heirs of the said Aboobaker Amod.

20. This Act may be cited for all purposes as the Asiatics Registration Amendment Act 1908 and shall not come into operation unless and until the Governor shall have declared by proclamation in the *Gazette* that it is His Majesty's pleasure not to disallow the Act and thereafter it shall come into operation on such date as the Governor shall by like proclamation declare.

#### SCHEDULE

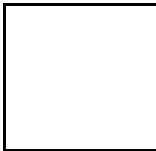
##### TRANSVAAL ASIATIC REGISTRATION CERTIFICATE

Name in full.....

Race.....Age.....Height.....

Discription.....

Right Thumb Impression



.....  
Registrar of Asiatics

Date of Issue.....

Holder's Signature.....

Name of Wife.....Residence.....

##### SONS AND MALE WARDS UNDER THE AGE OF 16 YEARS

Names	Age	Residence	Relationship to Guardian

No alterations or endorsements are to be made on the face of this Certificate except by the Registrar of Asiatics.

*Indian Opinion, 5-9-1908*

## APPENDIX VIII

### *WARRANT FOR REMOVAL OF A PERSON UNDER SECTION 6 OF IMMIGRANTS' RESTRICTION ACT 1907*

Whereas . . . . . having been ordered to leave the Transvaal under Section 8, sub-section 3 of Act No. 2 of 1907 has failed to comply with the terms of such order, you are hereby ordered in His Majesty's name immediately to arrest the said . . . . . and remove him from the Colony and place him over the Transvaal Natal border at the point where the railway line between Volksrust and Charlestown crosses the said border.

(Sgd.) J. C. SMUTS

*Indian Opinion*, 5-9-1908

## APPENDIX IX

### *P. DUNCAN ON COLOUR QUESTION*

Mr. Patrick Duncan, C.M.G., spoke by invitation on the colour question at the annual meeting of the Rosebank branch of the League of Women. We take the following important extracts from the report of the speech given in *The Star* dated the 5th instant [September, 1908]:

It was a very difficult matter in a country where there was supposed to be political freedom to have the largest section of the population entirely deprived of political rights—it was practically a condition of slavery. No people had ever been able to survive for long who lived on an inferior race in what was practically a state of slavery. It was bad for the superior race just as much as for the inferior. If they looked into the cases where a small superior population lived on the work of the larger inferior population, giving them no political rights, that state of things did not exist for long. It was hardly possible in the present state of society's civilisation for them to say that, however educated a man might be, however he may have advanced in civilisation in every way, he was to be excluded from political rights if his skin was not of the finest white. If they tried to make colour the test for political rights, they would find the greatest difficulty in drawing the line. They would find they were inflicting great hardship on many people, to all intents and purposes as civilised, educated, and as responsible citizens as themselves. It was difficult, then, to maintain the colour distinction as a bar to the franchise without inflicting very serious injustice and injury on many people.

There was also the social side to this question. They ought to give to every man, whatever his colour might be, equal justice in the eyes of the law. They ought to give him a chance of improving his position. They ought not to look down on the ways in which he improved himself, however queer or awkward they may be. They could not benefit from his labour and refuse to give him every opportunity of raising

himself in the social scale. There was too much prejudice in this country against people on account of their colour. In applying the principle that the white man must be the predominant partner in this country, they must also allow the coloured man to live according to his rights, and make the best of what was in him, and not expect him to be a beast of burden and nothing else.

They must give him every opportunity of living in a cleaner and better way. Many of the so-called Locations found outside the towns in South Africa were a disgrace to civilisation. They could not expect the Native to be a decent citizen if they made him live in such hovels. When they complained that the he was a danger to society, they should remember, if they expected a man to live as a beast, he would be a beast, and, if they wanted him to be a man, they should treat him in a fitting way. They would not deter the Native from crime merely by savage punishment. Given the incentive to improve himself in social life in his own place, in that place they should respect him as a man. The question was a difficult one. Some people talked of segregation. That was impossible. Both people had to live side by side, and they had the white people in this country who were the trustees for the future of both races, and they had to think how they could live together for the common good of both.

*Indian Opinion*, 19-9-1908

## APPENDIX X

### *AFFIDAVITS REGARDING REPEAL OF REGISTRATION ACT*

#### (1) H. S. L. POLAK'S AFFIDAVIT

I, HENRY SALOMON LEON POLAK, of Johannesburg, do hereby solemnly and sincerely declare as follows:

I am a British subject, born in England, and domiciled in the Transvaal, of which Colony I am registered Parliamentary Voter. I am an Attorney of the Supreme Court of the Transvaal. I am also Assistant Honorary Secretary of the British Indian Association of the Transvaal. In this latter capacity, I had occasion frequently, during the early part of the voluntary registration of the Asiatic communities that commenced on the 10th February last, immediately, after the compromise had been effected, to discuss the situation with Mr. Chamney, Registrar of Asiatics, who told me, within the Registration Office, that, of course, the Law would be repealed immediately parliament met, if the voluntary registration had been satisfactorily completed. I have a distinct recollection also, although I did not take special note at the time, of hearing Mr. Chamney make similar statements to several persons who were at the Registration Office at different times during this period.

HENRY, S. L. POLAK

Before me,

CHAS H. SMITH

JUSTICE OF THE PEACE

Declared at Johannesburg,  
this 9th day of September, 1908

(2) P. K. NAIDOO'S AFFIDAVIT

I, P. K. NAIDOO of Johannesburg, do hereby solemnly and sincerely declare as follows:

On the day that Mr. Gandhi was assaulted in connection with the compromise, and a few hours after, I went over to the Registrar's Office, in order to protest against Asiatic Law Amendment Act receipt forms being issued in connection with voluntary registration applications, and told him that Indians would not submit to the Act, and that they were undergoing voluntary registration because they were assured that, on their doing so, the Act itself would be repealed. Mr. Nadir Cama was present at the time, and Mr. Chamney emphatically assured us that, voluntary registration being gone through, the Act would certainly be repealed, and that the Asiatic Law Amendment Act forms had been issued only by mistake. In order further to impress us, the Registrar had other typewritten copies made, in which there was no mention of the Asiatic Law Amendment Act.

P. K. NAIDOO

Before me,

J. RILL

Declared at Johannesburg,

this 5th day of September, 1908

JUSTICE OF THE PEACE

(3) N. CAMA'S AFFIDAVIT

I, NADIR CAMA, of Johannesburg, do hereby solemnly and sincerely declare as follows:

I have read the affidavit of Mr. P. K. NAIDOO, of even date, and confirm the contents thereof. I was largely concerned with persuading the people to accept the compromise, and I had, besides the interview with Mr. Chamney in Mr. Naidoo's presence, many other interviews with the Registrar of Asiatics, and the latter very often repeated the assurance that the Act would be repealed, in order to strengthen my hands and to pacify the people.

NADIR CAMA

Before me,

J. RILL

Declared at Johannesburg,

this 5th day of September, 1908

JUSTICE OF THE PEACE

(4) A. M. ANDREWS' AFFIDAVIT

I, A. M. ANDREWS of Johannesburg, do hereby solemnly and sincerely declare as follows:

On the second or third day of the opening of the Von Brandis Square Office for voluntary registration, I entered the Office to make my application. Mr. Chamney asked me to give my thumb-impression. This I declined to do, claiming exemption on the ground of educational qualifications, and also because I had some misgivings,

as, the previous day, I had seen receipts for voluntary registration applications issued on forms under the Asiatic Act. Mr. Chamney then pleaded with me, begging me to give the thumb-print in order to enable the Government to have some means of identification. He informed me that the leaders had given their finger impressions, that this was merely an act of grace on the part of the Asiatics and had no connection whatsoever with the Act, that the issuing of the receipts under the Act was merely a clerical error, and that, on the completion of voluntary registration, that Act would be removed from the Statute-book. Mr. Thambi Naidoo was also present at the time.

A. M. ANDREWS

Before me,

Declared at Johannesburg,  
this 9th day of September, 1908

L. LIONEL GOLDSMID  
JUSTICE OF THE PEACE

(5) THAMBI NAIDOO'S AFFIDAVIT

I, THAMBI NAIDOO, of Johannesburg, do hereby solemnly and sincerely declare as follows:

I was one of the signatories to the letter addressed to the Colonial Secretary of the Transvaal in connection with the Asiatic Registration Act from the Johannesburg Gaol on the 29th January last.<sup>1</sup> When I sent the letter, I did so fully believing that, by Asiatics undergoing voluntary registration, the Act would be repealed. There was no definite mention made in the letter, in order to make the position of the Government as smooth as possible, but the intention, in stating that the Act be not applied to all those who voluntarily register and in making the clause applicable to those who might enter at any future time after the expiry of the period of three months fixed for the voluntary registration of those Asiatics who were resident in the Transvaal on the date of the compromise, was that, the Asiatics having honourably fulfilled their obligations, Act 2 of 1907 could be of no use to the Government and would, therefore, be naturally repealed. But the actual promise as to repeal of the Act was reserved for discussion at the interview between the Colonial Secretary and Mr. Gandhi, the first signatory to the said letter. Two days after the letter was sent to the Colonial Secretary, Mr. Gandhi was summoned to Pretoria. On his return from Pretoria, all the prisoners were discharged, and a meeting of British Indians was addressed by him the same day in the afternoon, that is Friday, the 31st January.<sup>2</sup> At this meeting, Mr. Gandhi announced that General Smuts had promised to repeal the Act, if the Asiatics fulfilled their part of the compromise, namely, if the Asiatics made application for voluntary registration.

Subsequently, when the compromise was in working order, and when Mr. Gandhi was assaulted, together with Mr. Essop Mia, I was also assaulted while

<sup>1</sup> *Vide* "Rhodesia and the Transvaal", 15-6-1907.

<sup>2</sup> *ibid*



defending him from further injuries; and, in a bandaged condition, I attended the Registration Office and helped the authorities. The reason of the assault undoubtedly was suspicion, on the part of those who assaulted, to the effect that Mr. Gandhi had not acted properly or that the Government would not carry out the promise of repeal, if such promise was given. Another reason for the assault was that the leaders had accepted the principle of registration by ten finger-prints, which, among others, the Pathan section of the community resented most bitterly. The task of prevailing upon the people to take out voluntary registration, and of assuring the people that the compromise was fair, and that the Act would be repealed, fell upon the shoulders of myself and my co-workers.

In connection with this, I several times discussed the situation with Mr. Chamney, Registrar of Asiatics, and Mr. Chamney definitely stated to me that, on voluntary registration being undergone by the Asiatics, the Act would be repealed. Mr. Chamney, I am aware, even took to Mr. Gandhi a draft notice that was to be published in the *Gazette* in connection with the repeal. The assurance given to me was conveyed by me to my countrymen; and I am certain that, but for such an assurance, the community would never have accepted the compromise.

C. K. THAMBI NAIDOO

Before me,

Declared at Johannesburg,  
this 5th day of September, 1908

A. S. C. BARTROP  
JUSTICE OF THE PEACE

Colonial Office Records: 291/128

## APPENDIX XI

### *RESOLUTIONS AT MASS MEETING*

[JOHANNESBURG,  
*September 10, 1908*]

“This Meeting of British Indians deplores the heavy sentences passed on the British Indians who were tried at Volksrust on Tuesday, the 8th instant, some of whom are the most distinguished among Indians in South Africa, and all of whom claim the right of entering the Transvaal. Despite the suffering that the Government imposes on British Indians, they hereby resolve to continue to suffer till the redress to which they are entitled is granted.”

Proposed by Mr. Sorabji Shapurji, seconded by Mr. Chettiar (Chairman, Tamil Benefit Society) and supported by Messrs Abdul Gani, Imam Abdool Kadir Bawazeer (Chairman Hamidia Islamic Society), Khursetji Desai, and P. Lucheram.

“This Meeting implores His Majesty’s Government to intervene, and end the state of uncertainty, anxiety, and very great suffering that British Indians in the Transvaal are undergoing.”

Proposed by Mr. Ebrahim Coovadia, seconded by Mr. Nadirsha Cama, and

supported by Messrs Omarji Sale and P. K. Naidoo.

“This Meeting hereby authorises the Chairman to send the resolutions to the proper quarters.”

*Indian Opinion*, 19-9-1908

## APPENDIX XII

### *REV. J. J. DOKE'S LETTER TO GANDHI*

11, SUTHERLAND AVENUE,

JOHANNESBURG,

*September 30, 1908*

DEAR FRIEND,

Your beautiful present of the *Song Celestial*. I appreciate very much. In every respect it [is] one of the choicest treasures which I have—dainty in appearance—fascinating in its contents—and of great value and a memento of a friendship which I shall always regard with gratitude. Yes, even if the darling wish of your heart is fulfilled and I get into prison for it.

By the way, I hope you won't attribute to me any selfish motive when I confess that I am just now hammering away with all my heart at Prison reform! Still who knows what may happen? Many thanks for this kindness. I am reading the *Bhagvad Gita* with intense interest—although I cannot say that the doctrine: “He who shall say—Lo! I have slain a man!” He who shall think ‘Lo! I am slain’—those both know naught! ‘Life cannot slay. Life is not slain!’” commands altogether my assent. But thereby hangs a long argument. The poetry and much of the teaching is beautiful! I went down to the Office this morning, in hope of seeing Quinn. But failed. I am afraid the poor fellow is in dire straits. The stupid prosecutions are going on as hitherto—one more glaring than another has just for a moment caught the public eyes—but only for a moment—[which] will be forgotten tomorrow. So shall we all be—and at last, even the Asiatic question will be settled. Cheer up my friend—all will yet be well.

Try and not get confiscated and deported or any thing of that kind—if you can help it just now. I have a thousand questions to ask—on any one of which—of course the welfare of the British Empire depends. I want to know why the Indians recalled you from India by cable.<sup>1</sup> I want to know whether the Durban people gave the Indian Stretcher-bearers a good send off when they went to Colenso and Spion Kop,<sup>2</sup> and did the work done on the battle fields make them more friendly to you? I want to know all that happened since, and especially I want a good cabinet photograph of yourself—

<sup>1</sup> This happened in 1902; *vide* “Letter to D.B. Shukla”, 8-11-1902.

<sup>2</sup> *ibid*

without your hat. So don't get caught! With kind remembrances from us all to Mrs. Gandhi and yourself,

*Yours faithfully,*

JOSEPH J. DOKE

[PS.] Olive tells me your birthday is near—many happy returns and God bless you!

From a photostat of the handwritten original: S. N. 4883

## APPENDIX XIII

### *TREATMENT IN PRISON: HARD LABOUR*

- (1) EXTRACT FROM CABLE DATED OCTOBER 15, 1908 BY BRITISH INDIAN ASSOCIATION, JOHANNESBURG, TO SOUTH AFRICA BRITISH INDIAN COMMITTEE, LONDON

“ . . . Gandhi today working Public Square Volksrust. . . . ”

Colonial Office Record: 179/251

- (2) EXTRACT FROM CABLE DATED OCTOBER 15, 1908 BY NATAL INDIAN CONGRESS, DURBAN, TO L.W. RITCH, LONDON

“ . . . Gandhi and others working on Market Square: such treatment resented. . . . ”<sup>1</sup>

Colonial Office Record: 179/251

- (3) TEXT OF L. W. RITCH'S LETTER DATED DECEMBER 1, 1908  
TO COLONIAL OFFICE, LONDON

The attention of my Committee has been drawn to Colonel Seely's reply to the question put by Dr. Rutherford in the House of Commons yesterday to the effect that from a telegram received from the Governor of the Transvaal it would appear that Mr. Gandhi had never performed hard labour on the public streets.

I am desired to inform the Secretary of State that my Committee have this morning received a cablegram which states that:

“Colonel Seely is absolutely misinformed as to Gandhi's treatment. Forwarding affidavits.”

I am also desired to point out that on October the 17th Reuter's Volksrust Correspondent cabled to the Johannesburg press as follows:

“The Indians who were sentenced yesterday including Mr. Gandhi were today working on the Market Square here at road making.”

<sup>1</sup> Ritch forwarded copies of these cablegrams to the Colonial Office, London, on October 17.

Further, that in a letter addressed by the Rev. J.J. Doke to the Rev. F.B. Meyer on the 21st October, the writer states:

“Mr. Gandhi was sentenced last Wednesday to two months’ imprisonment with hard labour and may now be seen in prison clothes with a pick-axe road making in Volksrust Market Place in company with the kaffir gang.”

Colonial Office Record: 291/132

(4) EXTRACT FROM ROBERT SUTHERLAND’S LETTER TO “RAND DAILY MAIL.”

. . . If President Kruger sent Mr. Gandhi and other high-class educated British Indians in prison garb to break stones on the public roads of the late Republic for no better reason than they have been convicted; if he treated Indian women and children with the inhumanity which an eye witness states he saw done at one of our frontier towns, and forced Hindus and Mussulman political prisoners to eat fat or starve; if he put men born and bred on the plains of India in ice-cold water on a winter’s morning in this, to them, rigorous climate, and made them go for a full hour in *puris naturaubus*, it would lead to an ultimatum from the British Government, which would put a stop to it in twenty four hours. Yet this British Colony of eighteen months old, which has scarcely shed its political swaddling clothes, does it with impunity . . . . Mr. Gandhi’s crime which he is expiating by breaking stones on the streets of Volksrust in a dress ornamented with broad arrows is practically a protest against these odious laws. There are in India gentlemen who rank much higher than the Prime Minister of Nepal; who has lately been the honoured guest of England, and there are several who take precedence at the Court of St. James, of any in this country, yet to the highest the Transvaal laws offer the same insult.

Mr. Gandhi, the convict of this country’s laws, comes of the same class as the Prime Minister of Nepal, and his father when he died held the same rank, being Prime Minister of one of the States of Western India. Mr. Gandhi himself is a man of high educational attainments, a barrister of the Inns of Court and a man of high moral character and exemplary life. He was born a Hindoo, but he has taken for his guidance what is best in all religions, including Christianity, the essence of which he has practised more strictly than the majority of nominal Christians.

The Magistrate, when passing sentence, we are told, remarked that he was sorry to see a man who was an advocate of the Courts of this country in such a position, and, had he been in his private house instead of on the bench, he might, with equal appositeness, have added that he was ashamed of administering a law which compelled a highminded patriot to immolate himself in the interest and honour of his country and countrymen.

*Indian Opinion*, 7-11-1908

(5) EXTRACT FROM “NOTES ON THE TRANSVAAL STRUGGLE”

On Saturday, spans of Indian prisoners from 20 to 25 strong were sent to work on the Municipal Water Works, cleaning the cemetery, and tending the soldiers’ graves. Mr. Gandhi was included. It must have been peculiar for him to contemplate

his present occupation, after having tended the sick and wounded during the Boer War and led the Stretcher-Bearer Corps during the recent Natal Rebellion,—*tempora mutantur*.

*Indian Opinion*, 21-11-1908

(6) R. M. SODHA'S AFFIDAVIT<sup>1</sup>

I, Ratanshi Mulji Sodha, of Natal, presently of Johannesburg, do hereby solemnly and sincerely declare as follows:

On the 14th day of October, Mr. Gandhi, a number of other Indians, and myself were sentenced to periods of imprisonment with hard labour at Volksrust. On the morning of the 15th Mr. Gandhi, I and 13 others, together with about 15 Natives, were taken out to work on the side of agricultural show ground close to the fence which divides the ground from the public road. Our work there was to dig and remove stones. We were quite close to the road, and anybody who passed could easily see us and here distinctly what was going on. A number of Europeans and Natives did pass by. The ground is within the Municipality of Volksrust, and the road is used by a number of people. The European warder who was in charge of the Indian prisoners kept on urging Mr. Gandhi to work harder and harder, though Mr. Gandhi was doing his best. All this might have been clearly heard by passers-by. The exact words used were "Come on, Gandhi; come on, Gandhi". Mr. Gandhi replied that he was doing his utmost, and was even trying to do more. The Warder kept urging Mr. Gandhi when he saw Mr. Gandhi stoop to pick up earth to rub on the palms of his hands, which were getting raw through blistering. When after nine hours' almost continuous work, with a delay of one hour between 12 and 1, Mr. Gandhi returned to the gaol, he was so stiff with pain and fatigue that he could scarcely move. At 12 o'clock on this day, one of the Indian prisoners who had fainted through over-strain, heat and lack of water, which the Warder did not allow him to get, was taken in a sanitary cart to the gaol. Mr. Gandhi accompanied him in this cart. On the afternoon of that day, we were under the charge of a Native Warder, who also kept urging Mr. Gandhi to go on working, although he was doing his best. The words used were "Come on, Gandhi; come on, Gandhi". Passers-by could easily hear and see this. On the next day we were taken to a piece of ground near the road-side, almost opposite Mr. Suliman Ahmed Cajee's store. Mr. Cajee who was standing in front of the store, could easily see and hear whatever was going on. This, of course, would be from the opposite side of the road, but passers-by could come quite close to us. We were digging holes for trees. and worked on this day as on the previous day, for nine hours.

(Signed) R. M. SODHA

Before me,

Declared at Johannesburg,

(Signed) A. L. C. BARTROP

this 30th day of November 1908

JUSTICE OF THE PEACE

Colonial Office Record: 291/132

<sup>1</sup> Copies of this and three other affidavits were forwarded by Ritch to the Colonial Office.

(7) TRANSVAAL PRIME MINISTER'S MINUTE

[PRETORIA,

January 30, 1909 ]

Ministers have the honour to acknowledge the receipt of His Excellency the Governor's Minute No. 15/1/08 of the 31st December last and His Excellency the Deputy-Governor's Minute No. 15/1/09 of the 14th instant covering respectively copies of despatches Nos. 424 and 451 from the Right Honourable the Secretary of State for the Colonies on the subject of the treatment of Mr. Gandhi while undergoing imprisonment.

2. Information is apparently required on two points, namely, Mr. Gandhi's treatment in Volksrust and his journey from the Johannesburg railway station to the Gaol.

3. With regard to the first point, Ministers have the honour to confirm the telegram sent on the 3rd November last to the Right Honourable the Secretary of State for the Colonies in which it was stated that Mr. Gandhi, who always worked in the Indian gang of prisoners, was employed for two and half days in the Agricultural Show Ground at Volksrust digging holes for trees, and thereafter in the Municipal Plantation and Gaol Gardens. He never performed hard labour in public streets. Further enquiry also shows that Indian prisoners were treated with every consideration consistent with the Gaol Regulations. The work performed was of a very light nature and water was at no time refused when required. One of the prisoners fainted owing to the extreme heat and was conveyed back to the gaol in a "scotch", or ordinary transport cart, and not in a, sanitary cart as is alleged.

4. As regards the second point, Ministers have the honour to state that Mr. Gandhi was returned from Volksrust to Johannesburg Prison in his Prison clothes as prescribed by the Regulations. During the journey from Volksrust, the Warder in charge offered Mr. Gandhi to procure a cab for him at Johannesburg station and repeated his offer on arrival at the station. Mr. Gandhi, however, elected to walk to the Prison and carried his kit in accordance with the Regulations. On arrival at the Prison, Mr. Gandhi was received by the Chief Warder and informed him that he had no complaint to make. He was seen the following day by the Governor of the Prison to whom he made the same statement.

Colonial Office Records:291/136

APPENDIX XIV

*TREATMENT IN PRISON: (a) MARCHED IN CONVICT'S GARB*

(1) EXTRACT FROM H. S. L. POLAK'S LETTER TO THE PRESS ,OCTOBR 26, 1908

Mr. Gandhi has been sentenced to two months' hard labour for the offence of failing to give totally unnecessary finger-prints for identification purposes. He has been set to work upon the public streets at Volksrust. Nobody complains about that.

It is part of the punishment to be borne by people whom General Smuts calls conscientious objectors. But is there any excuse for bringing Mr. Gandhi from Volksrust to Johannesburg in convict garb, as happened yesterday, and marching him from Park Station to the Fort publicly? Doubtless it was all part of the regulations. I believe that, when the Spanish Inquisition desired to degrade its victims, among whom were probably ancestors of mine, it clothed them in bag shaped yellow garb and marched them in this fashion through the streets prior to despatching them at the customary *auto-da fe*. We, Transvaal Britishers, do not seem to have gone far beyond those mediaeval torturers in our desire to bring our victims to what, in our opinion, is a fitter frame of mind. Can you wonder that the Indian Community is getting more and more embittered and exasperated; and do you not marvel how, in spite of all these injuries and insults, they remain content to be passive resisters, suffering themselves rather than imposing suffering upon their European fellow-colonists? Contrast the Christian example shown by these non-Christian people with the Pagan cruelty of their Christian rulers. It makes one flush with shame to think of it all.

*Indian Opinion*, 31-10-1908

## (2) "A SHOCKING SIGHT"<sup>1</sup>

On Sunday last, Mr. Gandhi was removed from Volksrust Gaol to the Fort, Johannesburg, he having been subpoenaed as a witness for the Crown in the case of Daya Lalla, who was charged with using a forged registration certificate, the case being now sent to the Criminal Sessions for trial. Mr. Gandhi was removed in convict dress, in charge of a warder, in whose company he travelled to Johannesburg. A few members of the Committee of the Association had got wind of the removal, and met the train upon its arrival at Park Station at six o'clock in the evening. Mr. Gandhi, carrying his bundle of clothes in a large bag marked with the broad arrow, a basket of books, and, of course, wearing the convict suit, was then marched in custody from Park Station to the Fort. It was then broad daylight, and the streets were filled with onlookers, some of whom recognized Mr. Gandhi, even in the hideous disguise that he wore. Mr. Gandhi, of course, wore the convict garb of coloured prisoners, a particularly conspicuous one. Doubtless all this happened in terms of the regulations, but it is typical of the anti-Asiatic policy of the Government that no instructions were issued that Mr. Gandhi should be transferred in civil dress, and taken to the Fort in a cab. So long as cultured Indian passive resisters and conscientious objectors are treated as though they were aboriginal native felons of the worst type, so long must this fight continue.

*Indian Opinion*, 31-10-1908

<sup>1</sup> This was published under the weekly feature: "Notes on the Transvaal Struggle: From Our Correspondent".

(3) H. S. L. POLAK'S AFFIDAVIT

I, Henry Salomon Leon Polak of Johannesburg do hereby solemnly and sincerely declare as follows:

I am a British subject, born in England. I am an Attorney of the Supreme Court of the Transvaal. I am Assistant Honorary Secretary of the British Indian Association. I was present on the afternoon of Sunday the 25th October last, when Mr. Gandhi arrived by the Natal train from Volksrust. He was in custody and dressed in Convict suit. He carried a large bundle and a basket of books. The train arrived at the scheduled time 6.0 p.m. It was then broad daylight. The sun did not set until a considerable time afterwards. Mr. Gandhi was marched through the public streets from the Station to the Johannesburg Gaol. This would take about twelve minutes. It would have been broad daylight all the time. I walked part of the way to the gaol at Mr. Gandhi's side. I left Mr. Gandhi half way to the Gaol. I then walked back for about ten minutes to catch my tram, and thereafter went home. When I arrived home it was still daylight approaching dusk. As Mr. Gandhi walked through the streets he was in full view of every passer-by who could distinguish him clearly and many people recognised him. The official sunset time on that afternoon was 6.17 p.m. I make this statement as it has been suggested that Mr. Gandhi was taken through the streets at dusk. This is not true. During the whole time that I was with Mr. Gandhi, it was broad daylight.<sup>1</sup>

(Signed) H. S. L. POLAK

Before me,

Declared at Johannesburg,  
this 30th day of November, 1908

(Signed) A. L. C. BARTROP  
JUSTICE OF THE PEACE

Colonial Office Records: 291/132

(b) *MARCHED IN HANDCUFFS*

(1) REV. J. J. DOKE'S LETTER TO "RAND DAILY MAIL"<sup>2</sup>

[JOHANNESBURG,  
*March 11, 1909*]

To  
THE EDITOR  
*RAND DAILY MAIL*

<sup>1</sup> A similar affidavit was made by Thambi Naidoo. These were among the affidavits copies of which were forwarded by L. W. Ritch to the Colonial Office on December 21, 1908.

<sup>2</sup> This and the following letter were reproduced in *Indian Opinion*, 20-3-1909. Also, its issue of March 27 carried an editorial on the subject entitled "Hand-cuffed!"



months' imprisonment with hard labour for failing to produce means of identification.

He has now been removed from Volksrust, and is now closely confined in the Central Prison, Pretoria.

Yesterday it was necessary that he should appear in some case in the Magistrate's Court. I understand he was brought there from the cells, dressed in civilian clothes, but handcuffed !

Of course, there may be amongst us those who will be glad to hear that indignities are being heaped on this great Indian leader; but I venture to hope that the great majority of our colonies will feel ashamed and angry that a man of the character and position of Mr. Gandhi should be needlessly insulted in this way.

He came voluntarily from Natal to be imprisoned. He has always shown the utmost chivalry in his dealings with the authorities. Why then should shameful indignity be put upon him?

Some will no doubt reply, "It is simply a prison regulation." Allow me to point out that there are no regulations scheduled for the class of prisoners represented by Mr. Gandhi; a class, not of criminals, but, as General Smuts termed them, of "conscientious objectors". From Volksrust Gaol to Pretoria, it was not considered necessary to use handcuffs, neither were they employed in Johannesburg, surely in Pretoria this needless insult should have been avoided.

His Excellency the High Commissioner, speaking in Cape Town last week, in the course of a very fine address on the Native question, is reported to have reflected strongly on "the policy of pin-pricks" and its "cumulative effect".

It is that, "policy of pin-pricks" applied to the Asiatics here, not by irresponsible persons, but by officials of the Government, which increases the irritation in India and renders a settlement of this difficult business well nigh impossible.

*I am, etc.,*

JOSEPH J. DOKE

*Rand Daily Mail, 12-3-1909*

## (2) EMILE NATHAN'S LETTER TO "THE TRANSVAAL LEADER"

[JOHANNESBURG,

March 12, 1909 ]

SIR,

A few days ago rumour had it that Mr. Gandhi, now suffering three months' imprisonment for a cause which he rightly or wrongly espouses, when testifying as a witness in the Court at Pretoria was handcuffed. One could hardly believe the rumour to be correct, but in your issue this morning the Rev. J. J. Doke draws further attention to the rumour.

I am not aware that the prison regulations demand that a prisoner when giving

evidence in Court should in all circumstances be handcuffed. If it is a fact that a man like Mr. Gandhi—one of the quietest and most unassuming men going, highly educated, and a gentlemen to the tips of his fingers—was handcuffed and submitted to that unnecessary indignity, it seems to me monstrous, and nothing short of a shame and a disgrace.

I trust an enquiry will be held, and, if the rumour be true and the action unwarranted, that the wrong and insult administered will be redressed and the wrongdoer adequately punished.

*I am, etc.,*

EMILE NATHAN

*The Transvaal Leader*, 15-3-1909

### (3) “AN EXPRESSION OF REGRET”<sup>1</sup>

While on the topic, we may express what we believe to be the general regret of the Natal public that certain Transvaal officials should have thought it necessary the other day to subject Mr. Gandhi to the indignity of handcuffing while being is the walked through the streets to give evidence in the Police Courts. This, we believe, is the prescribed procedure under the regulations, but Mr. Gandhi is at least a political prisoner, and as such deserves better treatment than that measured out to debased criminals. A regulation that subjects any man, no matter what the charge against him, to such treatment is monstrous, and in this particular instance should have been avoided, as it will only provide a weapon against the Transvaal regarding its attitude towards Asiatics.

*Indian Opinion*, 27-3-1909

### (4) QUESTION IN HOUSE OF COMMONS

Mr. O’Grady asked the Under Secretary of State for the Colonies whether he was aware that Mr. Gandhi, the Transvaal Indian leader, who was undergoing three months’ hard labour under the Registration Laws, was, on March 10, marched from the Pretoria Gaol to the magistrate’s court, where his attendance was required as a witness, handcuffed; whether he would enquire if this indignity upon Mr. Gandhi was intentionally imposed by the authorities, or occurred by mistake; and whether representations would be made to the Transvaal Government to treat British Indians, who were going to goal for what they consider to be conscience sake, less severely than convicted criminals?

Colonel Seely: There has been no suggestion that Mr. Gandhi has been subjected to any special disability. Mr Gandhi has been treated in every respect as any other prisoner would have been treated, and on a previous occasion he himself said he did not wish to be treated in any other way . . . . I am quite certain that I am correct in saying that Mr. Gandhi has not been subjected to any special indignity. . .

<sup>1</sup> This is from a report entitled: “Treatment of Mr. Gandhi”.

. I am satisfied on the evidence laid before me that Mr. Gandhi has been subjected to no indignity beyond that suffered by any person of any colour in similar case.

*Indian Opinion*, 12-6-1909

(5) TRANSVAAL PRIME MINISTER'S MINUTE

PRIME MINISTER'S OFFICE,

PRETORIA,

May 21, 1909

MINUTE NO. 223

Ministers have the honour to acknowledge the receipt of His Excellency the Deputy-Governor's Minute No. 15/1/09(2) of the 13th instant, covering copy of despatch No. 146 dated 24th April, from the Right Honourable the Secretary of State for the Colonies on the subject of the treatment of Mr. M. K. Gandhi while undergoing imprisonment.

2. In reply, Ministers have the honour to inform His Excellency that the statement that M. K. Gandhi was marched handcuffed from the Pretoria Gaol to the Pretoria Magistrate's Court is correct. It is the universal rule to handcuff prisoners when so marched and they are so marched when the prison van is not available, as happened in the case in point. The rule applies equally to European convicted prisoners and there was no reason therefore for exempting an Indian from its operation. Mr. Gandhi was however allowed to draw his sleeves over his handcuffs and to carry a book, which concealed the fact of his being handcuffed.

LOUIS BOTHA

Colonial Office Records: 291/137

APPENDIX XV

*COMMENTS BY "RAND DAILY MAIL"*

On the 21st instant, the *Rand Daily Mail* made the following editorial comments:

Though the scheme of the Asiatics in the Transvaal for closing their stores is undoubtedly a clever one, it will hardly popularise their cause in this country. It simply means that the so-called passive resistance has degenerated into coercion. There is no doubt that numbers of the Indians have been intimidated by their fellows, and are afraid to register or to take out trading licences; and now the scheme is to intimidate the European merchants and the Transvaal Government. We hope these methods commend themselves to Mr. Hosken and *The Transvaal Leader* and the other advocates of deliberate law-breaking in this Colony. But in the case of the majority of the people we feel sure that these tactics will destroy the last shred of sympathy with the Asiatic cause. Anyway we are convinced the Transvaal

Government will not be bullied into making concessions by such methods, and we hope that the wholesale traders affected will not allow themselves to be made the tools of law-breaking Indians. We do not think that many of the Asiatics will fall in with Mr. Gandhi's little plan, and ruin themselves completely to further the cause of passive resistance when it assumes such a new and startling form. We believe that a firm attitude will quickly make the plot a failure. And in the meantime the Government should pay a little more attention to the picketing system which is intimidating so many of the law-abiding Indians and preventing them fulfilling the letter of the law.

*Indian Opinion*, 30-1-1909

## APPENDIX XVI

### THE KAFFIR INCIDENT

- (1) EXTRACT FROM REVIEW OF "A TRAGEDY OF EMPIRE" BY H. S. L. POLAK, IN "RAND DAILY MAIL", 5-11-1909:

"... it is alleged that whilst in prison, Mr. Gandhi was "seized by a Kaffir, lifted high in the air and dashed violently to the ground. Had he not seized hold of a door-post as he fell, he would have undoubtedly had his skull split open!"

- (2) EXTRACT FROM REV. J. J. DOKE'S LETTER DATED OCTOBER 7 TO "RAND DAILY MAIL":

"In a sub-leader on the above subject published in your issue of Tuesday, I notice that you hesitate to accept Mr. Polak's statement that a brutal assault had been made by a Kaffir on Mr. Gandhi, while the latter gentleman was imprisoned in Johannesburg Gaol. You say: 'It is not stated whether Mr. Gandhi complained to the prison authorities and had the Kaffir punished' ... and you add, 'in any case the attack does not seem to us to be one for which the Transvaal Government can be held responsible.'

It happens that I am able to supply part of the missing information. When I knew of the shameful assault, the details of which you naturally do not publish, I spoke of it personally to Mr. Roos, who expressed regret, and said that Mr. Gandhi had already told him of it. The Kaffir, I imagine, was not punished, as Mr. Gandhi would make it a point of conscience not to identify the man who had injured him. In similar circumstances, he refused to prosecute the Pathan by whom he had been assaulted.

Regarding the responsibility of the Government, I fail to agree with you. It is perfectly true that the Government had nothing immediately to do with the assault, and that great regret was privately expressed, and I have no doubt was felt, that this had happened, but the Government is nevertheless responsible for the system under which it was possible. The fact is that passive resistance Indians have been classed as 'Natives' and as criminals, and all attempts to get this altered, so far as I am aware, have failed. As a 'Native', Mr. Gandhi was locked up on one occasion in a cell with

Natives, and suffered a night of torture such as Mr. Polak describes. As a Native he was obliged to consort with Natives, and in that enforced contact the assault was committed. Efforts are made now and I believe successfully, to keep the Indians as much as possible to themselves. But so long as they are classed with Natives as criminals, and watched by Native warders, what happened to Mr. Gandhi in the Fort, to Nagappen at Yokeskei River Camp, and the others in different gaols may happen at any moment.”

*Indian Opinion*, 16-10-1909

## APPENDIX XVII

### *EUROPEANS' LETTER TO "THE TIMES"*<sup>1</sup>

TO  
THE EDITOR  
*THE TIMES*  
LONDON  
SIR,

The signatories of this letter are, most of them, South African Colonists of many years' standing. One is a member of the Transvaal Legislative Assembly, others are clergymen of various Christian denominations, whilst others belong to one or other of the professions or are engaged in commercial pursuits. In addressing this letter to you, we are moved by feeling of concern regarding the present phases of what is known as the Transvaal Asiatic question. We frankly accept the position that the further immigration of Asiatics into this Colony shall be most stringently restricted. And the Asiatics themselves have publicly accepted that position.

But recent events have shown us that the welfare of the Empire, which we have at heart, may be endangered unless a speedy termination of the present state of affairs can be effected. The Transvaal-domiciled Indians to-day in India are likely to be a grave source of danger to the Empire, since they will have left this Colony with a feeling of bitterness in their hearts at the remembrance of their harsh treatment by their European fellow-subjects of the Crown, a feeling which they will not be slow to ventilate amidst the sympathetic surroundings of their native land.

It has been, perhaps too easily, assumed that the public opinion of the white population of the Transvaal is unitedly opposed to the Asiatic claims. We believe, however, that, whilst the number of European sympathisers with the Asiatics who will openly express their views is not great, there is an important body of sympathisers in the European section of the community who are grieved and hurt at the treatment being meted out to the Asiatics for no apparent useful purpose. We have carefully examined the claims put forth by them, and we have had opportunities

<sup>1</sup> This was dated "Johannesburg, November, 1908" and reproduced in *Indian Opinion*, 6-2-1909.

of satisfying ourselves that they are legitimate and of such a degree of moderation as to be capable of being granted, without danger to the Colony. They are, in effect, two only. The first is that, at the next session of Parliament, the Government will introduce as a Government measure legislation repealing the obnoxious Asiatic Law Amendment Act, which the Colonial Secretary has declared to be unworkable. This law, which was passed unanimously by Parliament without consultation with the Asiatic leaders, and on the assumption that there was a considerable illicit influx of Asiatics into the Transvaal, has now been, for all practical purposes, replaced by the new Validation Act, which is generally acceptable to the Asiatics, and which removed the stigma under which they feel they labour so long as the old Act remains on the Statute-book. In a speech delivered at Richmond, Johannesburg, on February 5 last, General Smuts is reported to have said:

“The character of that law was that it should come into force once, and should have its effect once, and once for all. It was a very risky law, because, if the Asiatics did not come forward during that period, registration became impossible, and the law became a dead-letter. What happened? They were at a complete deadlock. That was the position into which they had drifted now. It was not by the fault of the Government, not by the fault of a party, because a law had been passed that required the co-operation of the Indian population. They did not give the co-operation; but they simply stood aside.”

Thus, besides being declared by the Colonial Secretary to be unworkable, the old Asiatic Act has also been superseded by more recent and generally unobjectionable legislation, and is, consequently, no longer of any real value to anyone. The Asiatics have all along resented the imputations upon which the policy laid down in the old Act was based, and realise that so long as it remains their position is perilous. Undoubtedly, in our opinion, they undertook voluntary registration in the belief that the Act would be repealed, and they feel that their straightforward action in carrying out their voluntary obligations has not been reciprocated.

The second point is that the Asiatics request the recognition of the right of educated Indians to enter the Colony under the restrictions of the general Immigration Law of the Colony. It is admitted that the Immigration Act alone does not exclude educated Asiatics from entry into the Transvaal. On their side, the Asiatics are willing to allow the Government, by administrative methods, to restrict such immigration by raising the education test for Asiatic immigrants so as to make it impossible for others than professional men and university graduates to enter the Colony, and they have further publicly consented that the Government may administratively limit the number of these to six per annum. They urge, and we are at one with them in this, that the provision of temporary permits, renewable from time to time, is un-British and unsuited to their needs, for those to whom these permits would be granted would be allowed to enter the Colony as an act of grace and not as a matter of right, that they would be prohibited immigrants with the penalties suspended, and they would, consequently, be unable efficiently to practise their professions. We feel that the unhampered admission of this small number of cultured

Asiatics is a necessity to the welfare of the Asiatics themselves, and even more important to the European population. Without the means of communal development, the Asiatics must, in course of time, become a source of danger to the white Colonists, for, in the absence of their natural leaders, they would sink to a depth of degradation which we cannot contemplate with equanimity.

It is to secure these two points—all else being a matter of detail only—and easily capable of adjustment—that the Asiatics are prosecuting a resolute policy of passive resistance. They are the greatest sufferers by their acts, and, as they are an unrepresented and otherwise voiceless minority, whose views have been on almost every occasion ignored by the Legislature, it is difficult to discover any other course open to them, to secure redress of their grievances than that which they have adopted.

It has been suggested that the hardships of the present struggle, that the Asiatics have so vehemently protested against, are largely fictitious. We are unable to subscribe to that opinion. We consider that the Asiatics' complaints are, on the whole, justified. There has been an enormous amount of hardship and suffering inflicted as the result of this unfortunate misunderstanding. Since the new phase of the struggle commenced, some four months ago, nearly 900 sentences of imprisonment with hard labour have been imposed upon men whom General Smuts himself has called "conscientious objectors". They have been treated in gaol no better than aboriginal native felons, and the prison diet has been entirely unsuited to their national habits. Indeed, in some gaols, the food has been religiously "unclean", and, as a result, many of the Asiatic prisoners have been half-starved. There can be no doubt, too, of the immense financial loss that has befallen the Asiatic communities since the struggle first commenced, over two years ago, both by way of actual expenditure, and business loss due to restriction of trade. The mental anxiety of the Asiatic population, too, induced by the present unsettlement, has been intense, and this has reacted upon all sections of the population.

For ourselves, we are satisfied, from personal observation, of the earnestness and determination of the Asiatics in the prosecution of their struggle for what they believe is justly due to them. They have shown a degree of courage and self-sacrifice, and an honourable intention to abide by their obligations, that have evoked admiration. Many of their leaders, who are to-day in gaol for the sake of their compatriots, are cultured men who would be an honour to any community. They include professional men, wealthy merchants, priests and well-known traders. Those who are to-day in gaol include representatives of all sections of the Asiatic communities, from the hawker to the wholesale merchant, from the clerk to the professional man. All faiths and castes are represented, and the Asiatics have shown a unanimity that is as praiseworthy as it was unexpected. We feel that the prolongation of this struggle must have a most unfavourable effect upon the trade and commerce of this country, adding unnecessarily to the many difficulties with which it is faced in its efforts to achieve nationhood.

In these circumstances, we trust that a settlement on the lines above indicated will be sought by the Transvaal Government. In our opinion, there is nothing in the

Asiatic demands that cannot safely be conceded. These is a grave danger lest the British public be misled as to the real nature of the struggle now proceeding. It appears to us that it would be wise and prudent if, in future, legislation concerning the unrepresented sections of the people were not passed without previous consultation with their leaders. We wish it distinctly to be understood that we are in the fullest sympathy with all efforts of the Government to equalise conditions of European and Asiatic competition. To this end, it may be wise not only to apply existing municipal, sanitary, and other standards strictly, but even to raise such standards. But we respectfully submit that nothing could react more injuriously upon the European race than to deprive the Asiatics of all opportunity for development, and thus to diminish their wants instead of increasing them.

*We are, etc.,*

WM. HOSKEN, M.L.A.

H. KALLENBACH

JOSEPH J. DOKE

AND 24 OTHERS

*The Times*, 6-1-1909

## APPENDIX XVIII

### *LORD CURZON'S LETTER TO GANDHIJI*

GROOTE SCHUUR,

RONDEBOSCH,

*February 2, 1909*

DEAR SIR,

I am extremely sorry that owing to an alteration in my plans caused by illness, I was in Johannesburg for so short a time as to be unable to meet your Committee in person and discuss with them the circumstances of the case.

As it was, I endeavoured to make myself acquainted with both sides of it by personal enquiries and by a study of the papers with which I was provided by the courtesy of yourself and of others.

Upon my arrival here, H. E. Lord Selborne had arranged to meet me with General Botha and Mr. Smuts; and we had a prolonged and friendly conversation about the matter, in which every aspect of it was passed under review.

I had of course no authority to act upon your behalf. But my connection with India and the earlier history of the case, perhaps, gave me some title to express an opinion.

My own impression, in entering upon the discussion, was that it should not be impossible to find some solution of the present difficulty which should be equally honourable to all parties; and I received repeated assurances from General Botha and Mr. Smuts of their anxiety to treat the British Indians in the Transvaal in a spirit of



liberality as well as justice.

How far it would have been possible, had I remained longer in the country, and been able to communicate personally with the principal parties concerned—to effect any settlement, it would be useless now to conjecture.

The main obstacle to such an arrangement at the moment appeared to be that, if the anticipations as to the formation of a single Government for South Africa are realised—as everyone hopes will be the case—the question will shortly be taken up again by a more powerful authority than the Government of any one State, and settled on wider grounds than those which affect the position of the Indians in the Transvaal alone.

As soon as unification is carried [out] in this country, there must be communications between the joint Government of South Africa and the Home Govt. on this as on other matters; and I should hope personally that these communications—which ought not now to be long delayed—may be made the occasion for a final and satisfactory settlement of this vexed problem.

If either then or at any other time, I can be of service to the Indian community in S. Africa, I shall be very happy.

*I am,*  
*Dear Sir,*  
*Yours very faithfully,*  
CURZON

To

THE HON. SEC., B. I. ASSOCIATION  
JOHANNESBURG

From a photostat of a typewritten copy: S. N. 4920

## APPENDIX XIX

### *MINUTES OF MEETING HELD ON JUNE 13, 1909*

A Special Committee of British Indians has been appointed to decide the personnel of the delegation to England.

The members thereof are:

1. H. O. Ally, 2. M. K. Gandhi, 3. Hajee Habib, 4. A. M. Cachalia, 5. T. Naidoo 6. N. A. Cama, 7. Shaboodeen, 8. Omerjee Sale, 9. Kamissa, 10. Dadabhai, and 11. G. V. Godfrey.

Mr. Gandhi proposes that Messrs Cachalia, himself, with V. A. Chetty and Mr. H. Habib should go to England as the latter now declares himself as a passive resister.

Mr. Ally objects to this on the grounds: (1) that it is not sincere, (2) because the mandate is not on Unification, and (3) because V. A. Chetty is not competent.

the mandate is not on Unification, and (3) because V. A. Chetty is not competent.

Mr. Kamissa agrees with Mr. Ally. Mr. Cama might be preferred if elected.

Mr. G. V. godfrey objects to the proposition on the grounds, that: (1) some of the personnel will not be of any use in England on account of incompetency and, (2) the majority of Indians in the Transvaal will not agree to this one-sided proposition.

Mr. Dadabhai counter proposes that Mr. Cama, Mr. Gandhi and Habib should go.

Mr. Cama supports Mr. Gandhi's original proposition.

Mr. Naidoo explains that the meeting is mistaken about the abilities of Mr. Chetty and that he is quite able to address an English audience. Mr. Naidoo corrects this and says, that Mr. Chetty can explain himself as well as Mr. Habib or Mr. Cachalia. Mr. Shaboodeen proposes at this stage "that non-passive resisters should go and not passive resisters."

This proposition is put to the meeting and the following gentlemen vote for. viz: Mr. Ally, Godfrey, Shaboodeen, Kamissa and Hajee Habib, against Cama, Gandhi, Naidoo, Dadabhai, Cachalia and Omerjee Sale.

Mr. Gandhi moves his original proposition. It is put to the vote and carried by 6 against 3. The six voting for it are Mr. Gandhi, (mover) Mr. Omerjee Sale, (Seconder) Naidoo, Cama, Dadabhai, and Cachalia, against Mr. Ally, Godfrey, and Shaboodeen. Mr. Kamissa declines to vote.

Mr. Godfrey restores his objections to Mr. Gandhi's proposition. Mr. Ally does likewise.

Mr. Hajee Habib hereby declares himself a passive resister and on this condition he is to go in the delegation.

About 300 Indians present at the meeting.

From a photostat of the typewritten draft: S. N. 4938

## APPENDIX XX

### *LORD AMPHILL'S LETTER TO GANDHI*

CONFIDENTIAL

MILTON ERNEST HALL,  
BEDFORD,  
*August 3, 1909*

DEAR MR. GANDHI,

I take the opportunity afforded by an interval in the House of Lords to write you a few lines. In the first place, let me thank you for your letter of the 29th July and for the copy of your "Concise Statement", which you sent to me so promptly. I am also much obliged to you for the several telegrams in which you intimated that you would be guided by me for the present. I am afraid that it must seem to you that I am losing time but this is really not the case. The authorities are, of course, tremendously busy over the South Africa Bill and Imperial Defence, not to mention

convenience. Meanwhile, I am putting in a touch here and there by letter or by word of mouth wherever I see an opportunity. Now as regards your letter of the 29th: There is only one point on which I should be glad of a little further explanation, for the rest was quite clear and explicit. You tell me unequivocally that you receive no financial support from sedition-mongers in India but you do not answer my question (I think I put it) whether they are co-operating with you or advising you in any other way. I should like to be able to give a positive denial to that charge, which I do not myself believe, and to say that the continuance of your "Passive Resistance" is absolutely independent of anything that is being said or done in India. The contrary is alleged against you and I am naturally anxious to be able to repudiate the charge with proofs more effective than my own personal belief.

You marked the "Statment" as an "unrevised proof" and so I am encouraged to make a few suggestions.

PARA 15: With reference to the first two sentences, I suggest that you should add as an *appendix* Mr. Ritch's comparative statement of the position now and before the War. There ought to be some brief explanation of the effect of Law 3 of 1885.

PARA 17: Before the last sentence but one I would suggest a little amplification. It would be appropriate to explain that the five-finger method of identification, which in India is confined to criminals, was deliberately adopted although Sir E. Henry's report stated that thumb-impressions only were sufficient.

PARA 20: It seems to me advisable to explain exactly how the total prohibition was brought about by reading the Asiatic Law and Immigration Law together.

PARA 21: Surely "Act 2 of 1907" should be substituted for "Act 1908".

PARA 22: The terms of the compromise should be set forth.

After this paragraph a little connecting narrative seems to be wanting. You want to tell how the Indians found that the compromise was not what they honestly believed it would be.

PARA 25: This might be re-drafted so as to show that it was not the fault of the Indians that "repeal fell through". It would also be desirable to explain in what respect General Smuts "went back even upon the written and manifest terms of the compromise".

PARA 26: does not explain sufficiently clearly why the Indians burned their certificates. It should be remembered that this Statement, if it is used at all, will be for the instruction of persons who know nothing at all about this question.

PARA 29: I suggest that the petition referred to should be printed as an *appendix*.

PARA 30: (1) Is not "1908" again a misprint for "1907"? For the rest I think that you have wonderfully compressed the long story and brought out all the essential points. I hope that you will not mind my offering these few suggestions, for it seems to me that I am necessarily in a better position to appreciate what information is required by people in this country than you to whom the whole circumstances are so familiar.

*Yours very faithfully,*

AMPTHILL

From a photostat of the handwritten original: S. N. 4975

APPENDIX XXI  
*TRANSVAAL INDIANS' PETITIONS*

(1) PETITION TO THE QUEEN<sup>1</sup>

THE QUEEN'S MOST EXCELLENT MAJESTY  
LONDON

THE PETITION OF THE WIVES, THE MOTHERS, OR THE DAUGHTERS OF BRITISH  
INDIANS IN THE TRANSVAAL WHO HAVE PASSED THROUGH THE TRANSVAAL  
GAOLS DURING THE PAST TWO YEARS FOR CONSCIENCE'S SAKE

HUMBLY SHEWETH THAT:

Your Petitioners are the wives, mothers or daughters of British Indians who have suffered or still are suffering imprisonment in the Transvaal in connection with the Asiatic struggle that has been unfortunately going on in the Transvaal.

Your Petitioners believe the struggle on the part of the British Indians to be righteous and for the honour of their race.

Your Petitioners are further aware that those Indians who have been continually courting imprisonment are bound by a solemn oath not to submit to the Asiatic Act of the Transvaal Parliament until the grievances which have dictated the oath are redressed.

Your Petitioners have felt bound to encourage their sons, husbands or fathers, as the case may be, in observing their obligation.

Owing to the above, Your Petitioners have in many cases been obliged to suffer not only the pangs of separation but [also] privation. Many Indian families have been reduced to poverty during the struggle.

Your Petitioners are aware that, under the British Constitution, Your Majesty cannot directly intervene on behalf of the sufferers. But Your Petitioners respectfully lay their case before Your Gracious Majesty in the hope that it may be possible for Your Majesty to use your influence unofficially, as mother or wife feeling for mothers or wives, and help to end a situation that has become most acute.

The points required by the sufferers are the repeal of a law which is no longer required by the Government and the removal of a racial bar in the immigration law of the Colony, so that it may be possible for the most highly educated Indians to enter the Colony on the same terms as any other immigrants.

Your Petitioners respectfully hope that their humble prayer will be taken into

<sup>1</sup> There is no evidence that this and the following two petitions were drafted by Gandhiji, but it is not unlikely that he had initiated the move to present them. They were ready for circulation, to secure signatures, before he left for England, and were published in *Indian opinion* with the remark that they were being extensively signed in the Transvaal.

consideration by Your Gracious Majesty.

And for this act of justice and mercy, Your Petitioners shall for ever pray, etc.

*Indian Opinion*, 3-7-1909

(2) PETITION TO DADABHAI NAOROJI

TO

THE HON'BLE DADABHAI NAOROJI

SIR,

We, the undersigned, British Indians residing in the Transvaal hereby approach you as the father of the Indian nation that is to be, with reference to the gigantic struggle in which we are engaged in this Colony. Through you we appeal to the whole of India.

We will not go into the history of the struggle, but will state the question as it stand today.

The Indian inhabitants of the Transvaal have asked for repeal of the Asiatic Registration Act of 1907, so that Indians possessing educational attainments, be they ever so few, even six per year, may enter the Transvaal on the same terms as the other immigrants. To-day, by reason of the Registration Act read together with the Immigration Act of the Colony, no British Indian can immigrate into the Colony unless he has been previously domiciled. The laws of the Colony, therefore constitute a colour bar. No other British Colony possesses such legislation. Indians have, therefore, publicly entered into a solemn covenant not to submit to the Registration Acts of the Colony but to suffer imprisonment and other hardships until the national insult is removed.

Under the covenant, during the past two years and six months, over 2,500 Indians have suffered imprisonment mostly with hard labour. Many homes have been broken up, many families have been ruined, in the struggle. Fathers and sons have gone to goal at the same time, leaving behind them weeping wives and mothers. Many families are being supported from charitable funds raised by us. At the present moment, nearly two hundred Indians are suffering imprisonment for conscience' sake.

The hardship felt has been so great that many have succumbed owing to sheer exhaustion. Others have left the Colony and are probably today starving. A resolute band of over 300 continues an active struggle. Some have passed through the Transvaal goals five times.

The covenanters are derived from all classes and strata of Indian society. Hindus, Mahomedans, Parsees, Sikhs and Christians are all fighting India's battle. Merchants who have never undergone physical exertion and have been brought up in the lap of luxury are breaking stones, or doing scavenger's work, or wheeling barrows of earth and living on coarse mealie meal and boiled potatoes or rice and ghee.

We ask India to come to the rescue and demand from the Indian Government a removal of the bar sinister. Until the racial taint from the Transvaal legislation is

removed, the little band of Indians referred to above will suffer unto death. We pray for relief.

*Indian Opinion*, 3-7-1909

(3) PETITION TO BENGAL CHAMBER OF COMMERCE

TO  
THE PRESIDENT OF THE  
BENGAL CHAMBER OF COMMERCE  
CALCUTTA  
SIR,

We, the undersigned, British Indians residing in the Transvaal, beg to approach you as the leader of Anglo-India. We approach you regarding the Asiatic struggle that has now been going on in this Colony for the past two years and a half.

We do not desire to trouble you with the history of the question. The point of dispute between the local Government and the British Indians is whether, as regard immigration, the laws of the Colony are to contain a racial disqualification. The local Parliament has passed two laws— one called the Asiatic Registration Act of 1907, and the other the Immigration Act of the same year—whereby a British Indian, no matter what his educational attainments may be, becomes upon entering the Colony, unless previously domiciled, a prohibited immigrant by reason of his Indian birth or extraction. This legislation is without parallel in British Colonies. We have, therefore, after other efforts had become vain, publicly entered into a solemn covenant not to submit to the Registration Law above-named and another passed in the year 1908, whilst the struggle was yet going on, until the Registration Act of 1907 is repealed so as to remove the racial taint.

By reason of the covenant, over 2,500 Indians, representing all races, classes, and religions, have undergone imprisonment. Many Indians domiciled in the Transvaal or in some other South African Colony have been, by arrangement with the Portuguese administration at the Province of Mozambique, deported direct to India, at a moment's notice, in some cases leaving families and businesses behind uncared for and unattended. Many homes have been ruined. Many merchants have been reduced to poverty. Many families are being supported out of charitable funds collected by the Indian community.

We do not desire unrestricted Indian immigration into the Colony. We accept the principle of white predominance in this sub-continent. All we claim is that the Transvaal cannot, unlike the other Colonies, impose a racial test and thus, in the words of Mr. Chamberlain, wound the susceptibilities of India's millions.

We have appealed to all parties—all British subjects. And we have received support from all of them. Even in the Transvaal, a small European Committee, composed of prominent members of the community, under the Chairmanship of Mr. Wm. Hosken, M.L.A., has been supporting us.

The honour of India, we doubt not, is as dear to Anglo-Indians as it must be to Indians. Through you, therefore, we ask the whole of Anglo-India to help us, in any

manner you may consider best, to end the unfortunate situation.

Owing to the almost unbearable severity of the struggle, many have succumbed. But the heroic band still continues to court imprisonment again and again. They are determined to fight unto death. The Transvaal gaols contain, at the time of addressing this appeal, nearly 200 Indian conscientious objectors. The Government have, for the purpose evidently of gagging us, arrested five such objectors, who were chosen as delegates to proceed to India and England. We pray for relief.

*Indian Opinion, 3-7-1909*

## APPENDIX XXII

### *LORD AMPHILL'S LETTER TO GANDHI*

CONFIDENTIAL

*July 29, 1909*

DEAR MR. GANDHI,

I have just returned home to find your letter of yesterday. I write hastily to reply in the midst of a local "tamasha".

Nothing would be more unfortunate than that Sir Mancherjee and I should be at cross purposes and that must be avoided at all costs.

I cannot "insist", as you tell me that Sir Mancherjee does; I can only advise. It is for you to choose between his advice and mine.

Your choice lies between the "diplomatic" and the "political" method.

If you choose the former, then you must leave the conduct of the business entirely to me just as the Cabinet leave their diplomacy entirely to Sir Edward Seely. Diplomacy is only possible through individual agency and by private action.

If, however, you choose the political method, then I will stand aside altogether so as to leave Sir Mancherjee a free hand. I could not take part in a course of action which seems to me inappropriate and erroneous at the present juncture.

As the result of the past ten days' work, I am in touch with Lord Crewe, Lord Morley, Lord Lansdowne and Lord Curzon on the one side and with Lord Selborne, General Smuts and Sir George Farrar on the other. I am to have a discussion with General Smuts next week, probably on Wednesday. All those I have named are open to a settlement.

My advice to you is that you should leave matters to me for the present seeing how far I have already gone, and that, if my negotiations should fail, you should then try Sir Mancherjee's suggested course of action.

Please let me know as soon as possible what you decide.

*Yours very faithfully,*

AMPHILL

From a photostat of the handwritten original: S. N. 4967

## APPENDIX XXIII

### LORD AMPHILL'S LETTER TO GANDHIJI

CONFIDENTIAL

July 28, 1909

DEAR MR. GANDHI,

I am away from home and have only just received your letter of the 26th inst. I must reply hastily as it is past midnight and I am at the end of a long and tiring day, but as I am off again early tomorrow morning I shall lose much time if I do not write to you now. I have not been idle since I last wrote to you. I have had long talks with Lord Selborne, Lord Crewe, Sir George Farrar and I have also approached Lord Morley, General Smuts and others. Lord Curzon is working with me.

There is no fixed disinclination for a settlement on the part of any of the above-mentioned, but there is nothing to be gained by unduly pressing them or by any loud public action. Private negotiation is the only possible means.

In reply to your question, please let me see your "statement" and then I shall be better able to suggest what you should do with it. But I beg you not to *publish* or *circulate* anything without first consulting me. It would be fatal if any of the responsible statesmen were offended or put out at the present juncture. I may be too sanguine, but I really hope that they will agree upon a settlement if they are allowed to do so of their own accord. Now, I want an answer from you to this question:

If the Act of 1907 is repealed and if a promise is given that six Indians will be admitted to the Transvaal annually in the way you have proposed, will you be contented? Will that finally remove the sense of injustice and indignity under which the Indian community in the Transvaal is suffering?

Please let me know explicitly what I can say on this point, for the objection which I have to meet is the assertion that the Indians will never be contented, and that any concession will lead to fresh demands.

There is also much prejudice in high quarters on account of a belief that "Passive Resistance" in the Transvaal is being fomented and financed by the party of sedition in India who do not desire that the question should be settled. Please tell me how I am to meet this charge.

You may of course show this letter to your colleague and I should be obliged if you would show it to Mr. Ritch, as I have not time to write it all to him, but please do not show it to anyone else.

*Yours very faithfully,*

AMPTHILL

From a photostat of the handwritten original: S. N. 4965